AMERICAN STATE PAPERS.

CLASS VIII.

PUBLIC LANDS.

VOLUME VIII.

AMERICAN STATE PAPERS.

DOCUMENTS

OF THE

CONGRESS OF THE UNITED STATES,

IN RELATION TO

THE PUBLIC LANDS,

FROM THE

FIRST SESSION OF THE TWENTY-FOURTH TO THE SECOND SESSION OF THE TWENTY-FOURTH CONGRESS,

COMMENCING DECEMBER 8, 1835, AND ENDING FEBRUARY 28, 1837.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY

ASBURY DICKINS, SECRETARY OF THE SENATE,

AND

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

VOLUME VIII.

WASHINGTON:
PUBLISHED BY GALES & SEATON.
1861.

TABLE OF CONTENTS.

PUBLIC LANDS.—VOLUME VIII.

FOR ALPHABETICAL INDEX SEE THE CLOSE OF THE VOLUME.

COMMUNICATIONS FROM THE PRESIDENT OF THE UNITED STATES.

COMMUNICATIONS FROM THE TREASURY DEPARTMENT, INCLUDING REPORTS FROM THE GENERAL LAND OFFICE.

REPORTS FROM THE COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON PRIVATE LAND CLAIMS.

AMERICAN STATE PAPERS.

PUBLIC LANDS.

24TH CONGRESS.] No. 1337. [1ST SESSION.

NUMBER OF CLAIMS FOR BOUNTY LANDS, AND NUMBER OF WARRANTS ISSUED IN YEAR ENDING SEPTEMBER 30, 1835.

COMMUNICATED TO CONGRESS WITH THE MESSAGE OF THE PRESIDENT OF DECEMBER 8, 1835.

Return of Claims which have been deposited in the Bounty Land Office in the year ending September 30, 1835, for services rendered in the revolutionary war.

Number of claims received from October 1, 1834, to September 30, 1835, inclusive		620
Claims on which land warrants have issued	55	
Claims found to have been previously satisfied	111	
Claims not entitled to bounty lands	98	
Claims on which the applicants' names are not returned on the records	253	
Claims on which regulations were sent	18	
Claims in which further evidence was required	85	
		620

Abstract of the number of warrants issued in the year ending September 30, 1835.

3 captains, 300 acres each	900
5 lieutenants, 200 acres each	1,000
1 cornet	150
46 rank and file, 100 acres each	4,600
1 special warrant, in pursuance of the act of Congress approved June 27, 1834	640
1 special warrant, in pursuance of the act of Congress approved January 27, 1835	320
1 special warrant, in pursuance of the act of Congress approved February 6, 1835	320
Total warrants 58	Total acres 7,930

Number of warrants signed by Generals Knox and Dearborn, on file, unclaimed 48

Return of claims which have been deposited in the Bounty Land Office in the year ending September 30, 1835, for services rendered during the late war.

Claims suspended per last annual report		303
Claims heretofore admitted, but waiting for the renewal of the law, as stated in the last annual report		29
Claims received since		414
Total		751
Claims on which warrants have issued	108	
Claims found to have been previously satisfied	98	
Claims found not entitled to land	64	
Claims returned for further evidence	119	
Claims for which regulations were sent	62	
Claims on file, suspended	300	
		751

Abstract of the number of warrants issued for the year ending September 30, 1835.

Warrants issued under the acts of December 24, 1811, and January 11, 1812	106
Warrants issued under the act of December, 1814	2
Total warrants	108

Whereof, of the first description, 106 granted of 160 acres each..... 16,960
Whereof, of the second description, 2 granted of 320 acres each..... 640

Total acres 17,600

DEPARTMENT OF WAR, *Bounty Land Office, Nov.* 1, 1835.

The foregoing is respectfully reported to the Honorable Secretary of War as the proceedings of this office for the year ending September 30, 1835.

WM. GORDON, *First Clerk.*

24TH CONGRESS.] No. 1338. [1ST SESSION.

QUANTITY OF PUBLIC LANDS SOLD, AND AMOUNT PAID THEREFOR, FROM 1787 to 1835.—SPECIAL SALES PRIOR TO OPENING LAND OFFICES.—PUBLIC DEBT, ARMY LAND WARRANTS, UNITED STATES AND MISSISSIPPI STOCK, FORFEITED LAND STOCK AND MILITARY SCRIP, RECEIVED IN PAYMENT OF PUBLIC LANDS.—QUANTITY OF LAND GRANTED AS BOUNTIES, AND TO STATES AND TERRITORIES FOR VARIOUS PURPOSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, WITH REPORT OF THE SECRETARY OF THE TREASURY ON THE FINANCES, DECEMBER 8, 1835.

Exhibit of the nett quantity of public lands sold, amount paid by purchasers, and payments made into the Treasury on account thereof, from the earliest period of sales to December 31, 1834.

Year.	Quantity sold.	Amount of purchase money.	Amount paid into Treasury.
	Acres. 100*ths.*		
1787.....	72,974 00	$117,108 24	
1792.....	1,165,440 00	832,549 66	
1796.....	43,446 61	100,427 53	$4,836 13
1797.....	.....	.....	83,540 60
1798.....	.....	.....	11,963 11
1800.....	.....	.....	443 75
1801.....	398,646 45	834,887 11	167,726 06
1802.....	340,009 77	680,019 54	188,628 02
1803.....	181,068 43	398,161 28	165,675 69
1804.....	373,611 54	772,851 95	487,526 79
1805.....	619,266 13	1,235,955 22	540,193 80
1806.....	473,211 63	1,001,358 02	765,245 73
1807.....	359,011 79	738,273 29	466,163 27
1808.....	213,472 12	459,230 34	647,939 06
1809.....	231,044 98	550,655 03	442,252 33
1810.....	235,879 41	502,382 13	696,945 82
1811.....	288,930 31	614,324 58	1,040,237 53
1812.....	536,537 40	1,149,536 46	710,427 78
1813.....	270,241 43	621,199 44	835,655 14
1814.....	864,536 53	1,784,560 95	1,135,971 09
1815.....	1,120,233 64	2,340,188 91	1,287,959 28
1816.....	1,622,830 06	3,567,273 88	1,717,985 03
1817.....	2,159,372 43	5,022,409 84	1,991,226 06
1818.....	2,401,844 60	7,209,997 42	2,606,564 77
1819.....	5,475,648 17	17,681,794 37	3,274,422 78
To June 30, 1820.....	518,500 80	1,465,283 94	
	(1) 19,965,758 23	$49,680,427 13	$19,269,132 62
From July 1, 1820.....	(2) 13,649,641 10 303,404 09	(2) 27,663,964 60 424,962 26	(3) 1,635,871 61
1821.....	781,213 32	1,169,224 98	1,212,966 46
1822.....	801,226 18	1,023,267 83	1,803,581 54
1823.....	653,319 52	850,136 26	916,523 10
1824.....	749,323 04	953,799 03	984,418 15
1825.....	893,461 69	1,205,068 37	1,216,090 56
1826.....	848,082 26	1,128,617 27	1,393,785 09
1827.....	926,727 76	1,318,105 36	1,495,845 26
1828.....	965,600 36	1,221,357 99	1,018,308 75
1829.....	1,244,860 01	1,572,863 54	1,517,175 13
1830.....	1,929,733 79	2,433,432 94	2,329,356 14
1831.....	2,777,856 88	3,557,023 76	3,210,815 48
1832.....	2,462,342 16	3,115,376 09	2,623,381 03
1833.....	3,856,227 56	4,972,284 84	3,967,682 55
1834.....	4,658,218 71	6,099,981 04	4,857,600 69
	37,501,238 43	(4) 58,709,466 16	49,452,534 16
1835.....	(4) $9,000,000 00	$12,250,000 00	$11,000,000 00

Estimated by Treasury Department from returns of three quarters.

NOTES.

(1) This is the gross amount of acres and purchase money, including the special sales prior to the opening of the land offices, and, of course, all the lands as they were sold from year to year, without regard to their subsequent reversion to the United States, or their subsequent relinquishment by purchasers under the relief laws commencing in the year 1821.

(2) This is the nett amount of sales and *amount paid by purchasers*, after deducting all reversions and relinquishments of lands sold under the credit system, ending June 30, 1820.

(3) This is the amount paid into the Treasury in 1820, for the sales of land under the credit and cash systems.

(4) These aggregates include the special sales made prior to the organization of the land districts—(See Table A;) also the amount of forfeited land stock, Mississippi stock, and military land scrip, received in payment for the public lands—(See Table B.)

GENERAL LAND OFFICE, *October* 19, 1835.

[In making estimates or comparisons between the sums receivable, and the quantities of lands sold at different times, it is important to remember that the minimum price per acre was $2 before 1820, and since only $1 25. Besides the above sales by the United States, they have made donations of lands, most of which have come into the market during the last forty-six years, of over 16,000,000 of acres,—see Table C annexed.]

TREASURY DEPARTMENT, *November* 1, 1835.

(A.)

Exhibiting special sales of public lands prior to the opening of the land offices.

Year.	Where and to whom sold.	Quantity.	Purchase money.	
		Acres. 100*ths.*		
1787	New York.....	72,974 00	$117,108 24	
1792	John C. Symmes	272,540 00	189,693 00	Certificates of public debt.
1792	Ohio Company..	892,900 00	642,856 66	Certificates of army land warrants.
1796	Pittsburg.....	43,466 61	100,427 53	Land warrants.
	Total.....	1,281,860 61	$1,050,085 43	

(B.)

Exhibiting the amount of public debt and army land warrants, United States and Mississippi stock, forfeited land stock and military scrip, received in payment of the public lands, viz:

Certificates of public debt and army land warrants	$984,189 91
Mississippi stock	2,448,789 44
United States stock	257,660 73
Forfeited land stock and military scrip	1,674,376 23
Total	$5,365,016 31

GENERAL LAND OFFICE, *October* 8, 1835.

(C.)

Exhibit of the quantity of land granted as bounties during the late war, and to each of the States and Territories, for colleges, roads, and canals, seats of government, saline reservations, and common schools.

States and Territories.	Bounties during the late war.	Colleges, academies, &c.	Roads and canals.	Seats of government.	Saline reservations.	Common schools, 1-36th part.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.* 100*ths.*	*Acres.*
Ohio	.....	69,120	830,137	.....	23,680 00	684,743
Indiana	67,960	46,080	580,800	2,560	23,040 00	626,868
Illinois	2,878,720	46,080	480,000	2,560	121,629 68	1,034,897
Missouri	468,960	46,080	.....	2,449	46,080 00	1,230,639
Mississippi	.....	46,080	.....	1,280	.....	834,364
Alabama	.....	46,560	480,000	1,620	23,040 00	889,030
Louisiana	.....	46,080	.....	.....	.....	873,973
Michigan	.....	46,080	.....	10,000	.....	543,893
Arkansas	1,037,120	46,080	.....	7,400	.....	950,258
Florida	.....	46,080	.....	1,120	.....	877,484
Total.....	4,452,760	484,320	2,290,937	28,989	237,469 68	8,546,149

GENERAL LAND OFFICE, *October* 10, 1835.

RECAPITULATION.

	Acres. 100*ths.*
Of bounties during the late war	4,452,760 00
Do grants for colleges, academies, &c.	484,320 00
Do do do roads and canals	2,290,937 00
Do do do seats of government	28,989 00
Do do do saline reservations	237,469 68
Do do do common schools	8,546,149 00
Aggregate	16,040,624 68

24TH CONGRESS.] No. 1339. [1ST SESSION.

OPERATIONS OF THE GENERAL LAND OFFICE AND THE SEVERAL LAND OFFICES DURING 1834, AND FIRST, SECOND, AND THIRD QUARTERS OF 1835.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 8, 1835.

TREASURY DEPARTMENT, *December* 8, 1835.

SIR: I have the honor herewith to transmit to the House of Representatives, the Annual Report of the Commissioner of the General Land Office, referred to in the report from this Department on the finances.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. K. POLK, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *December* 5, 1835.

SIR: I have the honor herewith to transmit statements exhibiting the operations of the several land offices during the year 1834, and the first, second and third quarters of the year 1835, indicating the quantity of land sold; the amount of cash and scrip received in payment therefor; the amount of incidental expenses; and the amount of moneys paid into the Treasury, by the Receivers of public money during the said periods—tables marked A and B.

There are also herewith transmitted copies of the estimates of appropriations required by this branch of the public service during the ensuing year, viz.:

For the General Land Office—paper marked C.

For the offices of surveyors general—paper marked D.

For surveying the public lands—paper marked E.

In estimating the expenses of the General Land Office, proper, upon the present establishment, the Commissioner must be ruled by the organization contemplated and provided for by the act of the 25th of April, 1812, and of the 2d of March, 1827; a scheme devised in inexperience, and obviously incompetent to the despatch of the increasing business, apart from the accumulated load of arrears, and incapable of discharging all the obligations which good faith and good policy impose upon the Government, in the operation of its land system.

For some years past, Congress has partially complied with the urgent requests of the office for more clerical aid, and by temporary appropriations for extra clerk hire, for writing of patents, &c., has afforded sensible relief; but considering, as I do, that the continuation of such temporary appropriations for the ensuing year, even to a much greater amount, would form but an imperfect and exceptionable substitute for the organic system upon which this branch of the public service ought to be established, in order to secure the correctness, economy, and expedition in the administration of its concerns, demanded by exigencies derived from the past, and becoming more pressing with the augmenting sales, and the increasing perplexity in which time involves the private land claims of thirty years' standing, from which the attention of the Commissioner has unavoidably been too much diverted, I respectfully invite your attention to the expediency of a reform.

The estimate for additional clerks now offered is indispensable, so long as the Legislature may choose to adhere to the measure of regular force prescribed by the 8th section of the act of the 2d of March, 1827; but I cannot refrain from indulging a strong hope that Congress, perceiving the insufficiency of such temporary expedients, will substitute, in the course of the coming session, a scheme better suited to the weight of the circumstances that press upon and overburden the office; and I very respectfully suggest, that the attention of Congress be requested to measures that may place this institution in the condition of efficiency required by the public interests, as well as by justice to a great portion of the population of our country, whose interests are intimately connected with the prompt and correct execution of the duties imposed by law upon the General Land Office. I beg leave, moreover, to observe, that the impolicy of extra appropriations for specific services in the office, is found in the fact, that it has been impracticable, from the nature of the duties, to restrict the labors of the clerks employed under such appropriations to the specific heads of service for which such appropriations were made. The circumstances attending the business have been such as always to demand the application of the auxiliary force according to the pressure of duties, and in view of their comparative importance.

In the representations made by my predecessor in 1833–'4, to the Secretary of the Treasury and to Congress, I have not discovered the least exaggeration of the difficulties under which the General Land Office had

labored and continued to struggle, for want of timely adaptation of plan and means to the current business, and to the arrears postponed by the causes he described, which remain in abeyance, while the progress of time adds to the difficulty of disentangling the most complicated from their embarrassment. This posture of affairs appears to call urgently upon the legislature to revise the laws fixing the organic principles by which the General Land Office has now to be governed, and enact provisions whereby a more perfect supervision of labor and duty can be practised; responsibility made more sensible in the various branches of this service, and the Commissioner, in a measure, relieved of details that divert his attention from more important affairs, but which cannot be neglected, as they occur, without occasioning delays, and perhaps confusion in the several bureaus, where justice and expediency would recommend that the relative compensation of the principals should bear a proportion to the responsibility incurred, and the abilities, attention, and industry required.

The annual cost of an improved system, equal to the new business constantly occurring, and to bringing up what remains behind in a reasonable time, would probably be greater during a few years than the sum now estimated for the next; yet in the ultimate result of the experiment, there would be a saving in this respect, it is thought, of several times the difference; a difference of small comparative moment in calculating the value of reform.

In reference to the estimates for additional clerk hire in the offices of the surveyors general, I have to make the following remarks: The embarrassments which have existed in those offices have heretofore been fully communicated to Congress, in a report dated the 21st of January, 1833, under a resolution of the Senate (printed as Senate document No. 50, of the second session of the twenty-second Congress), in consequence whereof partial appropriations have heretofore been made to enable those officers to bring up the arrears of work in their respective offices. One principal object of these appropriations (as submitted in former estimates), is the *transcribing of the field notes* of surveys, with the view of having copies of them filed and preserved at the seat of government. Lest this object should not be fully understood, I would briefly remark, that "*the field notes*," so called, are technically *the surveys*.

The laws in relation to surveying the public lands, by a singular oversight, do not require that copies of the field notes should be multiplied; on the contrary, the existing provisions of law require the surveyors general to furnish with the township plats, instead of copies of the field notes of survey, a document which is called "*a description*" of the township; indicating the quality of the lands on the sectional lines and between the corner posts, and referring to the character of the corner posts or bearing trees; such descriptions, however, answer not the same purpose as the field notes, and no protractions can be made from them. The original field notes are filed in the offices of the surveyors general; no copies of them are extant by law, and if such originals should be lost or destroyed by the burning down of the surveyors' offices, or otherwise, there would be no record of them in existence, and the loss would be irremediable, unless by re-surveys of the lands, requiring the expenditure of immense sums of money.

The fact that the office of surveyor general for Alabama was destroyed by fire, many years ago, and with it all the original field books of surveys, of which no transcripts were ordered to be preserved by law, is one of the strongest inducements that could present itself in favor of the additional appropriation for clerk hire in the surveyors' offices, now submitted, with a view to effect that object.

This office was enabled to supply, to a considerable extent, the loss occasioned by the destruction of the surveyor's office in Alabama, because the surveyor general, in departing from the custom, had returned the field notes.

The labors in the surveyors' offices have been greatly increased by the operation of the act of 5th April, 1832, entitled "An act supplementary to the several laws for the sale of public lands," by reason of the new and minute subdivisions of fractional sections necessary to be exhibited on the township plats. Previous thereto the smallest legal subdivision was the eighty-acre tract (half quarter section), made such by a line running north and south. The act referred to confers the additional privilege of locating *quarter quarters* of sections, the divisional line running east and west, restricting the privilege of making those small entries to two quarter quarter sections to any one purchaser, and to those purchasers only who enter them for cultivation, or for the use of their improvements. To make this law available, it was found necessary to require the surveyors general not only to exhibit on all future townships surveys protracted by them respectively, the minute subdivisions of fractional sections into forty acre lots, as nearly as practicable (under regulations prescribed by the department in pursuance of the law), but also to make new protractions and calculations of the vast number of fractional sections in market, and remaining unsold, at the passage of the act; and to make returns to this office as well as to the district land offices. The maps and diagrams so required have to be prepared in *triplicate*. The magnitude of this work, and the pressing demands made by purchasers for the receipt of those returns of subdivisions at the several land offices have, as may be inferred (in the midst of the increasing demand for new lands to be brought into market), greatly encroached on the time which otherwise would have been devoted to the bringing up of the old arrears, and transcribing the field notes. Hence it has been frequently found necessary to apply the whole force in the surveyors' offices to the current business as the exigencies of the public services have from time to time imperatively demanded, to the delay of those special objects for which the additional appropriations were required.

The propriety of making an allowance to the surveyors general for *office rent and fuel*, is respectfully submitted. The want of ample accommodations for the clerks allowed them by law, of necessity tends to retard the progress of those important objects for which the appropriations of clerk hire have been made. The officer is now personally charged with all expenses of house rent and fuel for his clerks in the public service, and his emoluments not increasing by commissions and fees, (as those of the Registers and Receivers in a given proportion to the amount of their business,) it is certainly an evil that the appropriation of increased force, in aid of the public service, has the direct effect to diminish his own emoluments, by the expenses attending the accommodations he has to provide for his clerks. In view of all these circumstances, I beg leave to present the estimate of appropriation for two thousand one hundred dollars for office rent and fuel of the surveyors' offices.

To show the progress of the public surveys, and the fields of operation that may be expected to be occupied by the surveyors during the ensuing year, I have deemed it proper to submit herewith such reports of the surveyors general, together with their respective estimates, as this office is at present enabled to furnish. Document marked F.

In Ohio.—The whole of the lands in this State which have been ceded to the United States have been surveyed, and, with the exception of some small former Indian reservations, have been offered at public sale.

In Indiana.—In this State all the lands which have been ceded have been surveyed; but about ninety townships and fractional townships have not been proclaimed for sale. They will, however, be brought into market early next season.

In the Peninsula of Michigan.—In this part of the Territory nearly all the ceded lands have been surveyed and brought into market. The unsurveyed portion is principally situated in the neighborhood of Saginaw bay, and should the interests of the public and of the settlers render it expedient, a portion thereof will be surveyed and placed in market before the close of 1836.

In Michigan west of Lake Michigan.—In this section of the Territory, the whole of the lands within the Wisconsin land district have been surveyed, and in addition to the surveys within the Green Bay district, which have been proclaimed for sale, the office is advised of the survey of about sixty-five townships and fractional townships in that district, which have not yet been proclaimed, but which can be brought into market early in the next year, if required.

The united nation of the Chippewa, Ottawa, and Pottawatamie Indians, having, by the treaty of 1833 and 1834, ceded to the United States the lands in Illinois and Michigan, west of and between the lake and the lands previously ceded by the Winnebago and other Indians, the surveyor general was instructed, in August last, to have that portion of the cession situate in Michigan, run off into townships, and since that time he has been instructed to have those townships subdivided. The survey of this cession, and of some of the adjoining townships in the previous cessions, will not only complete the surveys in this district, but of all the lands between Lake Michigan and the Mississippi which have been ceded to the government.

In Illinois.—In this State the office is advised of the survey of ninety-eight townships and fractional townships, embracing the whole of the Pottawatamie cession of October 20, 1832, and such portions of the adjacent cessions as had not been surveyed—thus completing the surveys in the Danville district, and in the southern part of the Chicago district. The whole of these surveys can be brought into market during the next spring.

In the northwestern land district, the surveyor general has contracted for the survey of all the lands north of the old Indian boundary, and west of the extension of the third principal meridian, into townships, and for the subdivision of a portion of those townships into sections; and, although the office is not advised of the number of townships which will be prepared for market in that part of the district during the next year, yet it may be safely calculated that sufficient progress will have been made to admit of one or more public sales. Instructions were given to the surveyor general, in August last, to have that portion of the lands ceded by the treaty of 1833 and 1834, with the Chippewa, Ottawa, and Pottawatamie Indians, which is situate in Illinois, run off into townships; and he has been since directed to subdivide those townships into sections, preparatory to their being brought into market.

An appropriation of $500 having been made at the last session of Congress, for surveying the confirmed lots at Peoria, the necessary instructions were given to the surveyor general to carry the act into effect.

In Missouri.—In the northern part of this State, the office is advised that the surveyor general has contracted for the survey of the exterior lines of about one hundred and thirty-eight townships, and for the subdivision of thirty of those townships. The surveyor general has also informed the office of his having contracted for running the exterior lines of about one hundred and eighty-nine townships, principally upon the waters of the Osage and Grand rivers, and adjoining the surveys already made.

An appropriation of $20,000 having been made in 1834, for surveys in the southwest part of the State, the surveyor general has been engaged in executing surveys in that section of the State, and the whole of the amount appropriated for that object has been remitted to him for their payment; but, as yet, it is not in the power of this office to say what number of townships have been surveyed, or state the precise time when they can be brought into market, although it is confidently expected that the wishes of the settlers will be complied with, by proclaiming some of those lands during the next season.

In the State of Louisiana.—The information derived from the surveyor general enables me to say, that by the middle of March next there will be about two hundred and forty-eight townships and fractional townships surveyed and returned, which have not been proclaimed for sale. Some of these townships would have been offered during the present year, if the land offices had not been again opened, by the act of the 6th of February last, for the investigation and decision of the private claims to land in that State, and the consequent apprehension that difficulties might arise from offering those lands for sale during the period in which individuals are allowed to bring forward their claims. If, however, the office can satisfactorily ascertain that any portion of those lands can be offered, without the risk of interfering with such alleged claims, such lands will be brought into market during the next year.

In Mississippi.—The office of the surveyor for the public lands in this State having necessarily been closed since the termination of the last session of Congress, no surveys are known to have been made during the present season. It is estimated, however, that only about forty townships are now required to be surveyed, to complete the survey of the lands ceded by the Choctaw treaty of 1830.

From the representations which have been made to this office, it is greatly to be apprehended that such numerous errors have been committed, many years ago, in locating and surveying the confirmed private claims in that part of the Augusta district, south of thirty-first degree of latitude, as to render it indispensably necessary that the subject should be examined by the land officers and the surveyor general, in order that the nature and extent of those errors might be correctly ascertained, and instructions had been given to them in relation thereto, when the closing of the surveyor's office prevented any progress being made in such examination. Whenever the office is filled, the surveyor general will be required to go on with the examination.

In that part of the State included in the limits of the Chickasaw cession of 1832, and where the operations are carried on under the directions of a surveyor general specially provided for by the treaty, it is believed that almost the whole of the operations in the field will be completed during the present season, with the exception of some townships in the Mississippi swamp, and of such of the lands bordering on the line between that cession and the Choctaw cession of 1830, as could not be surveyed in consequence of that line not being run and marked; but as the surveyor general has been advised of the course of the line, and directed to have it surveyed, it may be expected that the whole surveys will be completed during the next year.

In Alabama.—In this State all the ceded lands, with the exception of some townships south of the thirty-first degree, and of some bordering upon the undecided boundary of this State and the State of Georgia, have been surveyed.

Owing to the complaints which have been made respecting the surveys of the lots in the city of Mobile, and of the claims adjacent thereto, and in consequence of the great value of the property in question, it was thought advisable that the surveyor general should personally examine the subject, and have the surveys corrected under his own immediate superintendence; and he therefore devoted a part of the last winter and spring to the accomplishment of that duty, which, it is hoped, has now been correctly and satisfactorily performed.

In Florida.—The surveys of the public lands in West Florida having been almost entirely completed, the

attention of the surveyor general for the last year has been principally directed to the extension of those in the peninsula and along the Atlantic border of East Florida; but in consequence of the nature of the country on each side of the tract formerly reserved for the Seminole Indians, but which was ceded to the United States by the treaty of May 9th, 1832, it has been thought advisable to suspend the extension of the surveys in that section of the country until the Indians shall be removed under the provisions of the treaty. This suspension will not, however, cause any inconvenience to the public, as it will enable the surveyor general to prepare for market those surveys which have already been made, and which the reported sickness of his clerks and want of aid in his office have heretofore prevented him from doing.

During the last season a survey of the confirmed claims and of the public property in the city of St. Augustine was made, under the provisions of the act of June 28th, 1832.

In Arkansas.—By information received from the surveyor general, it appears that about eighty-five townships and fractional townships have been surveyed, of which the plats have not been received at this office, and that about sixty-four townships and fractional townships were under contract for subdivision into sections; some of these lands will be offered for sale during the next year.

Not only as showing the nature of the work contemplated to be performed during the next season, in the different districts, and for which appropriations are now asked, but also the manner in which it has been found absolutely necessary to apply the appropriations heretofore made for extra aid in the offices of the surveyor general, I beg leave to refer to the accompanying reports from those offices.

The paper G, herewith transmitted, is a statement showing the amount of forfeited land stock issued and surrendered at the United States land offices to September 30th, 1835; also, the amount of military land scrip surrendered to the same period.

The paper H is an exhibit of the periods to which the monthly accounts of the register and receivers of the public land offices have been rendered, and showing the balance of cash in the receivers' hands, at the date of the last monthly accounts current, and the period to which the receivers' quarterly accounts have been rendered.

The act of Congress of the 3d of March last, 2d section, appropriates an additional quantity of land for the satisfaction of warrants granted by the State of Virginia to the officers, soldiers, sailors, and marines of her State and continental establishments, during the revolutionary war, to the amount of six hundred and fifty thousand acres; and provided, that, if on September 1st, 1835, the amount of warrants filed should exceed the amount of land so appropriated, the commissioner should apportion the said six hundred and fifty thousand acres of land among the warrants "which may be then on the file in full satisfaction thereof."

The amount of warrants filed, on the 1st of September last, so far exceed the quantity of land appropriated by the law as to require the deduction of ten per cent. from the nominal amount of each warrant; the scrip has been ordered to be prepared accordingly, and considerable progress has been made in the issue.

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

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

STATEMENTS ACCOMPANYING THE REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

A.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses and payments into the Treasury on account of public lands, during the year 1834.

LAND OFFICES.	Lands sold after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Am't paid into the Treasury from the 1st of January to the 31st of Dec., 1834.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.			
Marietta, Ohio	11,997.52	$16,995 64	$16,995 64	.....	.....	$16,995 64	$1,381 40	$16,615 99
Zanesville, do.	33,877.23	42,346 53	26,791 38	$1,380 31	$14,174 84	42,346 53	2,108 38	21,725 61
Steubenville, do.	4,349.19	5,436 49	4,879 07	382 49	174 93	5,436 49	1,299 58	3,500 00
Chillicothe, do.	21,309.32	26,636 58	14,995 66	228 01	11,412 91	26,636 58	1,847 41	15,077 89
Cincinnati, do.	27,369.52	34,211 90	28,207 14	5,654 76	350 00	34,211 90	3,070 24	25,384 43
Wooster, do.	9,443.77	11,810 96	11,540 86	70 10	200 00	11,810 96	1,413 89	11,887 68
Wapaukonnetta, do.	125,417.13	156,770 26	142,347 61	1,410 15	13,012 50	156,770 26	4,831 88	135,415 75
Bucyrus, do.	245,078.56	306,353 39	266,725 66	1,181 60	38,446 13	306,353 39	7,080 35	247,787 10
Total for the State	478,847.24	600,561 75	512,483 02	10,307 42	77,771 31	600,561 75	23,033 13	471,394 50
Jeffersonville, Indiana	67,826.11	84,783 24	73,845 50	1,528 21	9,409 53	84,783 24	3,982 16	70,867 05
Vincennes, do.	56,765.80	70,957 65	70,083 89	823 76	50 00	70,957 65	3,439 63	78,760 14
Indianapolis, do.	204,526.63	255,657 58	209,540 49	.....	46,117 09	255,657 58	6,682 02	208,129 41
Crawfordsville, do.	161,477.87	201,947 10	201,380 88	16 22	550 00	201,947 10	6,470 65	201,032 37
Fort Wayne, do.	96,350.30	120,438 11	116,679 77	100 01	3,658 33	120,438 11	4,271 12	109,686 19
La Porte, do.	86,709.73	108,387 16	107,359 50	.....	1,036 66	108,387 16	4,040 95	101,109 16
Total for the State	673,656.44	842,170 84	778,831 03	2,468 20	60,821 61	842,170 84	28,886 53	769,584 32

Statement of public lands sold, &c.—Continued.

LAND OFFICES.	Lands sold after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Am't paid into the Treasury from the 1st of January to the 31st of Dec., 1834.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.			
Shawneetown, Illinois	6,904.24	$8,633 19	$7,457 22	$665 14	$510 83	$8,633 19	$1,258 05	$14,455 00
Kaskaskia, do.	15,196.52	18,996 61	18,967 74	28 87	.....	18,996 61	1,426 99	13,991 72
Edwardsville, do.	124,302.19	155,377 76	150,321 09	506 67	4,050 00	155,377 76	4,701 30	144,565 00
Vandalia, do.	20,207.61	25,620 84	23,802 42	118 09	1,700 00	25,620 84	1,576 02	15,000 00
Palestine, do.	22,135.69	27,669 57	27,669 57	.....	.....	27,669 57	1,666 64	20,963 25
Springfield, do.	66,804.25	83,515 22	74,546 89	240 00	8,728 33	83,515 22	3,071 50	85,581 08
Danville, do.	62,331.38	74,606 97	74,026 97	80 00	500 00	74,606 97	3,354 57	65,402 51
Quincy, do.	36,131.59	45,193 66	44,693 66	.....	500 00	45,193 66	2,354 30	42,512 12
Total for the State	354,013.47	439,613 82	421,985 56	1,638 77	15,989 46	439,613 82	19,409 37	402,470 68
St. Louis, Missouri	43,634.68	54,543 55	53,510 74	1,032 81	.....	54,543 55	2,246 87	50,173 77
Fayette, do.	71,049.74	89,259 33	89,259 33	.....	.....	89,259 33	2,431 73	42,993 71
Palmyra, do.	76,241.35	96,317 66	96,317 66	.....	.....	96,317 66	3,284 78	80,539 92
Jackson, do.	18,882.11	24,928 23	24,928 23	.....	.....	24,928 23	1,535 90	21,500 00
Lexington, do.	43,983.80	55,929 85	55,929 85	.....	.....	55,929 85	2,324 18	49,740 23
Total for the State	253,791.70	320,978 62	319,945 81	1,032 81	.....	320,978 62	11,823 46	244,947 63
St. Stephens, Alabama	22,318.76	27,899 14	25,885 12	2,014 02	.....	27,899 14	1,835 34	35,819 66
Cahaba, do.	202,578.34	253,403 79	252,554 82	848 97	.....	253,403 79	6,520 15	199,730 04
Huntsville, do.	25,705.65	35,579 65	33,807 38	1,772 27	.....	35,579 65	2,658 10	38,255 00
Tuscaloosa, do.	240,239.13	331,061 36	330,411 18	650 18	.....	331,061 36	6,991 88	256,300 00
Sparta, do.	9,485.26	11,973 71	11,973 71	.....	.....	11,973 71	1,233 08	15,283 49
Demopolis, do.	385,296.13	526,331 93	524,183 00	2,148 93	.....	526,331 93	7,162 15	250,706 37
Montgomery, do.	78,735.62	104,808 19	104,808 19	.....	.....	104 808 19	4,842 62	61,600 00
Mardisville, do.	108,098.74	153,241 54	152,113 03	1,128 51	.....	153,241 54	6 249 84	145,462 00
Total for the State	1,072,457.63	1,444,299 31	1,435,736 43	8,562 88	.....	1,444,299 31	37,493 16	1,003,156 56
Washington, Mississippi	32,511.19	40,674 27	39,787 92	.....	882 65	40,674 27	2,037 68	41,414 54
Augusta, do.	39,831.11	49,788 17	49,788 17	.....	.....	49,788 17	2,516 83	51,190 00
Mount Salus, do.	393,920.28	498,156 54	495,912 32	1,903 33	344 59	498,156 54	10,924 61	659,063 46
Columbus, do.	530,567.37	791,916 69	791,916 69	.....	.....	791,916 69	7,128 17	335,268 36
Chocchuma, do.	67,224.96	89,787 73	89,787 73	.....	.....	89,787 73	3,785 65	102,292 56
Total for the State	1,064,054.91	1,470,323 40	1,467,192 83	1,903 33	1,227 24	1,470,323 40	26,392 94	1,189,228 92
New-Orleans, Louisiana	2,304.86	2,881 10	2,881 10	.....	.....	2,881 10	1,617 40	.....
Opelousas, do.	15,333.42	19,166 77	19,086 27	80 50	.....	19,166 77	1,126 30	21,771 07
Ouachita, do.	63,257.57	80,671 73	80,671 73	.....	.....	80,671 73	3,185 13	82,644 51
St. Helena, do.	1,675.03	2,093 79	2,093 79	.....	.....	2,093 79	1,089 06	1,900 00
Total for the State	82,570.88	104,813 39	104,732 89	80 50	.....	104,813 39	7,017 89	106,315 58
Detroit, Michigan.	136,410.69	170,524 20	159,493 35	222 52	10,808 33	170,524 20	4,523 06	154,876 72
White Pig'n Prairie & Bronson, do.	128,244.47	160,321 85	160,321 85	.....	.....	160,321 85	5,104 95	152,775 94
Monroe, do.	233,768.30	292,210 26	278,726 94	.....	13,483 32	292,210 26	5,195 30	266,000 00
Mineral Point, do.	14,336.67	20,770 18	20,770 18	.....	.....	20,770 18	681 95	.....
Total for the Territory	512,760.13	643,826 49	619,312 32	222 52	24,291 65	643,826 49	15,505 26	573,652 66
Batesville, Arkansas	8,051.31	10,064 14	10,064 14	.....	.....	10,064 14	1,682 63	23,610 00
Little Rock, do.	25,799.74	32,249 65	32,249 65	.....	.....	32,249 65	2,249 25	28,679 86
Washington, do.	65,145.88	107,174 94	107,174 94	.....	.....	107,174 94	2,766 76	14,150 00
Fayetteville, do.	24,519.94	30,726 19	30,726 19	.....	.....	30,726 19	2,186 66	10,225 00
Helena, do.	26,244.59	32,805 72	32,805 72	.....	.....	32,805 72	2,448 51	12,000 00
Total for the Territory	149,756.46	213,020 64	213,020 64	.....	.....	213,020 64	11,333 81	88,664 86
Tallahassee, Florida	16,309.85	20,372 78	20,372 78	.....	.....	20,372 78	1,375 32	8,184 98
St. Augustine, do.	.....	.....	.....	.....	.....	.....	130 48	.....
Total for the Territory	16,309.85	20,372 78	20,372 78	.....	.....	20,372 78	1,505 80	8,184 98
Grand Total	4,653,218.71	6,099,981 04	5,893,663 31	26,216 43	180,101 30	6,099,981 04	182,401 35	4,857,600 69

GENERAL LAND OFFICE *December 5*, 1835.

ETHAN A. BROWN, *Commissioner.*

B.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses, and payments into the Treasury on account of public lands, during the first, second, and third quarters of the year 1835.

LAND OFFICES.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Am't paid into the Treasury from the 1st of January to the 30th of Sept., 1835.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.			
Marietta, Ohio....	11,012.98	$13,766 22	$13,500 78	$15 44	$250 00	$13,766 22	$1,108 26	$9,293 01
Zanesville, do.	42,978.36	53,722 95	48,845 83	610 45	4,266 67	53,722 95	2,268 53	55,234 73
Steubenville, do.	3,649.29	4,561 61	4,561 61	.....	.....	4,561 61	849 54	2,000 00
Chillicothe, do.	12,586.87	15,716 17	12,416 61	366 23	2,933 33	15,716 17	1,126 06	10,700 00
Cincinnati, do.	20,105.76	25,132 20	19,857 12	4,975 08	300 00	25,132 20	1,772 84	16,839 54
Wooster, do.	5,157.68	6,447 10	6,383 10	64 00	.....	6,447 10	1,026 50	5,783 18
Wapaukonnetta and Lima, do.....	103,020.23	128,775 29	125,532 93	644 37	2,597 99	128,775 29	5,276 01	136,495 33
Bucyrus, do.	* 154,706.63	193,383 28	187,489 12	.....	5,894 16	193,383 28	6,089 90	206,569 83
Total for the State.....	353,217.80	441,504 82	418,587 10	6,675 57	16,242 15	441,504 82	19,517 64	443,815 62
Jeffersonville, Indiana.....	44,634.81	55,716 32	53,610 57	690 20	1,415 55	55,716 32	2,155 77	46,472 19
Vincennes, do.	70,903.62	88,761 35	83,057 28	704 07	.....	88,761 35	3,152 59	82,683 55
Indianapolis, do.	158,786.68	198,486 76	189,819 65	79 61	8,587 50	198,486 76	5,093 55	202,669 19
Crawfordsville, do.	108,055.22	135,080 68	134,255 68	.....	825 00	135,080 68	4,628 47	137,392 04
Fort Wayne, do.	148,864.28	186,089 45	184,814 45	.....	1,275 00	186,089 45	4,970 33	125,515 18
La Porte, do.	227,702.35	328,343 41	328,043 41	.....	300 00	328,343 41	5,395 83	114,627 78
Total for the State.....	758,946.96	992,477 97	978,601 04	1,473 88	12,403 05	992,477 97	25,396 54	705,359 93
Shawneetown, Illinois.....	5,754.08	7,199 69	6,949 69	160 00	.....	7,199 69	771 88	4,650 00
Kaskaskia, do.	13,814.38	17,229 72	16,556 32	723 40	.....	17,279 72	1,166 12	19,241 00
Edwardsville, do.	123,638.07	154,602 85	152,777 30	54 72	1,770 83	154,602 85	5,421 27	217,885 00
Vandalia, do.	16,253.46	20,430 15	20,236 82	160 00	33 33	20,430 15	1,404 16	34,004 60
Palestine, do.	14,088.01	17,541 43	17,491 43	.....	50 00	17,541 43	1,646 31	30,333 34
Springfield, do.	316,966.70	396,803 86	396,068 30	80 00	655 56	396,803 86	8,037 26	378,615 18
Danville, do.	94,491.35	117,615 18	117,415 18	.....	200 00	117,615 18	3,862 26	112,369 66
Quincy, do.	*40,274.58	52,882 74	52,882 74	.....	.....	52,882 74	1.034 05	349,189 69
Galena, do.	† 262,152.72	328,006 83	327,506 83	.....	500 00	328,006 83	1,581 69	248,500 00
Chicago, do.	333,405.40	459,958 75	459,843 49	15 26	100 00	459,958 75	9,203 48	441,554 74
Total for the State.....	1,220,838.76	1,572,231 20	1,567,728 10	1,193 38	3,309 72	1,572,231 20	34,128 58	1,836,343 21
St. Louis, Missouri.....	32,914.57	41,393 36	41,143 36	.....	250 00	41,393 36	1,620 54	38,981 88
Fayette, do.	55,839.58	69,799 87	69,799 87	.....	.....	69,799 87	2,395 86	59,854 51
Palmyra, do.	101,018.00	126,303 08	126,087 00	16 08	200 00	126,303 08	6,600 41	259,523 27
Jackson, do.	28,995.19	36,404 82	36,404 82	.....	.....	36,404 82	1,799 26	29,500 00
Lexington, do.	42,801.45	53,505 93	53,505 93	.....	.....	53,505 93	2,445 10	49,056 84
Springfield, do.	320.00	400 00	400 00	.....	.....	400 00	276 00	.....
Total for the State.....	261,888.79	327,807 06	327,340 98	16 08	450 00	327,807 06	15,137 17	436,916 50
St. Stephens, Alabama.....	54,126.73	67,658 63	67,561 89	96 74	.....	67,658 63	2,031 03	66,680 17
Cahaba, do.	252,737.90	316,071 68	315,103 70	967 98	.....	316,071 68	5,715 65	323,374 52
Huntsville, do.	21,093.9 4	26,372 27	25,892 76	479 51	.....	26,372 27	1,719 46	34,140 00
Tuscaloosa, do.	172,397.87	215,506 88	215,506 88	.....	.....	215,506 88	6,089 00	235,500 00
Sparta, do.	11,527.52	15,008 93	15,008 93	.....	.....	15,008 93	1,124 20	14,217 58
Demopolis, do.	343,739.26	430,719 75	430,703 75	16 00	.....	430,719 75	8,003 00	676,125 00
Montgomery, do.	154,007.76	192,703 94	192,703 94	.....	.....	192,703 94	5,240 35	159,591 23
Mardisville, do.	47,457.68	59,322 09	59,322 09	.....	.....	59,322 09	3,052 56	48,915 00
Total for the State.....	1,057,098.66	1,323,364 17	1,321,803 94	1,560 23	.....	1,323,364 17	32,975 25	1,558,543 50
Washington, Mississippi.....	49,733.21	62,040 66	61,468 24	572 42	.....	62,040 66	2,052 58	38,482 93
Augusta, do.	85,235.50	106,542 98	106,542 98	.....	.....	106,542 98	2,753 87	79,500 00
Mount Salus, do.	554,306.44	693,065 46	692.743 43	322 03	.....	693,065 46	4,701 17	665,823 21
Choccbuma, do.	129,483.42	161,854 55	161,854 55	.....	.....	161,854 55	4,070 64	101,500 00
Columbus, do.	739,606.65	925,381 06	925,232 85	148 21	.....	925,381 06	1,133 71	1,300,000 00
Total for the State.....	1,558,365.22	1,948,884 71	1,947,842 05	1,042 66	.....	1,948,884 71	14,711 97	2,185,306 14
New-Orleans, Louisiana.....	59.367.44	74,206 76	74,206 76	.....	.....	74,206 76	2,222 71	55,052 66
Opelousas, do.	25,936.17	32,420 21	32,420 21	.....	.....	32,420 21	.....	39,604 87
Ouachita, do.	73,930.69	92,503 73	92,329 73	174 00	.....	92,503 73	3,493 99	67,400 00
St. Helena, do.	13,961.18	18,918 67	18,918 67	.....	.....	18,918 67	1,137 46	15,000 00
Total for the State.....	173,195.48	218,049 37	217,875 37	174 00	.....	218,049 37	6,854 16	177,057 53

* Returns received up to 31st May, 1835. † Returns received up to 31st July, 1835.

Statement of public lands sold, &c.—Continued.

LAND OFFICES.	Lands sold, after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Aggregate receipts.	Amount of incidental expenses.	Am't paid into the Treasury from the 1st of January to the 30th of Sept., 1835.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.			
Detroit, Michigan	213,763.57	$267 171 17	$266,754 59	$361 17	$55 41	$267,171 17	$11,363 27	$255,390 39
Bronson, do.	400,722.48	500,903 07	500,903 07	.....	.....	500,903 07	6,831 35	392,351 84
Monroe, do.	446,631.61	558,289 52	558,289 52	.....	.....	558,289 52	6,705 91	562,000 00
Mineral Point, do.	67,052.55	83,835 68	83,835 68	.....	.....	83,835 68	3,034 68	45,654 40
Green Bay, do,	68,365.53	110,583 15	110,583 15	.....	.....	110,583 15	4,095 15	103,733 05
Total for the Territory	1,196,535.74	1,520,782 59	1,520,366 01	361 17	55 41	1,520,782 59	32,030 36	1,359,129 68
Batesville, Arkansas	2,021.22	2,526 52	2,526 52	.....	.....	2,526 52	708 57	.....
Little Rock, do.	22,291.92	27,864 97	27,864 97	.....	.....	27,864 97	1,181 76	23,022 84
Washington, do.	43,360.81	54,209 44	54,209 44	.....	.....	54,209 44	4,098 04	152,559 76
Fayetteville, do.	8,723.72	10,904 60	10,904 60	.....	.....	10,904 60	1,920 90	28,539 52
Helena, do.	312,169.09	390,596 22	390,596 22	.....	.....	390,596 22	8,660 10	256,371 66
Total for the Territory	388,566.76	486,101 75	486,101 75	.....	.....	486,101 75	16,569 37	460,493 78
Tallahassee, Florida	30,723 95	38,279 93	38,279 93	.....	.....	38,279 93	1,031 00	3,625 00
St. Augustine, do.	.....	.....	.....	.....	.....	.....	.....	.....
Total for the Territory	30,723.95	38,279 93	38,279 93	.....	.....	38,279 93	1,031 00	3,625 00
Grand Total	6,999,378.12	8,869,483 57	8,824,526 27	12,496 97	32,460 33	8,869,483 57	183,352 04	9,166,590 89

TREASURY DEPARTMENT, *General Land Office, December* 5, 1835.

ETHAN A. BROWN, *Commissioner.*

C.

Estimates of the expenses of the General Land Office, for the year 1836.

Commissioner's salary	$3,000	
Clerks and messengers, as heretofore, under the act of March 2, 1827	20,500	
		$23,500
For employing fifty-six additional clerks, twenty-nine of whom to be employed in the writing, recording, and examining of patents for lands sold, and preparing lists of patents transmitted to the district land offices, to be accommodated in a separate building; the remaining twenty-seven to be distributed as auxiliaries among the several bureaus, viz: of private land claims, of surveys, of scrip and Virginia military bounty lands; the bureau for arranging the certificates of purchase for distribution among the writers of patents, and keeping the necessary accounts and checks thereof; also in aid of the duties of registering the land sales in the tract books, at one thousand dollars each		56,000
For additional messengers to superintend the making up of the packages of patents, for transmission by mail, and preparing the parchment to receive the ink		1,050
For the cost of 200,000 pieces of parchment for patents, including the cost of printing the same, at seventeen cents per piece; and also the cost of books for patent records		39,000
For tract books; the various other articles of books and stationery, furniture, expense of advertising land sales, and all other items of contingent expenses, including office rent for the additional rooms required for writers of patents		9,500
Total		$129,050

D.

Estimate of the appropriations required for surveying the public lands during the year 1836.

By the surveyor general at Cincinnati:		
For surveys in Ohio	$650	
" Michigan peninsula	15,000	
" Michigan west of lake	26,000	
		$41,650
For surveyor general at St. Louis:		
For surveying the public lands in the States of Illinois and Missouri		40,000
For surveyor general for Mississippi:		
For surveying the public lands in the State of Mississippi		10,000

By the surveyor general for Alabama:		
For surveys south of the 31st degree	$2,500	
" of Creek lands	1,000	
		$3,500
If the Cherokees should cede their lands to the United States, an appropriation of twenty thousand dollars is required for the survey thereof.		
By the surveyor general for Florida:		
For surveying the public lands and private claims		16,480
By the surveyor general for Louisiana:		
For surveying the public lands and private claims		35,000
In the event of the Caddo Indians ceding their lands to the United States, an additional appropriation of nine thousand dollars will be required for their survey.		
By the surveyor general for Arkansas:		
For surveying the public lands		25,000
For office rent and fuel for all the surveyors' offices		2,100

E.

Estimate of salaries in the offices of the surveyors general for the year 1836.

For salary of the surveyor general (N. W.) of Ohio	$2,000	
" of clerks in his office	2,300	
" additional clerks in his office	4,000	
		$8,300
For salary of the surveyor general for Illinois and Missouri	2,000	
" clerks in his office	4,820	
" additional clerks in his office	1,000	
		7,820
For salary of the surveyor general in Mississippi	2,000	
" clerks in his office	2,700	
" additional clerks in his office	2,300	
		7,000
For salary of the surveyor general in Alabama	2,000	
" clerks in his office	2,000	
		4,000
For salary of the surveyor general for Florida	2,000	
" clerks in his office	3,000	
" additional clerk in his office	1,000	
		6,000
For salary of the surveyor general for Louisiana	2,000	
" clerks in his office	1,500	
" additional clerks in his office	2,800	
		6,300
For salary of the surveyor general for Arkansas	1,500	
" clerks in his office	1,800	
" additional clerk in his office	1,000	
		4,300

F.

Reports and estimates from the surveyors general for the year 1835.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, September* 21, 1835.

SIR: In compliance with the request of the acting Commissioner of the General Land Office, by his letter of the 6th ultimo, I submit for your consideration the following views, in relation to the surveying operations which the public interests seem to require to be performed in this surveying department during the ensuing year, with the necessary estimate therefor.

In *Ohio*, it will be remembered, the survey of all the public lands is completed. I would, however, call your attention to the expediency of subdividing the "two mile blocks," as they are called, in certain townships in the northern part of the Cincinnati land district. The survey of these tracts has been repeatedly called for, and much inconvenience appears to have been suffered by purchasers of those lands for want of it. The enclosed plat (marked A) shows the townships alluded to, shaded red; and referring you to the letter on this subject, from my predecessor to the Commissioner, dated November 29, 1834, a copy of which is also enclosed, (marked B,) I respectfully recommend it to your attention.

In *Indiana*, you are aware, the survey of all the public lands is completed. I am informed that some portion of the reservations, held by the Miami nation of Indians, were purchased by treaty last year. But it is understood that, owing to some objectionable feature of the treaty, the President did not submit it to the Senate, and the treaty not being ratified, no survey of the lands ceded can be made.

In *Michigan* peninsula, there remains unsurveyed only a small portion of the lands to which the Indian title has been extinguished, and is embraced in the cession by the treaty of Saginaw, of September 24, 1819, and situated principally north of the townships numbered seventeen, north; and bounded, on the east, by Saginaw bay; on the north, by Thunder Bay river; and on the west, by the western boundary of the cession, which has not yet been surveyed. This tract is estimated to contain about eighty townships, or one million eight hundred

and forty-three thousand acres, and is shown, on the accompanying diagram, (marked C,) by a red shaded boundary. Very little is known of the character of this tract of land. But it is highly probable that a fair proportion of it is suitable for cultivation; and being eligibly situated, along the margin of an extensive bay of Lake Huron, it would doubtless subserve the public interest to have the settlements extended into that part of the peninsula. I respectfully recommend, therefore, that the surveyor general be authorized to survey the western boundary of the cession, and to extend the exterior township lines throughout the remainder of the tract. Such portion of it as might be found suitable for settlement and cultivation, might then be subdivided into sections, and offered for sale.

In the *Northwest* (or Wisconsin) Territory, there remains to be surveyed only the tract ceded to the United States, by the united nation of Chippewa, Ottawas, and Pottawatamie Indians, by treaty of Chicago, of September 26, 1833, embraced in the Green Bay land district, and shaded red on the accompanying map (marked D). Two experienced deputy surveyors have been sent out to extend the exterior township lines through this tract, preparatory to the subdivision into sections, whenever orders for that purpose shall be received. The tract contains about one hundred and fifteen townships, or two millions six hundred and forty-nine thousand acres. This is represented as a fine body of land, and is rapidly settling by emigrants from the adjoining States. It would doubtless conduce to the public interest, as well as promote the settlement of a valuable portion of the public domain, if the subdivision of the townships into sections should be authorized so soon as the exterior lines thereof shall have been run out.

With these views, I submit the following estimate of funds that are considered requisite for the surveying operations in the department for the ensuing year:

For surveys in Ohio	$650
For surveys in Michigan Territory (peninsula)	15,000
For surveys in Northwest (or Wisconsin) Territory	26,000
For office rent	175
Fuel for three fires	75
Stationery	500
Postage on letters and packets	600
	$43,000

Very respectfully, sir, your obedient servant,

ROBERT T. LYTLE.

Hon ETHAN A. BROWN, *Commissioner of the General Land Office.*

B.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, November* 29, 1835.

SIR: In the upper part of Cincinnati land district, there are seven townships in which the "two-mile blocks" have never been subdivided into sections. These townships were surveyed, some thirty years since, by running lines each way through them, at the distance of two miles apart, dividing each township into nine squares of four sections each, in which state they have remained until now. Why they have not been further subdivided, as all the other townships in the district were, does not now appear, and there seems no good reason why they should not yet be surveyed at the expense of government.

Much of the lands lying in the townships referred to, have been sold, and, on account of the surveys thereof not being completed, difficulties have arisen, and are likely still more to arise, between purchasers, in establishing their boundaries. Applications have frequently been made to this office to have these "blocks" subdivided; and there is now before me a communication from the county surveyor of Darke county, just received, urging very earnestly the subdivision thereof.

I refer this subject to you for your consideration, and respectfully suggest the propriety of authorizing the surveyor general to cause a survey to be made of the two mile blocks in question.

The following are the townships referred to:

Township No. 19, in range No. 1, west	1st mer.
Township No. 12, in range No. 1, east	"
Township No. 14, in range No. 1, east	"
Township No. 15, in range No. 1, east and west	"
Township No. 13, in range No. 2, east	"
Township No. 10, in range No. 3, east	"
Township No. 8, in range No. 4, east	"

Situate in the Cincinnati land district.

Very respectfully, sir, your obedient servant,

M. T. WILLIAMS.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, September* 21, 1835.

SIR: The letter of the acting Commissioner of the General Land Office, of the 6th ult., calls for a separate estimate of the expenses of this office for the next year, with a statement of the nature of the work to be performed in the office during that period; and the nature and extent of the work performed under the last year's appropriation for extra clerk-hire.

Under date of the 30th December last, in reply to a similar call, my predecessor made a report to the Commissioner of the General Land Office, respecting the manner in which the appropriation for extra clerk hire had been applied by him, a copy of which report (marked A) accompanies this. The views taken of the subject by Mr. Williams, I concur in. The necessity of adopting the course pursued by him, and the reasons which influenced him thereto, are clearly stated. The necessity which then existed, for applying the extra

appropriation for clerk-hire, in the execution of the current duties of the office, has continued to exist up to the present time.

At the date of the communication above referred to, a large proportion of the surveys then under contract, remained to be returned to this office. These have since been nearly all received, together with a portion of work subsequently put under contract. In these surveys a great amount of meanders of navigable streams and lakes exist; to plat which, and to make the calculations of the contents of the minute subdivision into which fractional sections are now made, is of itself a heavy job. Besides this, we have to make triplicate plats and triplicate descriptive notes of every township and fractional township surveyed. These, with the subdivision into forty-acre lots, of the unsold, forfeited and reverted fractional sections, in the several land districts, not previously completed, and the various incidental duties of the office, together with those arising under calls from the general and district land offices, have constituted the current business of the office.

To have applied the additional allowance for clerk-hire to bringing up the old arrears, and in transcribing the field notes for preservation at the seat of government, would have compelled us to lay over a large amount of those current duties, which would have been highly detrimental to the public interests, embarrassing to the operations of the land offices, and would have retarded the sales of the public lands, so much called for.

I have, therefore, thought it best to pursue the course adopted by my predecessor, and have continued to employ on the current duties of the office our whole force. In doing this, I have felt myself justified in what appeared to be the necessity of the case; as well as by the example of my predecessor, to which no exception appears to have been taken.

The "benefits which have resulted from the appropriation of the last year for extra clerk-hire," are, I trust, sufficiently set forth in the foregoing statement, and need not be more particularly pointed out.

So soon as the plats and descriptive notes of this season's surveys can be completed, which it is hoped will be within the next quarter, it is proposed to take up the old arrears of work, and the transcribing the field notes for preservation at the seat of government. And as the surveying operations in this district in the ensuing year will probably be limited, it is expected that the whole of the additional, and perhaps part of the regular allowance for clerk-hire, can be applied to those objects. The nature and amount of those arrears are set forth in detail, in the report of the surveyor general, of the 8th of October, 1831, to which I beg leave to refer you. To that amount, however, are to be added, all the surveys made since that time, and the preparing connected maps, which, from the pressure of business of more immediate importance, has necessarily been, for several years past, laid over.

The accuracy and neatness requisite in the drawing and copying our plats, and in the recording of them in the books of the office, call for skilful and experimental draughtsmen. The recording, also, of the field notes, particularly the old surveys in Ohio and part of Indiana, require not only mechanical neatness, but an accurate knowledge of the science of surveying, in its application to the public surveys; as a considerable portion of those old field notes will need a skilful arrangement before recording. The order of talent requisite in the performance of these several duties, should be secured by an adequate compensation therefor. But from the permanent rise in the price of provisions, house rent, and cost of living in the city, I am persuaded that the allowance now made to the clerks in this office is not a fair compensation for their labor, and is not equal to that paid to clerks of the same and even inferior grades, in many of the mercantile houses, offices, and institutions in this city.

With the foregoing statement and views, I submit the following estimate for the ensuing year:

For salary of the surveyor general	$2,000
For salary of three regular clerks	2,300
For salary of five additional clerks, until the old arrears of work are brought up, and the field notes transcribed for preservation at the seat of government	4,000
	$8,300

Very respectfully, sir, your obedient servant,

ROBERT T. LYTLE.

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office, Washington.*

A.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, December* 30, 1834.

SIR: Since the receipt of your letter of the 31st of October, referring to the appropriation of $3,500, for additional clerk-hire for this office, and directing the said appropriation to be exclusively applied to the bringing up of the *old arrears*, left by my predecessors, I have fully considered the subject, and have arrived at the conclusion that it will be very difficult to carry your instructions into practice, without an injury to the public service.

In the first place, it will be difficult to make an entirely distinct application of the labor of a portion of the clerks to the old arrears, in such manner as to be enabled, satisfactorily, to render separate quarterly accounts. It will be found, in practice, to advance the business convenience of the office, to be allowed, occasionally, to devote the labor of the clerks appropriated to one branch of the business, to duties in another branch. And, in the *second* place, it is found, by the experience of the past three years, to be entirely impracticable, with the assistance of only three clerks, employed under the regular appropriation of $2,100, to execute all the current duties of the office, and the business incident to the new surveys of the public lands, which have been ordered within that time, the *field work* of which is now mostly executed. And it is but justice to the public service to say, that, if the surveyor general is restricted to only three clerks, in the execution of these duties, the sales of a large portion of the public lands expected by the government and the public to be held in the course of the ensuing year, must inevitably be delayed.

Since my report of the 8th October, 1831, showing the state of the records of the business of the office at that date, the amount of the public lands this office has been directed to survey and prepare for sale has been constantly and rapidly increasing, and is now near three-fold what it has been at any one time within the ten years immediately preceding the year 1832; and has greatly exceeded the amount of any former period since the establishment of the office, as the records and files of your department will show. In addition to this

increase of current business, the duties imposed by the provisions of the act of the 5th of April, 1832, have occupied the time of labor of one of the best clerks in the office, from September, 1832, to the present time, in making the subdivisions of fractional sections on the records and original plats, and in preparing duplicate copies thereof for the general and district land offices, and this duty is not yet fully completed. If then, the usual appropriation, under which three clerks were employed, was insufficient to enable the surveyor general to keep up the business of the office, during the ten years preceding 1832, it will not be expected that the same number of clerks will be sufficient now, and for a year or two to come.

Under these circumstances, I respectfully suggest for your consideration the expediency of so modifying your instructions as to allow the entire appropriation for clerk-hire to be employed, so far as may be necessary, to prepare for sales the lands embraced in the late and existing contracts for surveys, and the remainder in bringing up the old arrears.

When your letter of instructions on this subject was received, the clerks then in the service of the office were employed in duties looking to the approaching sales of public lands. One half of the quarter having expired, I deemed it inexpedient to make a change until the next quarter.

The work of transcribing the field notes has not been commenced, but can be in the ensuing quarter. It is respectfully suggested that this work should progress in *numerical order*, in preference to the order of the *date of surveys*.

I shall hope to hear from you, at your earliest convenience, touching the foregoing suggestions.

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

M. T. WILLIAMS.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

SURVEYOR GENERAL'S OFFICE, *Tallahassee, September* 14, 1835.

SIR: In compliance with your letter of the 6th ultimo, I have the honor to inform you, that I deem it necessary for the reasons heretofore detailed in my letter of the 23d of April, and explained by diagram forwarded July 22d, to suspend the surveys south of the second parallel in the eastern land district, until the fall of 1836, as indicated in my letter of information, of the 29th ult., and to confine the surveys to a limited scale for all those reasons, of which the following constituted a summary. First, the necessity for the removal of the Indians, to enable the surveys to progress, with a necessary regard to order and correctness.

Second, the quantity of work on hand, and yet to receive, in the office, which has been greatly retarded in its preparation, from the sickness of my clerks (still continuing,) so much indeed as almost to have suspended the mechanical operations of the office for nearly three months in the present year.

I therefore propose limiting the surveys, during the next season, as follows, viz:

	Acres.	Miles.
Eleven land claims in the eastern district, decreed by the Supreme Court, at their January term, 1835, containing	199,760	330
One in the western district, decreed January term, 1835, to Colin Mitchell and others, supposed to contain	2,000,000	550
About fifty-three townships (some fractional) situated south of the principal base line in both districts, between ranges Nos. 8 and 17, as per diagram accompanying, supposed to contain	1,368,000	3,240
	3,567,760	4,120

For the survey of which, the sum of sixteen thousand four hundred and eighty dollars is requested to be appropriated by the ensuing Congress.

Respectfully, ROBERT BUTLER, *Surveyor General.*

JOHN M. MOORE, Esq., *Acting Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Tallahassee, September* 14, 1835.

SIR: The following estimate for the surveyor general's office at Tallahassee, for the year 1836, is respectfully submitted, viz:

Salary of surveyor general	$2,000
Three clerks each, one thousand dollars	3,000
Contingent expenses for stationery, &c.	300
For copying field notes, for the office of Commissioner General Land Office at Washington city, beyond the amount appropriated in 1834 and 1835	1,000
	$6,300

GENERAL REMARK.—On the subject of the appropriation of one thousand five hundred dollars, in 1834, and five hundred dollars, in 1835, it becomes necessary to remark that they remain untouched, up to the present period, arising from the fact that no instructions were furnished this office, until the month of June last (under date 20th May at Washington;) and owing to the sickness prevalent since, I have been only enabled to make one contract on that subject, of this day's date, (a copy of which is enclosed,) but anticipate to be enabled to have the whole sum, together with the additional estimate, contracted for in this and the succeeding year.

Respectfully,

JOHN M. MOORE, Esq., *Acting Commissioner.* ROBERT BUTLER, *Surveyor General.*

This agreement, entered into between Robert Butler, surveyor general, in behalf of the United States, of the one part, and Paul M'Cormick, deputy surveyor, of the other part, both of the Territory of Florida, wit-

nesseth, that for and in consideration of the sum of two dollars each, (to be paid quarterly by the said Butler,) the aforesaid Paul M'Cormick agrees to make fair and literal transcripts of all such field books of the surveyed townships of the public lands, &c., as may be furnished him from the surveyor's office, from time to time, in the form prescribed, and certify at the end of each respectively, as required in the oath hereto appended.

In testimony whereof, we hereby bind ourselves. Done at Tallahassee, Florida, this 14th day of September, 1835.

ROBERT BUTLER, *Surveyor General.*
PAUL M'CORMICK, *Deputy Surveyor.*

Personally appeared before me, John Rea, a justice of the peace for the county of Leon and Territory of Florida, Paul M'Cormick, a deputy surveyor, who made oath according to law, that he will, in conformity with the foregoing agreement, make out fair and literal transcripts of all the field books of the surveyed townships of public lands which shall be furnished him from the surveyor's office, from time to time, and certify at the end of each respectively that "the foregoing is a literal transcript from the original," and thereto sign his name, in conformity with the provisions of this obligation.

PAUL M'CORMICK, *Deputy Surveyor.*

Sworn to and subscribed before me, this 14th day of September, 1835.

JOHN REA, *Justice of the Peace.*

SURVEYOR'S OFFICE, *Little Rock, Sept.* 30, 1835.

SIR: I have to acknowledge the receipt of the acting Commissioner's letter of the 6th ult.

The following is a copy of the estimate of the expenses of this office, for the ensuing year, this day transmitted to the Register of the United States Treasury, viz.:

For surveying public lands	$25,000
" salary of surveyor general	1,500
" salary of regular clerks	1,800
" salary of extra clerks	1,000
" postage	125
" stationery	100
" office furniture and printing	75
" house rent and fuel	225
	$29,825

In a very short time, I shall be enabled to designate and transmit to your department a statement showing the particular sections of country which the public interest, as well as the interest of the people of Arkansas, requires should be surveyed at an early period. A communication on this subject would have been made at an earlier date, had it not been for ill health, which has been my constant companion for the last six or eight months. In answer to that part of the acting Commissioner's letter, requiring a statement showing the manner in which the last year's appropriation for extra clerk-hire has been applied, I have to state that the first expenditures under the appropriation for extra clerk-hire for the years 1834 and 1835, were not commenced until the second quarter of the present year. Two clerks were then employed, whose duties have been exclusively copying notes of surveys for transmission to the General Land Office.

The surveyor general would have employed clerks on this appropriation at an earlier period, but waited for instructions from the Commissioner of the General Land Office, to be informed of the particular duties to be performed by clerks employed under that appropriation.

Both the clerks employed as aforesaid have had considerable sickness during the summer, and one of them for upward of three months (from ill health) was unable to attend to business. Notwithstanding so much sickness, the notes of the surveys of 1,500 miles have been copied, and when indexed and compared with the original, will be in readiness for your department. I have no hesitation in giving it as my decided opinion, that the office of the Commissioner of the General Land Office should be furnished with a certified copy of *all* surveys in which the general government is interested, from every surveyor general's office in the United States, and that this work ought to have been commenced years ago. I am further of opinion, that *fire-proof offices* should be constructed for every surveyor's office belonging to our government. The labor and expense of copying the notes of all the surveys in the Territory will prove no inconsiderable matter, but the accomplishment of the object is of so much importance to the government, that the labor and expense necessary thereto ought not to be taken into consideration. I therefore recommend in the most earnest manner a continuation of the appropriation for that object. The regular clerks of the office have been engaged in bringing up arrears of plats, preparing plats for the land offices, and other duties incident to the surveying department. To prepare plats for the land offices is the principal duty of the mathematician and draughtsman, and the increasing operations in the field will give constant employment to the number of regular clerks allowed this office.

I am, sir, very respectfully, your obedient servant, J. S. CONWAY.

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Little Rock, October* 23, 1835.

SIR: Herewith you will receive a sketch map of Arkansas, on which the exterior lines of townships that have been surveyed are marked with *black* lines. The townships that have been subdivided are designated by the letter "S." The exterior lines of townships now under contract are drawn with *red* lines. The townships now under contract for subdivision are designated by the letter "C."

As a latitude was given to some of the deputy surveyors to select such townships for subdivision as would most promote the public interest, the return of their notes may show the sketch to be slightly incorrect in that particular.

The country which I would recommend to be surveyed, is represented on the sketch in *green* and *red;* that portion colored green is estimated at 60 townships, and at $4 per mile; that colored red is estimated at 49 townships, and at $3 per mile. The following is an estimate of the expense of surveying the country represented on the sketch as described, viz:

234 miles exteriors, at $4 per mile	$936 00
3,600 miles subdivision, do. do	14,400 00
100 miles meanders, do. do	400 00
Total at $4 per mile	$15,736 00
534 miles exteriors, at $3 per mile	$1,602 00
2,940 miles subdivision do. do	8,820 00
Total at $3 per mile	$10,422 00
Making a sum total of	$26,158 00
Estimate, as per letter 30th ultimo	25,000 00
Excess	$1,158 00

This estimate and designation of country is predicated on information obtained from members of the Territorial legislature, other individuals from various sections of the country, and of my personal observation. Subsequent inquiry may render it proper to substitute a small portion of country, not enumerated, for that which is. The information, however, is believed to be substantially correct, and given with a view to promote the public interest.

The accompanying map is incomplete, further than to exhibit the progress of the public surveys.

I am, sir, respectfully, your obedient servant,

J. S. CONWAY.

E. A. BROWN, Esq., *Commissioner of the General Land Office, Washington City.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, September* 30, 1835.

SIR: In compliance with the letter from your office of the 6th ultimo, I have the honor to enclose a copy of the estimate transmitted to the Register of the Treasury, and to inform you that the appropriation for extra clerk-hire, for last year, has been applied in aid of the regular clerks in bringing up the following arrears, to wit:

In district north of Red river.—Twelve townships have been calculated; of which ten have been protracted, and the maps and descriptive notes made out in triplicate, and the field notes recorded; also one township map subdivided, calculated, made out in triplicate and recorded.

In the southwestern district.—Forty townships have been protracted and calculated, and the maps and descriptive notes, and separate plats, and certificates made out in triplicate, and all the field notes; and also, eight of the maps recorded, and the field notes of seven townships copied for the General Land Office; also, six township maps subdivided, calculated and made out, triplicate.

In the southeastern district.—Five townships have been protracted, calculated, and the maps, descriptive notes, and separate plats, and certificates made out in triplicate, and the township maps recorded.

In the St. Helena district.—Two township maps have been protracted, but for want of evidences of confirmation (this office not being provided with the record of confirmed claims) they, together with 406 separate plats already made out in triplicate, remain unapproved and unrecorded.

Two difficulties occurred to prevent my attempting to bring up the arrears in regular order as to time; one was the want of complete copies of all the confirmations by which the accuracy of the locations of the private claims might be tested, prior to the record thereof being made complete; the other was the necessity of expediting the return of particular townships, to give claimants, under the pre-emption law of 1834, an opportunity of securing their lands.

The first of these difficulties can only be obviated by adopting some means of procuring from the registers of the St. Helena, the southwestern, and district north of Red river, complete copies of all the confirmations and reports of claims which should have been forwarded to this office by the several boards of commissioners. If the printed documents called for by the Senate do not furnish them, it would be necessary to employ clerks to make them out, and in that event, there should be compensation for two extra clerks for one year added to my estimate for 1836, say $1,600.

It is to be regretted that in the organization of this office, the compensation for regular clerks was not in proportion to the current business of so extensive and important a district, where the vast number of private claims, and traversed streams, render the protraction and calculation so intricate and tedious, and where it would have contributed so much to the improvement of the country and the account of sales of the public land.

The estimate for the district north of Red river is intended to be applied to the survey of the land bordering on Red river, immediately below the Arkansas line, and the country between the Ouachita and Black river and the Mississippi. A large portion of it was formerly subject to inundation, but since the construction of partial levees on the margin of the Mississippi river, the value of the land has been greatly enhanced, and it attracts general interest.

In the southwestern district, it is deemed desirable to have the country bordering on the Sabine river surveyed.

The estimate for the surveying of private claims, and resurveying in that district, is intended for the correction and closing of the Rapides and Attakapas districts, which have been under contract for many years, in which the surveyors were permitted to return separate tracts without connection to the township lines, and which can only be closed now by a resurvey of at least part of those tracts.

The resurvey contemplated in the southeastern district, is deemed indispensably necessary on account of the numerous errors and the confused condition of the notes of the former surveys.

I have no doubt but a similar course will be found necessary in the St. Helena district, but the extent of the errors in that district cannot be ascertained without a copy of the confirmations and orders of survey.

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

H. T. WILLIAMS, *Surveyor General, Louisiana.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, September* 30, 1835.

SIR: In compliance with your letter of the 4th instant, I have the honor to submit the following estimate of expenses of surveying, which the public interest requires in this State, during the year 1836, to wit:

Surveying 4,200 miles of public land in the district north of Red river, La. at $4 per mile	$16,800
Surveying 1,200 miles of public land in the southwestern district, at $4 per mile	4,800
Surveying and resurvey of incomplete townships, including public lands and private claims in said district, at $4 per mile, believed to be about 1,000 miles	4,000
Surveying of public lands near Lake Pontchartrain, and east of the city of New-Orleans, southeastern district, 1,250 miles, at $4 per mile	5,000
Resurvey of private claims and public lands in West Baton Rouge, the surveys of which are incorrect, southeastern district, 500 miles, at $4	2,000
Surveying public lands in the district east of the island of New Orleans, 600 miles, at $4 per mile	2,400
If the treaty with the Caddo Indians should be concluded and ratified, there should be added to the above, for surveying 2,250 miles, at $4 per mile	9,000
Salary of surveyor general	2,000
" clerks allowed by law	1,500
Postage on letters and packages	150
Stationery, &c	200
Office rent and fuel	220
	$39,070

In addition to the above, it is deemed essential to the public interest, that this office should have one more draughtsman and two clerks, to aid in the performance of the ordinary business of the office, and gradually bring up arrears, at an aggregate compensation of $2,800.

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

H. T. WILLIAMS, *Surveyor General, Louisiana.*

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

SURVEYOR'S OFFICE, *Florence, Ala., September* 15, 1835.

SIR: The indisposition of my family, and the unhealthiness of the season, for the last six weeks, have delayed the acknowledgment of the receipt of your letter of the 6th August, calling on this office for the estimates for the year 1836.

I beg leave to make the following report:

Nearly all the public lands to which the Indian title has been extinguished, have been surveyed as far as it is practicable. There yet remain some surveys of the public lands and private claims in the St. Stephen's land district, which it is presumed will be surveyed during the ensuing winter. Two thousand five hundred dollars will cover the expenses.

Should the government succeed in obtaining the lands of the Cherokee tribe, lying within the limits of the State, and order them surveyed during the next year, an amount of twenty thousand dollars will be required for that purpose, as it is estimated that there are about seventy townships in its limits.

Should the line between Georgia and Alabama be permanently established during the next year, the sum of one thousand dollars will be required for the completion and connection of the public surveys with that line.

The expenses of this office will require:

For salary of surveyor general	$2,000
Clerk and draughtsman, $1,000 each	2,000
Contingent expenses of office, including books for copying original field notes	300
	$4,300

Congress appropriated, at the session before last, twenty-five hundred dollars, and at the last session one thousand dollars more, making thirty-five hundred dollars, "for additional clerk-hire," in order to bring up the arrears, and transcribing the field notes of said office, for the purpose of having them preserved at the seat of government.

Of this sum, fourteen hundred and five dollars and fifty-six cents will have been expended at the close of this quarter. The field notes have all been copied for the General Land Office, and are now being examined, and will be transmitted to the General Land Office during the present autumn. When done, the force will be immediately applied to copying the originals into strong bound books, for preservation in this office.

The fund remaining will be more than sufficient for their completion. The ordinary appropriation for clerk-hire will be sufficient for all the purposes necessary to the prompt and faithful discharge of the duties of this office.

Recapitulation.

Survey of public lands and private claims in St. Stephens land district	$2,500
Survey of Cherokee lands, if acquired	20,000
Survey of Creek lands on Georgia line	1,000
Salary of surveyor general	2,000
Salary of clerk and draughtsman	2,000
Contingent expenses of office	300
	$27,800

All of which is respectfully submitted.

I have the honor to be, with great respect,

JAS. H. WEAKLY.

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

G.

Statement showing the amount of forfeited land stock issued and surrendered at the United States Land Offices to the 30th of September, 1835; also the amount of military land scrip surrendered to the same period.

Land Offices.	State or Territory.	Forfeited Land Stock.		Military Land Scrip.
		Total amount issued at the land offices to the 30th of September, 1835.	Total amount surrendered at the land offices to the 30th of September, 1835.	Total amount surrendered at the land offices to the 30th of September, 1835.
Marietta	Ohio		$15 44	$250 00
Zanesville	do		1,254 82	5,525 42
Steubenville	do	$265 07		125 00
Chillicothe	do	453 22	453 00	6,392 91
Cincinnati	do	7,249 91	6,512 75	550 00
Wooster	do	421 21	64 00	
Lima	do		724 37	3,897 99
Bucyrus	do			6,919 16
Total for the State		8,389 41	9,024 38	23,660 48
Jeffersonville	Indiana	456 06	937 09	3,498 88
Vincennes	do	826 27	960 81	
Indianapolis	do		79 61	20,144 45
Crawfordsville	do		16 22	1,175 00
Fort Wayne	do			1,375 00
La Porte	do			1,153 33
Total for the State		1,282 33	1,993 73	27,346 66
Shawneetown	Illinois	160 00	320 00	
Kaskaskia	do	1,732 60	723 40	
Edwardsville	do		134 72	3,570 83
Vandalia	do		237 89	66 66
Palestine	do			50 00
Springfield	do		160 00	1,886 50
Danville	do			700 00
Quincy	do			300 00
Galena	do			500 00
Chicago	do		15 26	100 00
Total for the State		1,892 60	1,591 27	7,173 99
St. Louis	Missouri			250 00
Fayette	do	8 54		
Palmyra	do			216 08
Total for the State		8 54		466 08
St. Stephens	Alabama	638 73	526 97	
Cahaba	do	1,840 91	1,127 88	
Huntsville	do	1,247 02	1,103 74	
Tuscaloosa	do		198 19	
Demopolis	do		628 43	
Mardisville	do		703 91	
Total for the State		3,726 66	4,289 12	
Washington	Mississippi	913 78	813 78	
Mount Salus	do	473 36	473 36	
Columbus	do		148 21	
Total for the State		1,387 14	1,435 35	
Ouachita	Louisiana		174 00	
Detroit	Michigan		423 69	155 41
Grand total of stock and scrip issued		16,686 68	18,931 54	58,802 62

ETHAN A. BROWN, *Commissioner.*

TREASURY DEPARTMENT, *General Land Office, December 5, 1835.*

H.

Exhibit of the periods to which the monthly accounts of the registers and receivers of the Public Land Offices have been rendered; showing the balance of cash in the receivers' hands, at the date of their last monthly accounts current; and the periods to which the receivers' quarterly accounts have been rendered.

Land Offices.	Monthly returns.		Admitted balance of cash in hands of receivers, per last monthly account current	Period to which the receivers' quarterly accounts have been rendered.
	Period to which rendered by register.	Period to which rendered by receiver.		
Marietta, Ohio	October 31, 1835.	October 31, 1835.	$1,520 23	September 30, 1835.
Zanesville, do.	do. do.	do. do.	11,195 16	do. do.
Steubenville, do.	do. do.	do. do.	1,630 66	do. do.
Chillicothe, do.	do. do.	do. do.	4,158 03	do. do.
Cincinnati, do.	do. do.	do. do.	4,118 79	do. do.
Wooster, do.	do. do.	do. do.	653 94	do. do.
Lima, do.	do. do.	do. do.	64,173 37	do. do.
Bucyrus, do,	do. do.	do. do.	3,886 15	do. do.
Jeffersonville, Indiana	do. do.	do. do.	—	do. do.
Vincennes, do.	do. do.	do. do.	5,043 02	do. do.
Indianapolis, do.	do. do.	September 30, do.	—	do. do.
Crawfordsville, do.	September 30, do.	October 31, do.	29 15	do. do.
Fort Wayne, do.	do. do.	September 30, do.	16,810 85	do. do.
La Porte, do.	do. do.	do. do.	219,554 84	do. do.
Shawneetown, Illinois	October 31, do.	August 31, do.	1,038 87	June 30, do,
Kaskaskia, do.	do. do.	October 31, do.	144 29	September 30, do.
Edwardsville, do.	September 30, do.	September 30, do.	1,340 24	do. do.
Vandalia, do.	do. do.	do. do.	4,990 26	do. do.
Palestine, do.	October 31, do.	October 31, do.	11,148 28	do. do.
Springfield, do.	September 30, do.	September 30, do.	36,577 16	do. do.
Danville, do.	October 31, do.	October 31, do.	52,980 77	do. do.
Quincy, do.	May 31, do.	May 31, do.	23,632 17	March 31, do.
Galena, do.	July 31, do.	July 31, do.	245,956 91	June 30, do.
Chicago, do.	September 30, do.	September 30, do.	1,209 03	September 30, do.
St. Louis, Missouri	October 31, do.	October 31, do.	—	do. do.
Fayette, do.	September 30, do.	September 30, do.	9,879 50	do. do.
Palmyra, do.	do. do.	do. do.	31,366 20	June 30, do.
Jackson, do.	do. do.	do. do.	6,402 29	September 30, do.
Lexington, do.	do. do.	October 31, do.	21,252 92	do. do.
Springfield, do.	do. do.	September 30, do.	124 87	do. do.
St. Stephens, Alabama	May 31, do.	October 31, do.	17,874 27	do. do.
Cahaba, do.	September 30, do.	September 30, do.	46,874 90	June 30, do.
Huntsville, do.	October 31, do.	October 31, do.	11,457 49	September 30, do.
Tuscaloosa, do.	do. do.	do. do.	13,970 02	June 30, do.
Sparta, do.	do. do.	do. do.	6,787 75	September 30, do.
Demopolis, do.	do. do.	do. do.	12,068 46	do. do.
Montgomery, do.	do. do.	do. do.	5,460 57	do. do.
Mardisville, do.	do. do.	September 30, do.	7,873 98	do. do.
Washington, Mississippi	September 30, do.	do. do.	66 05	do. do.
Augusta, do.	October 31, do.	October 31, do.	7,645 66	do. do.
Mount Salus, do,	September 30, do.	September 30, do.	8,154 86	do. do.
Chocchuma, do.	do. do.	do. do.	59,201 72	do. do.
Columbus, do.	May 31, do.	October 31, do.	98,532 56	June 30, do.
New-Orleans, Louisiana	October 31, do.	September 30, do.	—	do. do.
Opelousas, do.	May 31, do.	November 30, 1834.	7,544 15	September 30, do.
Ouachita, do.	September 30, do.	September 30, 1835.	31,761 44	do. do.
St. Helena, do.	do. do.	do. do.	1,570 72	do. do.
Detroit, Michigan	October 31, do.	October 31, do.	—	do. do.
Bronson, do.	September 30, do.	do. do.	194,281 20	do. do.
Monroe, do.	October 31, do.	do. do.	8,943 46	do. do.
Mineral Point, do.	September 30, do.	September 30, do.	55,242 42	do. do.
Green Bay, do.	October 31, do.	October 31, do.	20,879 07	do. do.
Batesville, Arkansas	do. do.	do. do.	28,934 66	do. do.

Exhibit H.—CONTINUED.

Land Offices.	Monthly returns.		Admitted balance of cash in hands of receivers, per last monthly account current.	Period to which the receivers' quarterly accounts have been rendered.
	Period to which rendered by register.	Period to which rendered by receiver.		
Little Rock, Arkansas.....	October 31, 1835.	October 31, 1835.	$13,822 85	September 30, 1835.
Washington, do.	September 30, do.	September 30, do.	2,016 75	do. do.
Fayetteville, do.	do. do.	do. do.	2,430 64	do. do.
Helena, do.	do. do.	June 30, do.	5,750 00	June 30, do.
Tallahassee, Florida.....	July 31, do.	do. do.	18,300 96	do. do.
St. Augustine, do.				

TREASURY DEPARTMENT, *General Land Office, December* 5, 1835.

ETHAN A. BROWN, *Commissioner.*

24TH CONGRESS.] No. 1340. [1ST SESSION.

FINAL REPORTS OF THE BOARD OF COMMISSIONERS ON PRIVATE LAND CLAIMS IN MISSOURI, UNDER THE ACT OF JULY 9, 1832.

COMMUNICATED TO THE SENATE DECEMBER 15, 1835.

GENERAL LAND OFFICE, *December* 10, 1835.

SIR: I have the honor to submit, herewith, for the consideration of the Senate, two bound volumes, containing the final reports of the Boards of Commissioners at St. Louis, under the act of July 9, 1832, entitled, "An act for the final adjustment of private land claims in Missouri," and of the act supplementary thereto, upon the claims to land in that State. One of the volumes contains their reports upon claims Nos. 256 to 345, inclusive, in the *first class*, and the other contains their reports upon claims Nos. 1 to 152, inclusive, except No. 20, which is stated to have been withdrawn by them, in the *second class.*

[For the report upon land claims, Nos. 1 to 142, see vol. 6, No. 1,173, February 5, 1834.
For report upon said claims, from Nos. 143 to 255 inclusive, see vol. 7, No. 1,336, March 3, 1835.]

As the voluminous character of these reports would prevent this office from making duplicate copies thereof for the two Houses of Congress, within a reasonable time, the original reports are now transmitted to the Senate, with a request that they may be placed in the possession of the House of Representatives, whenever the Senate shall have acted upon the subject.

It being very important that this office should be in possession of the *originals* of all the reports upon private land claims, I have to request that those now transmitted may be returned after the final action of Congress thereon.

With great respect, I have the honor to be, &c.

ETHAN A. BROWN.

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

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, Missouri, September* 30, 1835.

TO HON. ETHAN ALLEN BROWN, *Commissioner of the General Land Office:*

SIR: The recorder and commissioners appointed under the act of Congress entitled "An act for the final adjustment of private land claims in Missouri," approved July 9, 1832, and the act supplementary thereto, approved March 2, 1833, beg leave to lay before you the result of their proceedings since the last report.

In prosecuting the examination of the claims, the commissioners have endeavored to confine themselves strictly to the duties prescribed by the laws under which they acted, which require of them "to examine all the unconfirmed claims to land in that State (Missouri), heretofore filed in the office of the said recorder, according to law, founded upon any incomplete grant, concession, warrant, or order of survey, issued by the authority of France or Spain, prior to the tenth day of March, one thousand eight hundred and four; and to class the same so as to show, first, what claims, in their opinion, would in fact have been confirmed, according to the laws, usages, and customs of the Spanish government, and the practice of the Spanish authorities under them, at New Orleans, if the government under which said claims originated and continued in Missouri; and, secondly, what claims in their opinion are destitute of merit, in law or equity, under such laws, usages, customs, and practice of the Spanish authorities aforesaid."

By an examination of the documentary evidence submitted with this and the former reports of the board, it may be readily seen that the practice under the French and Spanish authorities, with the usages and customs

from the first settlement of Louisiana to the time of its delivery to the authorities of the United States, has uniformly been, for those persons having the civil and military government of the provinces, commonly called lieutenant governors, sub-delegates, &c., to grant lands to the inhabitants, and to emigrants to the country, accompanied by an order of survey directed to the surveyor general; and if the duties of that officer did not permit to execute the survey with promptness, the grantee was permitted to take possession of the land as property vested, until such a time as a survey could be had. These concessions and orders of survey were made by the officers from a personal knowledge of the qualifications of the petitioners, or upon letters or certificates of the commandants of the posts within whose districts the applicants lived, and the land was situated. To perfect those incomplete titles, it was necessary for the parties interested to forward their concessions, together with plats and certificates of survey, to the governor or intendant general at New Orleans, who alone was competent to give the titles in form. The difficulty and expense of procuring a survey; the great distance from Upper Louisiana to New Orleans, together with the large amount which it cost to get a title completed; the scarcity of money among the settlers at that early day; and, last though not least, the indulgence uniformly extended to the inhabitants of the provinces by the French and Spanish governments; all, combined, have, in the opinion of the board, rendered the grantees, generally, too supine to take the necessary steps to procure perfect titles.

The confidence and security which the ancient inhabitants of Upper Louisiana had in those incomplete titles, is strongly evidenced by the fact of so few being perfected, even among those who had been in possession under their grants from twenty to forty years previous to the change of government; indeed the whole correspondence held between the governor or intendant general and the lieutenant governors of Upper Louisiana, which has come to the knowledge of the board, shows conclusively that it was assigned to the latter, as sub-delegates, to make the grants, and to the former to perfect the titles. This question has, however, been fully settled by the Supreme Court of the United States, in the case of Chouteau *et al. vs.* the United States; where the court declare the lieutenant governors to be, by virtue of their office, sub-delegates, with power to make grants. It is, perhaps, unnecessary to carry the argument further than it has been done, to sustain the principles which the board laid down as a ground of their report in 1833, to which you are again most respectfully referred, the same having governed in the decisions made on the claims which accompany the present; and it is no small degree of gratification to the members of the board, to find those principles sustained in their most important points, by the supreme judicial authority of the nation, so far as they have been called upon to decide; and it is confidently believed that the remaining points, of minor consideration, will be equally sustained by the same enlightened tribunal, whenever brought before them. In the case above cited, the court goes on to say, that "orders of survey made by the lieutenant governors of Upper Louisiana, are the foundation of title, and are capable of being perfected into complete titles; that they are property capable of being alienated, of being subject to debts; and is, as such, to be held as sacred and inviolate as other property." And, in the case of Charles D. Delassus, the court hold this language, in adverting to the treaty of cession: "The right of property then is protected and secured by the treaty, and no principle is better settled in this country, than that an inchoate title to land is property; independent of treaty stipulations, this right would be held sacred. The sovereign who acquires an inhabited territory acquires full dominion over it; but this dominion is never supposed to divest the vested right of individuals to property. The language of the treaty ceding Louisiana excludes every idea of interfering with private property, of transferring lands which have been severed from the royal domain. The people change their sovereign; their rights to property remain unaffected by the change."

The great difficulty the land claimants had to contend with, was the imputation of fraud cast upon their claims; the instructions of Mr. Gallatin, (the then Secretary of the Treasury,) of the 8th September, 1806, appear to have been founded upon a charge of that nature, and show the imperfect knowledge had at that early day, of the customs and regulations which governed in granting lands in the Spanish provinces. By those instructions, the whole burden of proof was thrown upon the claimant, and a failure in any one point decided the claim to be surreptitious. It was required of the claimant, by the former board, to give evidence of the verity of his papers; this was in many instances impracticable, from the absence of the officer, and the circumstance of no regular records having been kept. And it was further required to show the legal authority of the officer making the grant; this in no instance could be done, as the law of the country was the will of the sovereign, known only through the acts of the officer who represented him. No parol testimony was admitted to establish this fact, nor were there any written laws to be found; and the few letters of instructions which have since been filed in relation to the establishments in Upper Louisiana, were either rejected by or withheld from, the former board. Since the organization of the present board, its members have assiduously sought for the evidence to sustain the *general* charge of *fraud*, which has been made here and elsewhere, against the land claims. Their efforts in that respect have, for the most part, been unavailing; but it is believed they have, in some instances, saved the government from imposition; and it is their conviction that there are but few, if any, of the claims which have been placed in the first class, that would not stand the most rigid scrutiny of a court of justice, and will be found nothing more than what is strictly due to the claimants from the justice of Congress, and the plighted faith of the nation, given in a solemn treaty.

The policy of Spain with regard to her colonies in this country, was evidently of a most liberal and munificent character, and such as has ever characterized the policy of all other European nations towards their American colonies; none looked to their lands as a source of revenue, but distributed them liberally to the settlers; and he who encountered the losses, privations, and dangers, incident to making new establishments in the wilderness provinces in the New World, was considered as one possessing the strongest claims on the bounty of the government; it being a matter of much importance to the former governments of this country to strengthen, by a numerous population, their distant posts on the Mississippi and Missouri rivers, and give to them that permanency of character which would enable them to prevent the inroads of their British neighbors on the north, and hold in check the numerous bands of savages that molested them on every side.

The small number of the first emigrants to Upper Louisiana, and the warlike character of the surrounding tribes of Indians, compelled the pioneer settlers to establish themselves in villages, and to cultivate but small tracts in their immediate vicinity. Anticipating, at some future day, that their numbers would be sufficient to justify them in extending their settlements, they applied to the authorities and obtained grants for more remote tracts, which they looked upon as the future homes of their families, and some remuneration for the many dangers and privations encountered by them in making their first establishments in the country.

The present report includes ninety claims, which are placed in the first class, numbered from 256 to 345, inclusive, and are respectfully recommended for confirmation; and 152 claims which they have placed in the second class, numbered from 1 to 152, inclusive, not considering them possessed of sufficient merit to justify a

report in their favor. The translations of the concessions and other documents appertaining to each class of claims, accompany this report, and are numbered to suit the particular transcripts to which they belong.

Previous to deciding upon the large claim of the heirs and legal representatives of Jacques Clamorgan, which is placed in the second class, No. 152, the board had recourse to all the documents in the different offices connected with the land department, having any connection with this claim, and find it to contain an area of about 80,000 acres, as exhibited by the accompanying plat marked A, within the bounds of which, or interfering with its lines, as designated on the plat, Zenon Trudeau, as lieutenant governor and sub-delegate, granted prior to the 3d day of March, 1797, (the date of the concession by him to Clamorgan,) fifteen hundred and twenty-four arpens, to seven different persons; and, subsequently, to eleven other individuals, twelve thousand and sixty-six arpens. Charles D. Delassus, during the term of his administration, viz. from August, 1799, to the 10th of March, 1804, granted to thirty-nine individuals, twenty-one thousand nine hundred and seventy-eight arpens; all of which have been confirmed by the former board of commissioners and recorder of land titles, with the addition of twenty-three thousand nine hundred and eighty acres, granted to fifty-six claimants, under the 2d section of the act of Congress of 1805, making the aggregate amount of about seventy-six thousand six hundred acres, confirmed by the government of the United States, within, or interfering with the claim now set up by the representatives of Clamorgan, as will be seen by reference to list marked B, obtained from the surveyor general's office at St. Louis, where the names and number of original claimants are set forth; and for the amount of lands entered, within the bounds of this claim, reference is made to list C, obtained from the register of the land office at St. Louis; and it is believed the present board have recommended other claims to the favorable consideration of Congress, which are located within the lines of this tract.

The great importance of this claim has induced the commissioners to make a careful examination of every fact in connection with it. The grants made by Trudeau prior and subsequent to the date of this to Clamorgan, the great number made by his successor Delassus, and the circumstance of the surveyor general having had no notice of the grant made to Clamorgan, as evidenced by his making, or causing to be made, surveys of nearly all the tracts granted, interfering with his claim, would seem to show that this grant to Clamorgan was not regarded by the officers of the Spanish government, or was abandoned by the claimant himself, soon after it was obtained.

The board take occasion to say that the concession, and the accompanying documents, which have been presented to them, give no evidence of being surreptitious, and they feel fully convinced that it was the intention of the government of the country to make the claimant compensation for his expenditures in maintaining a military force to protect the trade on the Missouri; but it is evident, from the subsequent acts of the same officer who made the grant, and his successor, that there must have been some further procedure in relation to the claim, which has not been brought to light before any of the tribunals of this government appointed for the adjustment of land titles; and it is further evidenced by the acts of the surveyor general of Upper Louisiana, (an officer known to be punctilious in the discharge of his duty,) that he never could have been notified by Clamorgan of his grant, or the surveys under his jurisdiction, subsequent to the date of this grant, would not have been permitted, and the lieutenant governor would have been notified by the surveyor of the interference of Clamorgan's grant with the seven claims previously granted and surveyed. These circumstances induce the board to believe that the claimant abandoned his claim, with the knowledge of the officers, to seek remuneration otherwise, or has been guilty of a neglect of his privileges under the grant, which would amount to a forfeiture. The board, therefore, could not recommend this claim for confirmation, believing that, had the government of Spain been continued over this country to this day, the tract, as designated, would not be confirmed to the claimants; but it is more than probable that, if the remuneration had not been made, which seems was intended by this grant, a location might be permitted in some part of the domain where it would not be prejudicial to others.

The board regrets to say, they have not been able to complete the investigation of all the claims in Missouri that the laws, under which they acted, made it their duty to examine. The prevalence of the cholera, and resignation of Mr. Updike, prevented a report being made the first year; and, subsequently, the resignation of Messrs. Linn and Harrison, and other unavoidable interruptions of the proceedings, left long intervals in which the board was not full; and being under the belief that it required the attendance of all its members to make decisions, little else was done in those intervals than to take testimony and prepare the transcripts from the old records.

There yet remains to be acted on about seven hundred claims within the State of Missouri, and it is respectfully but earnestly recommended to Congress to continue the investigations until the business is finally completed. This, we think, is due to the interests of both the state and general governments, as well as to that of the individuals immediately concerned. It should not be concealed, that the recent decisions of the Supreme Court have created much uneasiness among persons holding title to lands, under the United States, which are claimed by concessions and orders of survey under the French and Spanish governments. If we understand the decisions of the court correctly, the treaty of cession protects those claims as private property, and the United States are bound to perfect the incomplete grants made by the former governments. This being the case, we conceive it to present a subject of great and important consideration, calling for the early action of Congress. Appeals to the judiciary, by claimants, to establish their rights vested under a former government, and guaranteed by treaty, will seldom be forced upon them by the government of the United States, and certainly never, when Congress is properly informed on the subject.

The plan adopted by the board in making up the transcripts of the claims, exhibits, at one view, the whole subject, and will enable Congress to dispose of them according to their respective merits.

It is a work of much time and labor to trace the claims through the old records, which are voluminous and defective in their arrangement; but it is thought by the board, that all the claims within the State of Missouri which have been recorded and not reported on, might be fully examined and classed in two years after the reorganization of the board, provided Congress should pass an act to that effect.

JAMES H. RELFE,
FALKLAND H. MARTIN,
F. R. CONWAY.

No. 256.—*William McHugh, sr., claiming* 640 *acres.*

No.	Name of original claimant	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
256	William McHugh, sr.	640	Settlement right.		1,320 arpens by John Harvey, D. S., 14th February, 1806; certified by A. Soulard, surveyor general, 21st February, 1806; Ramsay's creek, 45 miles N. W. of St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *December* 15, 1813.—James Morrison, assignee of William McHugh, sr., claiming 800 arpens of land on Bryan's, otherwise called Lost creek, county of St. Charles.

Frederick Dickson, duly sworn, says that witness saw claimant, McHugh, sr., inhabiting this tract of land in 1802, at which time he had corn for his use. In the following year, 1803, said McHugh, sr., raised good crops of corn, wheat, &c., and still inhabited the premises, and moved off to avoid the Indians, who made an inroad into the settlements in the fall of 1803. To the best of witness's recollection McHugh, sr., had a wife and eight children living with him in 1803. McHugh died two years, or about that time, having remained in the settlement until his death with his family, or that part thereof as escaped the scalping-knife, several of them having been killed by the Indians. (See Bates's minutes, page 78.)

(The following ought to have been entered first:)

August 7, 1807.—The board met pursuant to adjournment. Present: the Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

James Morrison, assignee of William McHugh and wife, claiming 1,320 arpens of land, under the second section of the act of Congress of March 2, 1805, produces a deed from said McHugh and wife, dated April 23, 1803, and a plat and certificate of survey, dated February 14, 1806, and certified February 21, same year.

Jonathan Bryant, being duly sworn, says that he knows the above claim, and that William McHugh settled on it in 1801, and lived in a camp until some time in July of the same year; planted about two acres of corn and tended it; and that he and the greatest part of his family was taken sick and moved away; and that he had a wife and nine children at that time.

William Ewing, duly sworn, says that the said McHugh had some of his cattle killed by the Indians, and the witness says he saw the Indians carrying away some beef that they had killed, at the same time, and that he was living in the house with said McHugh, and that he was alarmed, and believed that the said McHugh and the rest of his family were also; that in consequence they all moved off, and that they were ten or twelve miles beyond any other settlement, and that the said McHugh had three children killed by the Indians at the place of his last removal, about the year 1804. Laid over for decision. (See book No. 3, page 54.)

December 2, 1809.—Board met. Present: John B. C. Lucas and Frederick Bates, commissioners.

James Morrison, assignee of William McHugh, claiming 1,320 arpens of land. (See book No. 3, page 54.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 218.)

July 6, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

William McHugh, sr., alias McGue, claiming 640 acres, joining the tract of William Ramsay, sr., on Ramsay's lick.

Ira Cottle, being duly sworn, says that he well knew McHugh; that he had a considerable large family; that he had a house and a truck-patch on said piece of land, adjoining Ramsay's lick; that McHugh was on said piece of land in 1803, and that his children were killed on said place, by the Indians, in 1804. (See No. 6, page 215.)

February 15, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

William McHugh, sr., by his assignee, James Morrison, claiming 640 acres of land, situate about forty-five miles northwest of St. Charles. (See record-book B, page 369; book F, page 112; recorder's minutes, page 78; Bates's decisions, page 33.)

Produces a survey of 1,320 arpens, executed by John Harvey, D. S., dated February 14, 1806, and certified by Antoine Soulard on February 21, 1806.

Nathaniel Simonds, being duly sworn, says that he is fifty-eight years of age; that he became acquainted with the original claimant, McHugh, in the spring of the year 1802, and knows the tract claimed; that in May or June of the year 1803, he was on said tract, and saw corn, potatoes, cabbages, and such vegetables as was usual at that time to plant, growing on said place. He does not now recollect how much was then in cultivation, but supposes there were some four, five, or six acres, which were enclosed by a fence. There was a cabin and smoke-house on the place at the time above mentioned. He further says, that McHugh had at that time eight or ten children; that this settlement was about fifteen miles from the main settlement; that the neighboring Indians were considered hostile; that there had been Indian signs seen near McHugh's; a cow beast had been killed, as supposed by them, and this deponent had gone there to aid McHugh to collect his stock and remove his family to the main settlement, which they did immediately; that in September, 1804, the Indians killed three of the sons of said McHugh; that said McHugh continued to reside in the country until his death, which took place about the year 1809 or 1810. (See book No. 6, page 499.)

October 8, 1834.—The board met pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

In the case of William McHugh, alias McGue, claiming 640 acres of land. (See book No. 6, page 215.)

The testimony here below was taken by G. A. Harrison, late commissioner, under a resolution of the board, passed May 13, 1833.

Clarksville, *May* 24, 1833.—James Burnes, being duly sworn, upon his oath says, that at least two

years before a change of government, and at the same time that William Ramsay came to that place, said McHugh cultivated a place on McHugh's creek; that after Ramsay was driven off by the Indians, about 1804, said McHugh was put in possession of said Ramsay's land, by Ramsay, as he supposes; that said McHugh had at that time a wife and nine children.

Joseph McCoy, being duly sworn, upon his oath says, that having heard the above testimony of James Burnes, the same is in all things substantially true, as he believes and recollects. (See book No. 7, page 20.)

June 8, 1835.—The board met pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

William McHugh, sr., claiming 640 acres of land. (See book No. 6, page 215; No. 7, page 20.)

The board are of opinion that 640 acres of land ought to be granted to the said William McHugh, sr., or to his legal representatives, according to possession. (See book No. 7, page 168.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 257.—*William Ramsay, sr., claiming* 748 *arpens* 8 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
257	William Ramsay, sr.	748 8 pr.	Settlement right.		John McKinney, D. S. 20th February, 1806; received for record by A. Soulard, surveyor general, February, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 5, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Ramsay, claiming 748 arpens 68 (8) perches of land, district of St. Charles. Produces record of a plat of survey, dated February 20, 1806, certified February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 485.)

March 26, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Ramsay, sr., claiming 748 arpens 8 perches of land, situate on Ramsay's creek. (See record-book B, page 239; minutes, No. 5, page 485.)

The following testimony was taken in Clarksville, on May 24, 1833, by A. G. Harrison, then one of the commissioners:

Ralph H. Flaugherty, duly sworn, says, that before the change of government took place, William Ramsay was living on a tract of land on a creek called Ramsay's creek, named after the claimant; that said Ramsay's family, while living there, having been taken sick, he left there and came down to witness's father's house, where he stayed some time. Witness says he does not recollect certainly the precise time that Ramsay was in possession of said land, but is sure it was before the change of government took place. At the time that Ramsay was in possession of said land, he, the said Ramsay, had a wife and five children.

James Burnes, being duly sworn, upon his oath says, that at least two years before the change of the Spanish to the American government, he knew the said William Ramsay cultivated a farm on what is now called Bryan's creek; that on said creek there is a spring called Ramsay's lick, which is on the above tract of land; that said Ramsay had houses, stables, and a field of at least twenty acres; was in the habit of selling corn to the neighborhood. That one Bryan also lived on said creek, near the above, from whom said creek took its name; that said creek is frequently mistaken for another creek higher up, called Ramsay's creek, where said Ramsay made a hunting-camp, and split some rails; that at the time of the possession aforesaid, said Ramsay had a wife and several children; that said land is about ten or eleven miles below Clarksville, and about two miles and a half above where said Bryan's creek empties into King's lake; that witness has frequently been at Ramsay's house, and would be able now to identify the place.

Joseph McCoy, being duly sworn, upon his oath says, that before the change of the Spanish government he was quite a youth, and lived near where Troy now stands, about sixteen or seventeen miles from the land above described; that he does not recollect ever to have been at Ramsay's before the change of government, but often heard it said that the said Ramsay lived at a place on the creek now called Bryan's creek, near a Mr. Bryan, who gave name thereto; that he has since frequently seen the improvements of said Ramsay. He further says that he has frequently heard many persons call said creek Ramsay's creek, through mistake, as he supposes, from the circumstance of Ramsay's lick being thereon; that Ramsay's creek is higher up, where he understands Ramsay made a hunting-camp, and split some rails; that Bryan's creek is even yet frequently mistaken for Ramsay's creek; that he has often been called on to know if he could show certain lands on Ramsay's creek, (so expressed by the inquirer;) that in course of conversation he would ascertain it was on Bryan's creek, (now so called,) and that he knew the places well. That Bryan's creek was by them called Ramsay's creek, but he always called another creek higher up Ramsay's creek.

Jonathan Bryant, being duly sworn, says that, in 1801, at what is called Ramsay's lick, on Bryan's creek, William Ramsay, sr., settled and cultivated a tract of land, made some improvements, as building cabins, clearing ground, &c., and left there in company with witness on account of sickness, in 1801, and left a man by the name of McHugh to take care of the place.

Joshua Stogsdill, being duly sworn, says that William Ramsay, sr., lived on and cultivated a place on Bryan's creek, in 1801 or 1802; that witness lived with said Ramsay on said place about eight weeks, at the time said Ramsay's family was sick, and left there a few days before the death of his wife; that said Ramsay

had about fifteen or twenty acres of corn, stables, and other buildings on said place. (See book No. 7, page 105.)

The following testimony was taken and entered on the minutes, on the 6th of July, 1833, but was not then transcribed, the agent for claimant having entered this claim, by mistake, for 1,100 arpens, which quantity was not found of record:

July 6, 1833.—L. F. Linn, commissioner, appeared, pursuant to adjournment.

William Ramsay, sr., by his legal representatives, claiming 1,100 (748 8 perches) arpens of land, situated on Ramsay's lick.

Ira Cottle, being duly sworn, says that he knew William Ramsay, sr., in 1802; that he then was cultivating land on Bryan's creek, at the saline, since called after him, Ramsay's lick; that said Ramsay cultivated on a grand scale, had a considerable stock, had quite a large farm, and was strong handed; that he understood, and believes, that, about the year 1804, he is not now certain of the year, there were several families killed in Mr. Ramsay's neighborhood; that McHugh's family were killed, and this was the cause of Ramsay's leaving said place. (See book No. 6, page 214.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

William Ramsey, sr., claiming 748 arpens and 8 perches of land. (See book No. 6, page 214; No. 7, 105.)

The board are of opinion that 748 arpens and 8 perches of land ought to be granted to the said William Ramsey, sr., or to his legal representatives, according to the survey. (See book No. 7, page 169.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 258.—*Benjamin Gardiner, claiming* 750 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
258	Benjamin Gardiner.	750	Settlement right.		Daniel Boon, D. S. 24th February, 1806. Received for record by Soulard, February 28, 1806. On the Missouri.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 19, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Benjamin Gardiner, heirs of, claiming 750 arpens of land, situate in Missouri, district of St. Charles, produces record of a plat of survey, dated 24th, and certified 28th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 426.)

January 27, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Benjamin Gardiner, by his heirs, claiming 750 arpens of land. (See record-book B, page 255; minutes, No. 5, page 426.)

Jonathan Bryan, being duly sworn, says that he is in the 76th year of his age; that he came to this country in the year 1800, in company with Benjamin Gardiner, in whose right the above tract is claimed; that he knows the tract claimed; that Gardiner built a cabin on the place in the latter part of the year 1801, and moved in it in that year; that in the year 1802 he raised a crop of corn on the place, he thinks about five acres. The said Gardiner had no wife; his sister lived with and kept house for him. Witness thinks he continued to occupy the place about one year; he was in the habit of hunting and trapping; that he made three trips of from four to six months each. He started on a fourth trip, and was taken sick and returned to the settlement, and died in the year 1805; that said Gardiner raised a crop of corn at Samuel Watkins's, in the year 1801, about five miles from the place claimed. (See book No. 7, page 94.)

March 9, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Benjamin Gardiner, claiming 750 arpens of land. (See No. 7, page 94.) Isaac Darst, being duly sworn, says that he is in the 46th year of his age; that he was well acquainted with Benjamin Gardiner, and knows the tract of land claimed; that Gardiner was neighbor to witness's father; that he settled the place claimed in the year 1802, and in that year, or in 1803, he, witness, saw corn growing on the said place; that Gardiner had at that time some eight or ten acres enclosed, and about half that quantity under cultivation in corn. Gardiner went out frequently on hunting expeditions. The last trip he made he was taken sick while out, was brought into the settlement, and died in a short time thereafter. Witness was present at his death. He was a single man, and appeared to be above the age of 21 years at the time he settled the place, and was well thought of by his neighbors. (See No. 7, page 101.)

March 27, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Benjamin Gardiner, claiming 750 arpens. The following testimony was taken in June, 1833, by A. G. Harrison, esq., then one of the commissioners:

Joshua Stogsdill, duly sworn, says that, in the year 1802 or 1803, he passed by a place in Darst's bottom, on the Missouri river, which place Benjamin Gardiner was then improving; that said Gardiner had on said place a cabin and several acres of cleared ground, and was living there at the time mentioned; that said Gardiner left there shortly afterward, and David Bryant succeeded him, in 1803, and cultivated and improved the same place.

John Manly, being duly sworn, says that witness came to the country in the spring of 1804, and that Benjamin Gardiner had settled the fall before in Darst's bottom, on the Missouri; that he had a small piece of cleared ground on said place and a cabin; that he resided there about two years, and that said Gardiner told witness that he had sold his claim on that place to David Bryant. (No. 7, page 109.)

May 7, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

In the case of Benjamin Gardiner, claiming 750 arpens of land. (See book No. 7, pages 93, 101, and 109.)

William Hays, being duly sworn, says he is near 54 years of age; that he knows of Benjamin Gardiner, the claimant, clearing several acres of land on the tract now claimed, in the year 1802, and in the same year said Gardiner had a potato patch, and planted and raised a crop of corn. Deponent thinks said Gardiner had in that year about seven acres under fence. This tract claimed is situated on the north side of the Missouri river, between the said river and the lands of Daniel M. Boon and of John Linsay. Witness further says, he does not know of said Gardiner cultivating said land for more than one year; he followed hunting, was a single man, and appeared at that time to be upward of twenty years of age. In the year 1801, claimant lived on the land of one Samuel Watkins, and there raised a crop of corn, his sister, a widow, living at that time with him. (See book No. 7, page 143.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Benjamin Gardiner, claiming 750 arpens of land. (See book No. 7, pages 93, 101, 109, and 143.)

The board are of opinion that 750 arpens of land ought to be granted to the said Benjamin Gardiner, or to his legal representatives, according to possession. (See book No. 7, page 169.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 259.—*George Girty, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
259	George Girty.	640	Settlement right.		Near town of St. Charles.

EVIDENCE WITH REFERENCE TO RECORDS AND MINUTES.

ST. LOUIS, *December* 31, 1813.—The legal representatives of George Girty, claiming 640 acres of land, county of St. Charles, near the town.

George K. Spencer, duly affirmed, says, that in 1799 he was at the house of Girty on this tract; he then inhabited the tract with his family at that time, and cultivated the same; continued to inhabit and cultivate until the year 1801, when he removed, after having, as witness believes, raised a crop on this tract. Almost every year to this time, this tract has been inhabited and cultivated by others. Witness believes that the representatives of Peché inhabited and cultivated this tract in 1803, and throughout that year, including December 20. (Bates's minutes, page 134.)

July 6, 1838.—L. F. Linn, esq., appeared, pursuant to adjournment.

George Girty, by his legal representatives, claiming 640 acres of land near the village of St. Charles. (See Bates's minutes, page 134; Bates's decisions, page 37.)

Ira Cottle, duly sworn, says that he knew said Girty; he thinks it was about the year 1800; that said Girty then lived about half a mile from the village of St. Charles; that he had a house and lived there with his family, and had several children; that said Girty resided there some time. Deponent does not recollect how long, and then went on the Dardenne, where he died. (See book No. 6, p. 216.)

March 26, 1835.—F. R. Conway appeared, pursuant to adjournment.

George Girty, claiming 640 acres of land. (See book No. 6, page 216.)

The following testimony was taken by A. G. Harrison, esq., in May, 1833:

Ralph H. Flaugherty, duly sworn, says, that in the winters of 1799 and 1800, he saw George Girty in a habitation about a mile west of St. Charles; that, at that time, he had a house and a field of about five or six acres improved around the house; he had also fruit-trees planted on the place, and that he knew the said Girty to live there two or three years after the time he first saw him. He had been living there some time before witness saw him, judging from the appearance of the improvements; that said Girty, at the time witness first saw him, had a wife and five or six children, perhaps more.

Peter Teague, being duly sworn, says, that to the best of his knowledge, in the month of June, 1798, George Girty was living on a place about half a mile or three quarters of a mile northwest of St. Charles; that he had a small improvement on it with some fruit-trees, and that he lived there about three, four, or five years, cultivating the same, and had a wife and five children.

Noel John Prieur, being duly sworn, says that George Girty lived on, and cultivated a piece of land near a mile west of St. Charles; that said Girty had a field of about four acres, a house and an orchard on said place; that the time spoken of was before the change of government, and that he remained there three or four years; that he left said place, as witness now recollects, before the change of government, and moved on Dardenne, where he made an improvement; that said Girty told witness he had a concession for his place on Dardenne; that said place of Girty is in what are now the commons of St. Charles. (See book No. 7, page 107.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

George Girty, claiming 640 arpens of land. (See book No. 6, page 216; No. 7, page 107.)

The board are of opinion that 640 acres of land ought to be granted to the said George Girty, or to his

legal representatives, according to possession; the same having been inhabited and cultivated before Delassus granted an increase to the common of St. Charles, which is now said to embrace this claim. (See book No. 7, page 170.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 260.—*John Rourke, claiming* 756 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
260	John Rourke.	756	Settlement right		James Mackay, D. S, December 16, 1805. Received for record February, 1806, by A. Soulard, S. G.; on river Dardennes, St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Rourke, claiming 756 arpens of land, situate on Dardenne, district of St. Charles; produces record of a plat of survey, dated 16th December, 1805, certified February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 490.)

ST. LOUIS, *December* 29, 1813.—John Rourke, claiming 756 arpens of land, on Dardenne, in county of St. Charles.

William Dum, duly sworn, says that in June or July, 1802, saw this tract, and saw rails mauled and ground cleared. In 1803 saw corn growing, fences and cabin; did not at those times know that this was Rourke's claim; was afterward informed so. (See Bates's minutes, page 131.)

March 27, 1835.—F. R. Conway appeared, pursuant to adjournment.

John Rourke, by his legal representatives, claiming 756 arpens of land on river Dardenne. (See record-book D, page 256; commissioners' minutes, book No. 5, page 490; Bates's minutes, page 131.)

The following testimony was taken in May, 1822, by A. G. Harrison, esq., then one of the commissioners:

Ralph H. Flaugherty, being duly sworn, says that he knew John Rourke; that said Rourke lived on Dardenne, on a tract of land which he claimed, just below Arend Rutgers; that at the time witness saw him living there, he had a cabin, and a small field around it in cultivation; that to the best of witness's recollection, the time that Rourke lived there was about the last of the reign of the Spanish government, or shortly after. (No. 7, page 108.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Rourke, claiming 756 arpens of land. (See book No. 7, page 108.)

The board are of opinion that 640 acres of land ought to be granted to the said John Rourke, or to his legal representatives, to be taken within the original survey. (See book No. 7, page 170.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 261.—*Mordicai Bell, claiming* 350 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor and Commander-in-chief of Upper Louisiana, &c.:*

Mordicai Bell, a Roman Catholic, has the honor to represent that, with the consent of your predecessor, he came over to this side, (of the Mississippi,) where he has selected a piece of land in his Majesty's domain, on the south side of the Missouri. This being considered, he supplicates you to have the goodness to grant him, at the same place, for the support of his family, the quantity of three hundred and fifty arpens of land in superficie. The petitioner having the means necessary to improve a farm, and having no other views but to live as a peaceable and submissive cultivator, hopes to obtain the favor he solicits.

ST. ANDRE, *January* 21, 1800.

his
MORDICAI × BELL.
mark.

Be it forwarded to the lieutenant governor, with the information that the statement hereabove is true, and that the petitioner deserves the favor which he solicits.

ST. ANDRE, *January* 21, 1800. SANTIAGO MACKAY.

ST. LOUIS OF ILLINOIS, *January* 29, 1800.

In consequence of the information of the commandant of St. Andrew, Don Santiago Mackay, I do grant to the petitioner the tract of land of three hundred and fifty arpens in superficie, which he solicits, provided it is not

prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the said quantity of land he asks for, in the place indicated; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of land belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 12. MACKAY.

St. Louis, *April* 15, 1835.

I certify the above and foregoing to be truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
261	Mordicai Bell.	350	Concession; 29th January, 1800.	C. Dehault Delassus.	James Mackay, D. S., January 21, 1806; recorded by Soulard, surveyor general, January 27th, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Amos Stoddard, assignee of James Mackay, assignee of Mordicai Bell, claiming 350 arpens of land, situate near the town of St. Louis, district of St. Louis, produces a plat of survey, dated 21st January, 1806, certified 27th January, 1806. Conveyance from Bell to Mackay, dated 29th May, 1804; from Mackay to claimant, dated 26th September, 1805.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 359.)

March 30, 1835.—F. R. Conway, Esq., appeared, pursuant to adjournment.

Mordicai Bell, by the legal representatives of Amos Stoddard, claiming 350 arpens of land, situate in the grand prairie, near St. Louis. (See record-book A, page 93; book D, page 361; and minute-book No. 5, page 359.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 29, 1800. Also, deed of conveyance from Mordicai Bell to James Mackay, and deed from said Mackay to Amos Stoddard.

M. P. Le Duc, being duly sworn, says that the signature to the concession is in the proper handwriting of Charles Dehault Delassus. Witness further says that, in the year 1804, he went, in company with Major Stoddard and several other gentlemen, to the place now claimed, and from that time the said place has always been called Stoddard's mound. (See book No. 7, page 110.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Mordicai Bell, claiming 350 arpens of land. (See book No. 7, page 110.)

The board are of opinion that 350 arpens of land ought to be confirmed to the said Mordicai Bell, or to his legal representatives, according to the survey on record, in book D, page 362. (See book No. 7, page 170.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 262.—*Antoine Lamarche, claiming* 750 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
262	Antoine Lamarche.	750	Settlement right.		John Harvey, D. S., December 20, 1805; received for record, February 27, 1806, by A. Soulard, S. G.; District of St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 23, 1811.—Board met. Present: J. B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Antoine Lamarche, claiming 750 arpens of land, situate on Lamarche's creek, district of St. Charles; produces record of a plat of survey, dated December 20, 1805, and certified February 27, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 444.)

March 31, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Antoine Lamarche, by his legal representatives, claiming 750 arpens of land on Lamarche's creek, in St. Charles county. (See record-book B, page 264; book No. 5, page 444.)

The following testimony was taken in May, 1833, by A. G. Harrison, then one of the commissioners:

Pierre Palardi, being duly sworn, says that he knew Antoine Lamarche; that said Lamarche lived on and cultivated a tract of land on Lamarche's run, four or five years, under the Spanish government; that at that time he had a wife and four children. The land spoken of is in St. Charles county.

Etienne Quenelle, being duly sworn, says that, having heard read the evidence of Pierre Palardi, as above, he knows the same facts, and makes the same his own.

Ralph H. Flaugherty, being duly sworn, says that he knew the said Lamarche; that he lived on a tract of land on a creek now called Lamarche's creek, under the Spanish government, as witness believes; that he had a house and a field on said land; that he had a wife and several children at that time. (See No. 7, page 111.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Antoine Lamarche, claiming 750 arpens of land. (See book No. 7, page 111.)

The board are of opinion that 750 arpens of land ought to be granted to the said Antoine Lamarche, or to his legal representatives, according to the survey on record in book B, page 264. (See No. 7, page 171.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 263.—*Samuel Holmes, claiming* 840 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
263	Samuel Holmes.	840	Settlement right.		Daniel M. Boon, D. S., February 24, 1806. Received for record by Soulard, surveyor general, February 28, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Samuel Holmes, claiming 840 arpens of land, situate in Peruque, district of St. Charles. Produces record of plat of survey, dated February 24, and certified February 28, 1806.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 432.)

March 31, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Samuel Holmes, by his legal representatives, claiming 840 arpens of land on Peruque. (See minute-book, No. 5, p. 432; record-book B, page 252.)

The following testimony was taken in May, 1833, by A. G. Harrison, esq., then one of the commissioners:

Etienne Quenelle, being duly sworn, says that he knew Samuel Holmes lived on Peruque from his first recollection, and that he, witness, is forty-seven or forty-eight years old; that Holmes lived there a long time before the change of government; that he had a wife and children.

Joseph Chartran, being duly sworn, says that he knew said Holmes; that he lived on the north side of Peruque, under the Spanish government; that he had a wife and three children. He had an orchard on the place, and was well fixed.

Daniel Keathly, being duly sworn, says that, in the month of November, 1803, he met with Samuel Holmes, who was then a stranger to witness; that said Holmes requested witness to show him some land to settle on; that witness took him on Peruque, somewhere about half-way from the mouth to the head of it; that said Holmes commenced immediately to make improvements on the land which witness had showed to him; built a cabin on the same, and cultivated said land. (See book No. 7, page 112.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Samuel Holmes, claiming 840 arpens of land. (See book No. 7, page 112.)

The board are of opinion that 640 acres of land ought to be granted to the said Samuel Holmes, or to his legal representatives, to be taken within the original survey. (See book No. 7, page 171.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the above transcript, and concur in the decision.

F. H. MARTIN.

No. 264.—*Vincent Lafoix and Nicholas Plante, claiming* 416 *arpens.*

ST. GENEVIEVE, *January* 17, 1797.

To Don FRANCIS VALLE, *Captain and Civil and Military Commandant of the post of St. Genevieve:*

SIR: The undersigned have the honor to represent that they wish to obtain from you a tract of land on a branch of the river establishment, commonly called La fourche à Duclos, (Duclos's fork,) in which place each of your petitioners has selected eight arpens in width by forty arpens in length, to begin ten arpens below a cave which is on the bank of said river, and the forty arpens to be taken ascending the said river; for which (tracts)

the petitioners ask of you, sir, to grant them a concession in full property for them and their heirs, and they will pray for your preservation and prosperity.

his
VINCENT × LAFOIX.
mark.
his
NICOLAS × PLANTE.
mark.

ST. LOUIS, *November* 13, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Messrs. Vincent Lafoix and Nicolas Plante in possession of the land they ask for in the foregoing petition; and afterward he shall make out a plat and certificate of his survey, and the whole shall be sent back to us to be forwarded to the commandant general of the province, for him to determine definitively upon the concession of the said land.

ZENON TRUDEAU.

Don ANTONIO SOULARD, *Surveyor General of the settlements of Upper Louisiana.*

ST. LOUIS OF ILLINOIS, *May* 17, 1798.

I certify that, on the 15th of December of last year, (by virtue of the foregoing decree of the lieutenant governor of these settlements of Illinois, Don Zenon Trudeau,) I went on the land of Vincent Lafoix and Nicolas Plante, in order to survey the same, conformably to their demand of two hundred and twenty-four arpens in superficie, which measurement was taken in presence of the proprietors with the perch of Paris of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ east, as evinced by the preceding figurative plat. The said land is situated at about nine miles west of the post of St. Genevieve, and bounded as follows: to the N. E. and N. W. by vacant lands of his Majesty's domain; to the S. W. by lands of Michael Placette; and to the S. E. by the banks of the river establishment. In testimony whereof, I do give these presents, together with the foregoing figurative plat, on which are indicated the dimensions and the natural and artificial limits which surround the same.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS, *April* 14, 1835.

I certify the above and foregoing to be truly translated from the original papers filed in this case.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
264	Vincent Lafoix and Nicolas Plante.	416	Concession, November 13, 1797, for 640 arpens.	Zenon Trudeau.	224 arpens, by A. Soulard, December 15, 1797. Certified by same May 17, 1798. On river establishment.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 3, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Vincent Lafoix and Nicolas Plante, by their legal representatives, claiming 640 arpens of land, situate on the waters of establishment. (See record-book C, page 72; Bates's decisions, page 65, wherein 224 arpens of said claim are confirmed.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated November 13, 1797; also a plat and certificate of survey for 224 arpens. Said survey was made on December 15, 1797, and certified on May 17, 1798, by Antoine Soulard.

M. P. Le Duc, duly sworn, says that the signature to the concession is in the proper handwriting of Zenon Trudeau, then lieutenant governor, and that the signature to the plat and certificate of survey is in the proper handwriting of Antoine Soulard, surveyor general.

The following testimony was taken on May 4, 1833, in St. Genevieve county, by L. F. Linn, esq., then one of the commissioners:

John Baptiste Vallé, aged about 72 years, being first duly sworn, as the law directs, deposeth and saith, that he was well acquainted with the said Nicolas Laplante, alias Plante, and Vincent Lafoix, and that they and each of them at the date of the grant, were citizens and residents in the then province of Upper Louisiana, and that they continued to be citizens and residents till the time of their death; that he knows the grantees made sugar on the place at an early day.

J. B. VALLÉ.

Sworn to and subscribed before me, this 4th day of May, 1833.

L. F. LINN, *Commissioner.*

(No. 7, page 115.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Vincent Lafoix and Nicolas Plante, claiming 640 arpens of land. (See book No. 7, page 115.)

The board are of opinion that 416 arpens of land ought to be confirmed to the said Vincent Lafoix and Nicolas Plante, or to their legal representatives, extending the survey already made to the above quantity of 640 arpens. (See book No. 7, page 171.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 265.—*John Stewart, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
265	John Stewart.	640	Settlement right.		Survey on record, without date or signature.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 4, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Stewart, claiming 640 acres of land, situate in the district of St. Genevieve. (See record-book C, page 510.)

The following testimony was taken by F. R. Conway, esq., at Potosi:

John McNeal deposeth and saith that, in the fall season of the year 1802, he stayed all night with John Stewart, and that said Stewart had raised his cabins some short time before; one was a very large cabin of good logs, much larger and higher than any built at that time, and the other a small cabin of the usual size, adjoining the large one; witness ate supper and breakfast with said Stewart. In the summer of 1803, witness passed a night, and ate supper and breakfast with the said Stewart, and then saw a field of good-looking corn growing near claimant's house, and witness told claimant that he had a large field of good corn; the said Stewart replied that it might not be as large as I thought, and asked me how much I supposed there was. I told him I supposed there was eight or ten acres. He said no, there is but six or seven acres in corn. Witness further says, that Moses Austin told him that the said John Stewart was entitled to land from the Spanish government, as one of said Austin's followers. Said Stewart's field was under good fence, and witness thinks, from the part he saw, that it was generally made of split rails. The said Stewart claims 640 acres of land, and witness never heard that he claimed any other land for his head or improvement right.

JOHN T. McNEAL.

Sworn to and subscribed before me, at Potosi, Missouri, this 8th day of May, 1834.

F. R. CONWAY.

(See No. 7, page 116.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Stewart, claiming 640 acres of land. (See book No. 7, page 116.)

The board are of opinion that 640 acres of land ought to be granted to the said John Stewart, or to his legal representatives, according to possession. (See book No. 7, page 171.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 266.—*William Meek, claiming* 500 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant-Colonel, attached to the stationary regiment of Louisiana, Commander-in-chief of Upper Louisiana, &c.*

William Meek, a Roman Catholic, has the honor to represent that, with the permission of the government, he came over to this side, where he has selected a tract of land in the domain of his Majesty, for the purpose of making a plantation; therefore, he supplicates you to have the goodness to grant him, at the place he has selected, a tract of land corresponding to the number of his family, which is composed of himself, his wife, and six children. The petitioner, having sufficient means to improve a piece of land, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to deserve the favor he solicits.

ST. ANDRE, *June* 4, 1803.

WILLIAM $\overset{\text{his}}{\underset{\text{mark.}}{\times}}$ MEEK,

Be it forwarded to the lieutenant governor, together with the information that the above statement is true, and that the petitioner is worthy to obtain the favor he solicits.

ST. ANDRE, *June* 4, 1803.

ST. YAGO MACKAY.

ST. LOUIS OF ILLINOIS, *June* 8, 1803.

In consequence of the information given by Don Santiago Mackay, commandant of the post of St. André, by which the number (of persons) composing the family of the petitioner is proven, the surveyor, Don A. Soulard, shall put him in possession of five hundred arpens of land in superficie, in the place asked for, said quantity corresponding to the number of his family, conformably to the regulation made by the governor general of the province, and afterward the interested shall have to solicit the title of concession in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting of all classes of lands in the royal domain.

CARLOS DEHAULT DELASSUS.

RECORDER'S OFFICE, *St. Louis, June* 9, 1835.

I certify the above and foregoing to be truly translated from book B, page 198, of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
266	William Meek.	500	Concession, June 8, 1803.	Carlos Dehault Delassus.	James Mackay, D. S. November 14, 1803; received for record by A. Soulard, S. G., Feb. 27, 1806; on the Missouri.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 1, 1835.—F. R. Conway, esq., appeared pursuant to adjournment.

William Meek, by his legal representatives, claiming 500 arpens of land on the Missouri. (See record-book B, page 198.)

The following testimony was taken in June, 1833, by A. G. Harrison, then one of the commissioners:

John Manly, being duly sworn, says that he came with said Meek to this country; that said Meek settled on a place on the Missouri, about four miles above the mouth of Chorette; that witness, in the spring of 1804, assisted said Meek in clearing ground and putting in a crop on said place; that a short time after putting in the crop, said Meek took sick and died. (See book No. 7, page 113.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

William Meek, claiming 500 arpens of land. (See book No. 7, page 113.)

The board are of opinion that this claim ought to be confirmed to the said William Meek. or to his legal representatives, according to the survey recorded in book B, page 198, in the recorder's office. (See book No. 7, page 172.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 267.—*Jacob Wise, claiming* 37½ *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
267	Jacob Wise.	37½	Settlement right.		John Stewart, D. S. February 26, 1806; received for record February 26, 1806. Mine à Breton.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacob Wise, claiming 37½ acres of land, situate adjoining Mine à Breton, district of St. Genevieve. Produces a plat of survey, dated February 26, and certified February 28, 1806. Produces also permission to settle, sworn to by Joseph Decelle, syndic.

The following testimony in this claim, taken from testimony perpetuated and attested by two of the commissioners, October 24, 1808:

Francis Thibault, sworn, says that Jacob Wise cultivated the land claimed, nine or ten years ago, and ever since; built a house the first year, and was rented to Mr. Decelle for two years; has not since been inhabited, but has always been used as a barn; claimant lived adjoining the tract with one Charles Bequette; claimant is a single man.

The board remark that no kind of testimony suggests or makes it appear that the land claimed includes a lead mine. It is the opinion of the board that this claim ought not to be granted, claimant not having inhabited the same on December 20, 1803. (See book No. 5, page 535.)

April 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jacob Wise, claiming 37½ acres of land, situate at Mine à Breton. (See record-book B, page 242; book No. 5, page 535.)

The following testimony was taken at Potosi, by F. R. Conway, esq., on the 8th day of May, 1834:

John McNeal, being duly sworn, deposeth and saith that, in the years 1803 and 1804, Jacob Wise, then a laboring man, was a resident in this country, and had some acres of land in cultivation, with a comfortable cabin thereon, the whole enclosed with a good fence; that said Wise claimed the same as a donation from the Spanish government; and witness never heard of his claiming any other head right than the one above mentioned, which will fully appear from the records of surveys recorded in the year 1806, in St. Louis.

JOHN T. McNEAL.

Sworn to and subscribed before me, at Potosi, Washington county, this 8th day of May, 1834.

F. R. CONWAY.

(See book No. 7, page 119.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jacob Wise, claiming 37½ acres of land. (See book No. 7, page 119.)

The board are of opinion that this claim ought to be granted to the said Jacob Wise, or to his legal representatives, according to the survey recorded in book B, page 242, in the recorder's office. (See book No. 7, page 172.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the above transcript, and concur in the decision.

F. H. MARTIN.

No. 268.—*Zachariah Dowty, claiming* 450 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
268	Zachariah Dowty.	450	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 6, 1808.—Board met. Present: the honorable Clement B. Penrose and Frederick Bates, commissioners.

In the claim of the heirs of Zachariah Dowty, and his wife, deceased, claiming 450 arpens of land on Hubble's creek, district of Cape Girardeau. (See page 54 of the reported testimony of the mission to the lower districts.)

It being asserted that the testimony heretofore taken was false, the board examined the following witnesses on the part of the United States:

Alexander Summers, sworn, says that Elizabeth Dowty, about the year 1800, built a camp on said tract, and that he, witness, ploughed a small piece of ground on the same for her, and sowed turnips. Says that he has seen the place every year since, and that nothing has been done on the same by her, her representatives, or any other person for her.

John Weaver, sworn, says that he has known the land claimed about seven years; that there never has been anything done on it by Elizabeth Dowty or her representatives since that time. (See book No. 3, page 281.)

November 26, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Zachariah Dowty, heirs of, claiming 450 arpens of land situate on the waters of Hubble's creek, district of Cape Girardeau, produces to the board an affidavit of permission to settle from Louis Lorimier, commandant, dated June 3, 1808. The following testimony in the foregoing claim, taken at Cape Girardeau, June 2, 1808, by Frederick Bates, commissioner, by authority from the board:

John Summers, sr., duly sworn, says that this land was improved and settled in 1800 or 1801, built a cabin, cleared, enclosed, and cultivated a small spot, cultivated and inhabited in the year 1803, and ever since; upward of twenty acres in cultivation, a peach orchard. Elizabeth Dowty died, and was buried on the premises. (See also No. 3, page 281.)

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 12.)

April 8, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment. Zachariah Dowty, claiming 450 arpens of land, situate on Hubble's creek. (See record-book E, page 239; minutes No. 3, page 281; No. 5, page 12.)

The following testimony was taken in June, 1834, by James H. Relfe, commissioner:

Alexander Summers, being duly sworn, states that he was well acquainted with the widow and family of Zachariah Dowty, formerly of the district of Cape Girardeau, in the province of Upper Louisiana, now State of Missouri. He first became acquainted with them in the fore part of the year 1800 or 1801; they then resided on the waters of Hubble's creek, in said district, and inhabited and cultivated land on the same; they built a cabin in the same year, that is, in 1800 or 1801, which year this affiant is not positive. They continued to live on said place up to the death of the said widow.

ALEXANDER SUMMERS.

Sworn to and subscribed before me, this 30th June, 1834.
(See No. 7, page 120.)

JAMES H. RELFE.

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Zachariah Dowty, claiming 450 arpens of land. (See book No. 7, page 120.)

The board are of opinion that this claim ought to be granted to the said Zachariah Dowty, or to his legal representatives, according to possession. (See book No. 7, page 173.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 269.—*Jane Logan, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
269	Jane Logan.	800	Settlement right.		On White Waters, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 9, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jane Logan, claiming 800 arpens of land. (See record-book F, page 13; Bates' decisions, page 99.)

The following testimony was taken in Cape Girardeau county, by J. H. Relfe, commissioner:

John Rodney, being sworn, states that he was well acquainted with Jenny or Jane Logan; he first became acquainted with her in 1802; she then lived in what was called the district of Cape Girardeau. She lived on Hubble's creek in said district, where she inhabited and cultivated a place. This was in the years 1802, '3, and '4, and she continued to live on the same for a number of years afterward. She had then children living with her at the time mentioned. There were also fruit-trees on said place, which is distant about nine miles south of the present town of Jackson.

JOHN RODNEY.

Sworn to and subscribed before me, this 30th of June, 1834.

JAMES H. RELFE.

(See book No. 7, page 121.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jane Logan, claiming 800 arpens of land. (See book No. 7, page 121.)

The board are of opinion that 640 arpens of land ought to be granted to the said Jane Logan, or to her legal representatives, according to possession. (See book No. 7, page 173.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 270.—*Benjamin Tennel, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
270	Benjamin Tennel.	800	Settlement right.		On Castor creek, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 9, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Benjamin Tennel, claiming 800 arpens of land on Castor creek, Cape Girardeau. (See record-book F, page 135; Bates's decisions, page 104.)

The following testimony was taken in the county of Washington, by James H. Relfe, commissioner:

Samuel Campbell deposeth and saith, that he was at the residence of Benjamin Tennel, on the waters of the St. François river, in the then district of St. Genevieve, province of Upper Louisiana, now county of Madison, State of Missouri, in the fall of 1803; he found him residing in a comfortable cabin. In the course of the winter he cleared upward of ten acres of ground, and, in the spring of the year 1804, planted said ten acres of ground in corn. Deponent further says he has been acquainted with said plantation from the time it was taken possession of, in the year 1803, until the present time, and it has been regularly possessed and occupied by said Benjamin Tennel, and his legal representatives, ever since. Deponent further says he was present at New Bourbon when Benjamin Tennel obtained permission from the commandant to settle on the domain, and never knew Tennel to claim any other land in this country.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 3d July, 1834.

JAMES H. RELFE.

(See book No. 7, page 121.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Benjamin Tennel, claiming 640 acres of land. (See book No. 7, page 121.)

The board are of opinion that 640 acres of land ought to be granted to the said Benjamin Tennel, or to his legal representatives, according to possession. (See book No. 7, page 173.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 271.—*Julius Wickers, claiming* 600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
271	Julius Wickers.	600	Settlement right.		On the St. Francis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 9, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Julius Wickers, claiming 600 arpens of land on the St. Francis river. (See record-book F, page 142; Bates's decisions, page 105.)

The following testimony was taken in Washington county, by James H. Relfe, commissioner:

Personally appeared Samuel Campbell, who deposeth and saith, that he was well acquainted with Julius Wickers in the year 1803; that early in the summer of said year he raised a cabin, cleared and cultivated a turnip-patch, and the following winter he extended his clearing, planted and cultivated a field of at least eight acres of corn in the spring of the year 1804; and said Julius Wickers, and his legal representatives, have continued to occupy said tract of land ever since. Deponent further says he lived in the neighborhood of Wickers for twenty-four years, was present when the commandant at New Bourbon gave said Wickers permission to settle on the public domain, and never knew of said claimant making claim to any other land.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 3d of July, 1834.

JAMES H. RELFE.

(See book No. 7, page 122.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Julius Wickers, claiming 600 arpens of land. (See book No. 7, page 122.)

The board are of opinion that 600 arpens of land ought to be granted to the said Julius Wickers or to his legal representatives, according to possession. (See book No. 7, page 173.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 272.—*Louis Aubuchon, claiming* 400 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

SIR: Louis Aubuchon has the honor to represent to you that he would wish to establish himself in the upper part of this province, where he has been residing for several years. Therefore, he has recourse to the goodness of this government, praying that you will be pleased to grant him a piece of land of 800 arpens in superficie, to be taken in the King's domain, in the place which will appear most advantageous to the interest of the petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *January* 8, 1800.

his
LOUIS × AUBUCHON.
mark.

ST. LOUIS OF ILLINOIS, *January* 10, 1800.

Whereas, we are assured that the petitioner possesses sufficient means to improve the land he solicits —— [omission]—— if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, etc.

CARLOS DEHAULT DELASSUS.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, May* 11, 1835.

I certify the above to be truly translated from book C, page 195, of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
272	Louis Aubuchon.	800	Concession, 10th January, 1800.	C. Dehault Delassus.	John Stewart, D. S. 18th February, 1806. Received for record by A. Soulard, surveyor general, 27th February, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 25, 1806.—The board met, agreeably to adjournment. Present: the honorable Clement B. Penrose and James L. Donaldson, esquires.

James Hewitt, assignee of Antoine Dejarlais, who was assignee of Louis Aubuchon, claiming 800 arpens of land, situate at Belleview, district aforesaid, produces a concession from Charles D. Delassus to said Louis Aubuchon, dated January 10, 1800; a survey of said land dated 18th and certified 27th February, 1806; a deed of transfer by said Aubuchon to Antoine Dejarlais, dated November 22, 1804, and another deed of transfer from said Antoine Dejarlais to claimant, dated February 18, 1805.

William Reede, being duly sworn, says that in the spring of 1805, claimant came to his house; that he set-

tled the said tract of land, built a house, raised a crop on the same that year, and has actually inhabited and cultivated it to this day; that he had then a wife, four children, and a slave.

The board reject this claim, and observe that claimant purchased said concession for $500, and has actually paid $410 of the same. (See book No. 1, page 360.)

August 28, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Hewitt, assignee of Antoine Dejarlais, assignee of Louis Aubuchon, claiming 800 arpens of land. (See book No. 1, page 360.) It is the opinion of the board that this claim ought not to be confirmed. (See No. 4, page 479.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Louis Aubuchon, claiming 800 arpens of land, on waters of Big river, district of St. Genevieve. (See record-book C, page 195; minutes, book No. 1, page 360; No. 4, page 479.)

The following testimony was taken before L. F. Linn, commissioner, on May 7, 1833:

John T. McNeal, of lawful age, being first duly sworn as the law directs, states that he well knows James Hewitt, and that he held his claim under some Frenchman, but the name he does not recollect; the above claim lies on the waters of Big river, Belleview, Washington county. Hewitt occupied the above land in the year 1804, in April, as well as this deponent recollects, and raised a crop of corn there on that year. Hewitt resided on said land until the year 1813 or 1814, when he died, and his family has continued to reside on said land ever since. Hewitt left a wife and several children.

JOHN T. McNEAL,
L. F. LINN, *Commissioner.*

John Stewart, being first duly sworn in the above case, states that on February 18, in the year 1806, at the instance of James Hewitt, he surveyed a Spanish concession granted to Louis Aubuchon, for 800 arpens of land, lying in the Belleview settlement, now in Washington county. He states the above survey to be butted and bounded as follows, to wit: beginning at a white oak on a line of William Davis's grant, thence south 63 west, 40 acres, crossing Hazle creek to a branch of Big river to a Spanish oak; thence north 27 west, 20 acres, crossing Hazle creek to a Spanish oak; thence south 63 east, 40 acres, to a hickory; thence south 27 east, 20 acres, to the beginning, including his improvement; all which will fully appear by reference to the plat in the recorder's office, St. Louis. This deponent further states, that he was legally appointed and authorized to make the survey aforesaid, and when he made the same, James Hewitt was living on the land. The family of said Hewitt still live upon said tract of land. James Hewitt handed him the original concession to make the survey from, and this deponent returned the same with the plat of survey to the proper officer in accordance with his duty as surveyor. As to the concession being for 800 arpens, this deponent is not quite certain, but supposes so, inasmuch as he surveyed out, under the Aubuchon concession, 800 arpens. JOHN STEWART.

Sworn to and subscribed May 7, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 130.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Aubuchon, claiming 800 arpens of land. (See book No. 7, page 130.)

The board are of opinion that this claim ought to be confirmed to the said Louis Aubuchon, or to his legal representatives, according to the survey of record in book C, page 195, in the recorder's office. (See book No. 7, page 174.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 273.—*Silas Fletcher, claiming* 300 *arpens.*

NAMES OF INDIVIDUALS WHO ARE TO SETTLE IN TYWAPITY BOTTOM, WITH THE PERMISSION OF THE COMMANDANT OF NEW MADRID.

Silas Fletcher, his wife, two boys, and two girls, 300 arpens.

Mr. Story shall survey the lands of each inhabitant named in the above list, conformably to the quantities therein expressed, in the places selected by them, provided it is five leagues below Cape Girardeau, and he shall leave as commons about a mile square, on a bayou emptying into the Mississippi.

Given at New Madrid, the 22d of May, 1801.

HENRY PEYROUX.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, May* 11, 1835.

I certify the above to be truly extracted and translated from a list of twenty-one individuals, on which list said Silas Fletcher is number 13, to be found in book E, page 271, of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
273	Silas Fletcher.	300	Order of survey, 22d May, 1802.	Henry Peroux, commandant of New-Madrid.	Tywapity; New Madrid.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 19, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Silas Fletcher, claiming 300 arpens of land, situate in Tywapity, district of New-Madrid. Produces record of an order of survey from Henry Peroux, commandant, dated May 22, 1801.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 425.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Silas Fletcher, claiming 300 arpens of land. (See record-book E, page 271; book No. 5, page 425.)

The following testimony was taken before James H. Relfe, one of the commissioners:

Catharine Griffey, formerly Catharine Finley, states that her husband, Charles Finley, was in the military expedition to New Madrid, in the then province of Upper Louisiana, now State of Missouri, under the Spanish government; that some time previous to the year in which said expedition took place, she and her husband moved to and settled in the district of New Madrid, in said province. There was a contest between Peyroux, the commandant at New Madrid, and Lorimier, the commandant at Cape Girardeau, as to whose district they were in. In the year they moved to said province, one Fletcher, whose given name she understood was Silas, lived on what was called the Big lake, which runs near Matthews' prairie, in said province; he and his family lived there in a little cabin; she cannot recollect as to the balance of his improvement.

her
CATHARINE × GRIFFEY.
mark.

Sworn to and subscribed this 9th April, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 135.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Silas Fletcher, claiming 300 arpens of land. (See book No. 7, page 135.)

The board are of opinion that 300 arpens of land ought to be granted to the said Silas Fletcher, or to his legal representatives, according to possession. (See book No. 7, page 174.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 274.—*Malachi Jones, claiming* 790 *acres.*

NEW MADRID, *January* 12, 1802.

On a list of families arrived at Tywapity for the purpose of settling themselves, said list presented to Mr. Henry Peyroux on the 12th of January, 1802, by Mr. Reason Bowie, the following is written: "Malachi Jones, his wife, and four negroes." And below is written: "Mr. ———, the syndic, is authorized by me to put the families here above named in possession of the lands lately abandoned at Tywapity, by several inhabitants of this district." HENRY PEYROUX.

NEW MADRID, *July* 10, 1804.

I, the undersigned, civil commandant of New Madrid for the United States, certify that the above extract is conformable to the original, deposited in the archives of this commandancy by Mr. Jesse Masters, on the 14th of last June, conformably to the proclamation of the first civil commandant of this Upper Louisiana. I have delivered the present certificate at the request of Mr. Edward Robertson.

PIERRE ANTOINE LAFORGE,
Civil Commandant.

ST. LOUIS, *May* 11, 1835.

I certify the above to be truly translated from record-book B, page 311.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
274	Malachi Jones.	790	Permission to settle, 12th January, 1802.	Henry Peyroux, commandant of New-Madrid.	John Wilbourn, D. S. 28th February, 1806. Received for record by A. Soulard, S. G. 27th February, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Nicholas Shrum, assignee of Malachi Jones, claiming 790 acres of land, situate at Tywapity, district of Cape Girardeau, produces record of a permission to settle from Henry Peyroux, commandant, dated January 12, 1802; record of a plat of survey, dated February 28, 1806, certified February 27, 1806; record of transfer from Jones to claimant, dated October 4, 1803.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 437.)

April 27, 1835.—James H. Relfe, esq., appeared, pursuant to adjournment.

Malachi Jones, by his legal representative, Nicholas Shrum, claiming 790 acres of land. (See record-book B, page 311; minutes, book No. 5, page 437.)

The following testimony was taken in June, 1833, by L. F. Linn, commissioner:

June 11, 1833.—George Hacker being sworn, says that, in the year 1802, he passed Nicholas Shrum's improvement on the Mississippi river, in the district of New Madrid. He became acquainted with the said Nicholas in the year 1804. This affiant has understood that the said Nicholas purchased his improvement from one Malachi Jones.

GEORGE HACKER.

Sworn to and subscribed, this 11th June, 1833.

L. F. LINN, *Commissioner.*

The following testimony was taken before James H. Relfe, commissioner, in Scott county:

Thomas Fletcher, being sworn, states that he came to the province of Upper Louisiana in the year 1803; in that year he passed up the Mississippi river, and recollects passing Shrum or Shum's point, on said river, about ten or twelve miles above the mouth of Ohio river, in said province; there was an improvement on the point, which he was told belonged to Nicholas Shum or Shrum; there was a cabin on said place, and some three or four acres cultivated in corn at the time, in 1803; the place is still called Shum's point. This affiant recollects seeing and conversing with the said Shum at the time mentioned, and hearing him brag of what a fine place his was at the said point.

THOMAS FLETCHER.

Bridget Lane states that she married and settled in the province of Upper Louisiana about three years before the Americans took possession of the country. She well recolleets Nicholas Shum or Shrum, a resident of said province. She knew him in early times in the country, the year she cannot recollect. He used to pass her house in going to his place on the Mississippi river, called Shum's or Shrum's point. The place is still called Shum's point.

BRIDGET her × mark. LANE.

Sworn to and subscribed, this 9th May, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 137.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Malachi Jones, claiming 790 acres of land. (See book No. 7, p. 137.)

The board are of opinion that 640 acres of land ought to be granted to the said Malachi Jones, or to his legal representatives, to be taken within the original survey, recorded in book B, page 311, in the recorder's office.

(See book No. 7, page 175.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 275.—*John Baldwin, claiming* 400 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
275	John Baldwin.	400	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 1, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Baldwin, claiming 400 arpens of land, produces to the board list B, on which claimant is No. 12, situate in the district of Cape Girardeau. It is the opinion of the board that this claim ought not to be granted. (See minute book No. 5, page 391.)

April 28, 1835.—The board met, pursuant to adjournment. Present: James H. Relfe, F. R. Conway, commissioners.

John Baldwin, claiming 400 arpens of land, situate in the district of Cape Girardeau. (See list B, in record-book B, page 324; minute-book No. 5, page 391.)

The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *County of Cape Girardeau:*

May 11, 1833.—James Wilborn, who is about fifty-three years old, has known the said John Baldwin between thirty-five and forty years ago. The said John Baldwin moved to the district of Cape Girardeau in the fall of 1803, and settled in Tywapity bottom. He knows that the said John cleared land in the fall of 1803, in said bottom, and set out a nursery of fruit-trees; he also lived on said land at the same time. The next season, 1804, he planted corn and raised a crop. The said John was a married man; had a wife and four children at the time he made the said improvement. The said John Baldwin has lived ever since, and now resides, in the district of Cape Girardeau.

JAMES WILBORN.

Sworn to and subscribed, May 11th, 1833, before me,

L. F. LINN, *Commissioner.*

(See book No. 7, page 139.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Baldwin, claiming 400 arpens of land. (See book No. 7, page 139.)

The board are of opinion that 400 arpens of land ought to be granted to the said John Baldwin, or to his legal representatives, according to possession. (See book No. 175.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 276.—*Charles Sexton, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
276	Charles Sexton.	300	Concession to 164 inhabitants, January 30, 1803. No. 48. 300 arpens. List A.	Carlos Dehault Delassus.	300 acres, by Edward F. Bond, December 3, 1805. Received for record by A. Soulard, surveyor general, February 28, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 18, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

Charles Sexton, claiming 350 arpens, 95 perches of land, situate on White Waters, district of Cape Girardeau, produces to the board as a special permission to settle, list A, on which claimant is No. 48, for 300 arpens, a plat of survey dated December 3, 1805, certified to be received for record February 28, 1806, by Antoine Soulard, surveyor general.

The following testimony in the foregoing claim, taken at Cape Girardeau, June 4, 1808, by Frederick Bates, commissioner:

Daniel Brant, duly sworn, says, that claimant made a small improvement in the year 1803, but did not inhabit; this improvement being afterward taken by the survey of Ezekiel Able, the surveyor laid out a tract for claimant in the woods adjoining the lands of the said Ezekiel, which has never been improved. Laid over for decision. (See book No. 4, page 61.)

March 8, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

Charles Sexton, claiming 350 arpens 95 perches of land. (See book No. 4, page 61.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 293.)

April 29, 1835.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

Charles Sexton, claiming 300 arpens of land, situate in district of Cape Girardeau. For survey of 300 arpens, see record book B, page 303. For list A, on which claimant is No. 48, see book B, page 320. Also, minutes, book No. 4, pages 61 and 293. For concession, see Joseph Thompson, jr.'s claim, decision No. 202.

The following testimony was taken in October, 1833, before L. F. Linn, esq., then one of the commissioners:

Daniel Brant states that he was on the Indian expedition to New Madrid, in the province of Upper Louisiana, in 1802, which was performed by order of the Spanish authorities at Cape Girardeau. Amongst others who served a tour on said campaign, was Charles Sexton, who acted as drummer. He lived in Cape Girardeau district, and was absent from home about six weeks; the men were promised land by the Spanish general and commandant, for serving on said expedition.

DANIEL his × mark. BRANT.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, p. 140.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Charles Sexton, claiming 300 arpens of land. (See book No. 7, page 140. For concession, see claim No. 202.)

The board are of opinion that this claim of 300 arpens ought to be confirmed to the said Charles Sexton, or to his legal representatives, according to the concession, to be taken within the original survey, recorded in book B, page 303, in recorder's office. (See book No. 7, page 175.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 277.—*Hugh Criswell, claiming* 101 *arpens and* 31 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
277	Hugh Criswell.	101 31 p.	Concession to 164 inhabitants, January 30, 1803, No. 139, for 100 arpens. List A.	Carlos Dehault Delassus.	B. Cousin, D. S., February 3, 1806; recorded February 13, 1806, by Soulard, S. G., eight miles W. N. W. from Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 18, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

Hugh Criswell, claiming 101 arpens 31 perches of land, situate on Randall's creek, district of Cape Girardeau. Produces to the board as a special permission to settle, list A, on which claimant is No. 139, for 100 arpens: a plat of survey, dated February 3, 1806, certified February 13, same year. Laid over for decision. (See book No. 4, page 60.)

March 8, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

Hugh Criswell, claiming 101 arpens 31 perches of land. (See book No. 4, page 60.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 293.)

May 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Hugh Criswell, by his heirs and legal representatives, claiming 640 acres of land, situate on the waters of Randall's creek, Cape Girardeau county. (For survey of 101 arpens 31 perches, see record-book B, page 287. For list A, on which claimant is No. 139, for 100 arpens, see book B, page 323; minutes, book No. 4, pages 60 and 293. For concession, see claim No. 202.)

The following testimony was taken before L. F. Linn, commissioner, in October, 1833:

STATE OF MISSOURI, *county of Cape Girardeau:*

Daniel Brant, who is 59 years old, states that he moved to and settled in the district of Cape Girardeau, Upper Louisiana, in the year 1798; that he was and still is well acquainted with Hugh Criswell, of said district; that he knows of the said Hugh inhabiting and cultivating a place on the waters of Randall's creek, adjoining one Anthony Randall, in said district, in the year 1802. The said Criswell cultivated corn and other grain on said place, in said year 1802. The said Criswell had a cabin and about 7 acres of land cleared on said place, in said year 1802. He also had a family, consisting of a wife and three children. This affiant knows that the said Criswell continued to inhabit and cultivate said place for several years after the time mentioned above, but the precise number of years he cannot recollect. This affiant has frequently heard the Spanish commandant, Don Louis Lorimier, say that he wanted the people to settle close together, in order to protect themselves from the Indians; and if they could not get land enough where they lived, they should have it elsewhere.

his
DANIEL × BRANT.
mark.

Sworn to and subscribed, this 18th of October, 1833.

LEWIS F. LINN, *Commissioner.*

(See book No. 7, page 144.)

June 10, 1835.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

Hugh Criswell, claiming 640 acres of land. (See book No. 7, page 144.)

The board are of opinion that 101 arpens 31 perches of land ought to be confirmed to the said Hugh Criswell, or to his legal representatives, according to the original survey recorded in book B, page 287, in the recorder's office. (See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 278.—*Reuben Baker, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
278	Reuben Baker.	640	Settlement right.		John Hawkins, D. S., February 10, 1806; received for record by A. Soulard, surveyor general, February 27, 1806; in Boisbrulé, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 22, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates.

Reuben Baker, claiming 640 acres of land, situate in the district of St. Genevieve, produces to the board a survey of the same, dated February 10th, 1806, certified to be received for record February 27th, 1806.

Christopher Barnhart, sworn, says that claimant inhabited said tract in February, 1801, and occasionally inhabited it that year; never saw any crop on said place. Laid over for decision. (See book No. 3, page 314.)

June 21, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Reuben Baker, claiming 640 acres of land. (See book No. 3, page 314.)

It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 399.)

May 12, 1835.—The board met, pursuant to adjournment. Present: James H. Relfe, F. R. Conway, commissioners.

Reuben Baker, claiming 640 acres of land. (See record-book B, page 230; book No. 3, page 314; No. 4, page 399.)

The following testimony was taken before L. F. Linn, esq., in May, 1833, in Cape Girardeau county:

John Greenwalt states that he was acquainted with Reuben Baker very shortly after witness came to the country, in 1798; that previous to the year 1804, as witness verily believes, and according to the best of his recollection, the said Reuben Baker was settled on a piece of ground fronting on the Mississippi, in Boisbrule bottom; had a cabin built on it, and had a nursery of peach and apple trees growing on said place; that previous to 1804, claimant had made his garden and had raised corn, pumpkins, and other vegetables, on the land claimed; and witness well recollects of said Reuben Baker continuing to live on said land for several years subsequent to 1804, and continuing to occupy and cultivate it until he sold his settlement right.

JOHN his × mark. GREENWALT.

Sworn and subscribed, May 6th, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 148.)

June 10, 1835.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

Reuben Baker, claiming 640 acres of land. (See book No. 7, page 148.)

The board are of opinion that 640 acres of land ought to be granted to the said Reuben Baker, or to his legal representatives, according to the survey recorded in book B, page 230, in the recorder's office. (See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 279.—*Sophia Bolaye, claiming* 150 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Colonel of the stationary regiment of Louisiana, Lieutenant Governor and Commander-in-chief of the western part of Illinois:*

SIR: Sophia Bolaye, residing in the village of Carondelet, has the honor to represent that she had begun to clear a piece of land, in order to build a house and make a plantation, on a tract situated on river Aux Gravois, between the Marameck and the village of St. Louis; that she had all the timber prepared for a house, and even began a field, but having been frightened by the reports which have gone abroad of the bad intentions of the Indians, she then retired with her family to the village of Carondelet. Now, she would wish to return and settle with her family upon the said plantation, therefore she claims of your goodness that you will please grant her a concession of ten arpens in front, at the distance of half a league from the junction of said river Aux Gravois with the river Des Peres; the said ten arpens ascending in a straight line, five arpens on each side of the said river Aux Gravois, the length of fifteen arpens, which will make the quantity of one hundred and fifty arpens of land in superficie. She only waits for your decision in order to go and settle herself on said place, and to work thereon with security, and to continue the improvements already begun.

This being considered, may it please you, sir, to grant to the petitioner, at the distance of half a league from the mouth of the said river Aux Gravois, the quantity of ten arpens, five on each side of the river, by fifteen in depth, in ascending the said river in a straight line. The petitioner shall never cease to pray for your preservation.

ST. LOUIS, this 28th *June*, 1796.

SOPHIE BOLAYE, her × mark, not knowing how to sign.

ST. LOUIS, *June* 3, 1796.

In case that the land asked for belongs to the King's domain, the surveyor of this jurisdiction shall put the petitioner in possession of the quantity of arpens she asks in the manner designated, in order to deliver to her the concession in form, after the plat and certificate of survey are made out.

TRUDEAU.

ST. LOUIS, *May* 25, 1835.

Truly translated from the original, filed before the board of commissioners.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
279	Sophia Bolaye.	150	Concession, June 3, 1796.	Z. Trudeau.	On river Gravois.

EVIDENCE WITH REFERENCE TO RECORDS AND MINUTES.

May 14, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Sophia Bolaye, claiming 150 arpens of land, situate on river Gravois. (See record-book E, page 327; Bates's decisions, page 91.)

Produces a paper purporting to be original concession from Zenon Trudeau, dated June 3, 1796. Also, the deposition of Philip Fine, taken August 13, 1819, before Joseph Charless, J. P.

M. P. Leduc, duly sworn, says that the signature to the concession or order of survey is in the proper handwriting of the said Trudeau.

TERRITORY OF MISSOURI, *County of St. Louis:*

Philip Fine, of the township of St. Louis, in said county, being duly sworn, upon his oath declares and says, that he well knows the tract described in the annexed petition of Sophia Bolaye, and has known it for at least forty years past, and that Sophia Bolaye, about thirty years ago, opened the ground, planted corn and potatoes, and built a house on said tract.

his
PHILIP × FINE.
mark.

Sworn to and subscribed, this 13th day of August, 1819, before me, a justice of the peace in and for the county aforesaid.

JOS. CHARLESS, *J. P.*

(See book No. 7, page 152.)

June 10, 1835.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

Sophia Bolaye, claiming 150 arpens of land. (See book No. 7, page 152.)

The board are of opinion that this claim ought to be confirmed to the said Sophia Bolaye, or to her legal representatives, provided the land belonged to the domain at the date of the concession. (See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 280.—*William Easom, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date and situation.
280	William Easom.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *April* 28, 1813.—William Easom, claiming 800 arpens of land, county of St. Genevieve, on waters of St. Francis.

William Johnson, duly sworn, says that claimant inhabited and cultivated this tract in the winter of 1803, and continued there, as witness believes, till Christmas of that year, and by him or others constantly to this time. (See Bates's minutes, page 42.)

ST. LOUIS, *December* 24, 1813.—Wm. Easom. (See minutes, page 42.) Thompson Crawford, duly sworn, says that claimant, Easom, left his tract about 1st December, 1803, and never returned. John Sinclair was not inhabiting the cabins built by Patterson, and for a time inhabited by Easom, as early as 25th December, 1803. Easom cultivated the lands adjoining the cabins built by Patterson in 1803, and lived in them from some time in May till 1st December, 1803. Witness thinks that James Campbell lived in those cabins on 20th December, 1803, and is certain that he did on the 25th.

William Dillon, duly sworn, says that claimant moved into the settlement, in the month of May, 1803, and soon thereafter established himself on a tract on Cedar creek. When claimant moved there, there were already two cabins on the premises, built by one Patterson in the summer or fall of 1802. Patterson left the place in the winter following the building of the cabins, made no cultivation that witness knows of, that is to say, on last of 1802, or beginning of 1803. Thinks Easom went there in June, and left it some time in December, 1803. John Sinclair established himself on lands in this neighborhood, perhaps on the opposite of the creek from the cabins already spoken of, in December, 1803; this was a few days before the 20th of that month, as witness thinks. John Sinclair has inhabited and cultivated this tract from that to the present time. This establishment of Sinclair was opposite and near the cabins built by Patterson, and into which Easom went in the month of May or June, 1803, which cabins are the same which Sinclair has occupied since some time in the winter of 1803 and 1804. It is the opinion of the witness that there is sufficient vacant land extending back from the creek as the front line of two tracts, for a survey on each side of 640 arpens, though the quantity could not be made up of good land on either, nor perhaps half the quantity.

Joshua Edwards, duly sworn, says that David Patterson came to these lands in 1802, latter part of the summer, and raised turnips, and having built two cabins, left the place in the following winter, and left the improvement with James Campbell for sale. In spring of 1803, Easom came out and agreed with James Campbell for the place; went on it, planted corn with the assistance of witness. Easom fell sick, he became dissatisfied with the place, and sold to Samuel Campbell, and left it early in the month of December, 1803. James Campbell, brother of Samuel Campbell, lived in the cabins on 20th December, 1803. When Easom left this place he left some pot-metal which had been his, but knows not whether he had sold it, but as he moved on pack-horses he

could not very well take such articles. James Campbell told this witness that he had sold the improvement whereon Easom had lived, and where he, James Campbell, was then living, to John Sinclair, for a horse; this was in January or February, 1804. John Sinclair took possession of the cabins in February or March, 1804, and has continued to inhabit and cultivate the premises ever since to this time. John Sinclair was established on the creek, opposite to the cabins, about 17th December, 1803. Where Sinclair first settled, an improvement had, before that time, been made by James Campbell, and sold by Campbell to Sinclair; he afterward purchased of same James Campbell on the opposite side. (See Bates's minutes, pages 105 and 106.)

St. Louis, *December* 25, 1813.—William Johnson, duly sworn, says, in explanation of his testimony given 28th April last, he did by no means intend to say that claimant was on the premises December 20, 1803, as that was a fact that he could not know, as he was not on the tract himself on that day; had seen him there in the summer, and had heard conversation in neighborhood that he remained there till some time in the winter, and the belief formerly expressed by me was not pretended to be founded on my own certain knowledge. (See Bates's minutes, page 112.)

April 8, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Easom, claiming 800 arpens of land on the St. Francis river. (See record-book F, page 98; Bates's minutes, pages 42, 105, 106, and 112; Bates's decisions, page 31.)

The following testimony was taken in Madison county, by James H. Relfe, commissioner:

Samuel Campbell deposeth and saith, that he saw William Easom in possession of a tract of land on the waters of the St. Francis river in the spring of the year 1803; he had a house in which he lived, a kitchen, and about four acres of corn in cultivation, which said Campbell saw gathered the following fall by said William Easom.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 28th of June, 1834.

JAMES H. RELFE.

May 23, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Easom, claiming 800 arpens of land. (See book No. 7, page 120.)

The following testimony was taken in October, 1833, by L. F. Linn, commissioner:

State of Missouri, *County of Madison:*

Thompson Crawford, aged about forty-seven years, being duly sworn, as the law directs, deposeth and saith that he well knew William Easom, the original claimant; that he came to this country, then the province of Upper Louisiana, in the spring of 1803. Witness also knows the land claimed, and knows that claimant settled thereon and made a crop in 1803. There were two cabins built on the place. Claimant fenced in, cleared, and cultivated three or four acres. Claimant remained on the place till some time in the year 1804, when he removed, and that the said land has been actually improved, inhabited, and cultivated ever since. Claimant had a wife and one child.

THOMPSON CRAWFORD.

Sworn to and subscribed before me, this 23d October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 157.)

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

William Easom, claiming 800 arpens of land. (See book No. 7, pages 120 and 157.)

The board are of opinion that 640 acres of land ought to be granted to the said William Easom, or to his legal representatives, according to possession. (See book No. 7, page 177.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 281.—*John Taylor, claiming* 481 *acres and* 8 *poles.*

No.	Name of original claimant.	Acres.	Poles.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
281	John Taylor.	481	8	Settlement right.		B. Cousin, D. S., 6th December, 1805, countersigned A. Soulard, surveyor general; on Hubble's creek, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 1, 1809.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

John Taylor, claiming five hundred and sixty-two arpens seventy-three and a half perches of land, situate on Hubble's and Randall's creek, district of Cape Girardeau, produces to the board, as a special permission to settle, list B, on which claimant is No. 20, for five hundred and fifty arpens, (this claim interfering with the foregoing William Hand,) a plat of survey, dated December 6, 1805, signed B. Cousin, countersigned Antoine Soulard, surveyor general.

The following testimony in the foregoing claim, taken at Cape Girardeau, June 2, 1808, by Frederick Bates, commissioner.

Samuel Pew, sworn, says he knows the land, lives near it, has passed through it, and knows of no cultivation on the premises in 1803.

David Patterson, sworn, says that he knew this tract of land, and was acquainted with it before Taylor moved to it, and verily believes that there was no improvements on the premises in the year 1803. At this time there is a good square log-house, stable, kitchen, smoke-house, and ten or —— acres in cultivation. Laid over for decision. (See book No. 4, page 31.)

March 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Taylor, claiming five hundred and sixty-two arpens seventy-three and a half perches of land. (See book No. 4, page 31.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 297.)

May 27, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Taylor, by his legal representatives, claiming six hundred and forty acres of land, situate on Hubble's creek, in Cape Girardeau county. (See record-book B, page 337, where this claim is entered for four hundred and eighty-one acres and eight poles. (Book No. 4, pages 31, 297.)

The following testimony was taken before L. F. Linn, commissioner, in June and October, 1833:

STATE OF MISSOURI, *County of Cape Girardeau:*

Richard Waller, being sworn, says he knew John Taylor well. He first became acquainted with him in 1802, in the district of Cape Girardeau, where the said John Taylor then lived, and continued to live up to the time of his death, ten or fifteen years ago. He saw him settled on a place in said district, in the year 1803, had built a house to live in, and had cleared some land. He had a wife and several children, number not recollected.

RICHARD WALLER.

Sworn and subscribed before me, June 11, 1833.

L. F. LINN, *Commissioner.*

Hugh Criswell is about sixty-seven years old; he was well acquainted with the said John Taylor. He knew the said Taylor in this country, district of Cape Girardeau, in the year 1803; he was then a farmer, and inhabited and cultivated land in said district. He improved his head right of settlement claim in the year 1803, in the said district, and lived on it until the time of his death, which happened some time about the year 1814. This affiant knows that he built a house in Spanish times, and set out peach and apple trees for an orchard. He had a wife, three boys, and two girls, that this affiant recollects.

HUGH $\overset{\text{his}}{\underset{\text{mark.}}{\times}}$ CRISWELL,

Sworn and subscribed, this 11th June, 1833.

L. F. LINN, *Commissioner.*

William Williams states that he moved to, and settled in the district of Cape Girardeau, Upper Louisiana, in the year 1799; that he was well acquainted with John Taylor, deceased, formerly of said district. To the best of his recollection, the said Taylor moved to, and settled in said district in the year 1802. In the next year (that is in 1803) he moved to a place on the waters of Hubble's creek, about three miles northeast of the present town of Jackson, opened land, and raised a crop on the same, in said year 1803. This affiant also assisted the said Taylor in building a dwelling-house on said place, in said year. The said Taylor had a family at the time, consisting of himself, his wife, and four or five children. The said Taylor had an apple orchard very early on said place, but the year when he set it out, this affiant cannot state. The said Taylor lived on the said place up to the time of his death, some six or eight years after he settled. The said place is now owned by one John Cross.

WILLIAM WILLIAMS.

Sworn to and subscribed, October 16, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 160.)

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Taylor, by his legal representatives, claiming four hundred and eighty-one acres and eight poles of land. (See book No. 7, page 160, where this claim is entered for six hundred and forty acres.) The board are of opinion that four hundred and eighty-one acres and eight poles of land ought to be granted to the legal representatives of the said John Taylor, deceased, according to the survey recorded in book B, page 337. (See book No. 7, page 178.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 282.—*Louis Buyat and others, claiming a special location.*

To Don FRANCIS VALLE, *Captain of Militia, and civil and military Commandant of the post of St. Genevieve:*

The undersigned have the honor to represent that they wish you would grant them a concession for the land immediately adjoining the forty arpens (lots) granted opposite the Little Hills, to end at the foot of the hill near Prairie à Gautier, and bounded on the two sides by the two forks of Gaboury river, without prejudice,

however, to those who might have concessions on the said lands. Their gratitude shall have no bounds, and will always be equal to the very great respect with which they are, sir, your very humble and obedient servants,

LOUIS BUYAT,
JOSEPH LALUMANDIERE,
JOSEPH his × mark. BEQUETTE,
LALUMANDIERE,
JEAN his × mark. LALUMANDIERE,
J. M. PEPIN,
HIPPOLITE ROBERT,
GIROUARD,
J. BAPTISTE his × mark. TAUMURE,
AUGUSTE his × mark. AUBUCHON,
LOUIS his × mark. CARRON,
DUFOUR, his × mark.
VITALE BEAUVAIS.

ST. LOUIS, *September* 1, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put the petitioners in possession of the land they ask for, in the foregoing petition, at the end of the lands, (of 40 arpens;) after which he shall make out a plat and certificate of his survey, and the whole shall be remitted to us, in order to send them to the governor general of the province, for him to determine definitively upon the concession of the said land.

ZENON TRUDEAU.

ST. LOUIS, *May* 30, 1835.

I certify the above to be a true translation of the original, filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
282	Louis Buyat and twelve others.		Concession, 1st September, 1797.	Zenon Trudeau.	Special location between the two forks of the river Gaboury.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Buyat and others, claiming a tract of land, situate between the two forks of river Gaboury, and adjoining the 40-arpen lots near Prairie à Gautier, district of St. Genevieve, produce record of a concession from Zenon Trudeau, lieutenant governor, dated September 1, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 508.)

May 29, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Buyat and twelve others, claiming a tract of land, situate between the two forks of river Gaboury, and adjoining the 40-arpen lots near Prairie Gautier. (See No. 5, page 508.)

Produce a paper purporting to be an original concession from Zenon Trudeau, dated September 1, 1797.

The following testimony was taken in June, 1833, by L. F. Linn, commissioner:

STATE OF MISSOURI, *county of Saint Genevieve:*

Jean Baptiste Vallé, aged about seventy-two years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with each and every of the petitioners and concessionees, and that each and every of them, at the date of the concession, were citizens and residents in the then province of Upper Louisiana, and that those who are dead continued citizens and residents till their death; and that those who are living are still citizens and residents of the country. This witness further says that he was well acquainted with Zenon Trudeau, who was lieutenant governor of Upper Louisiana at the date of the concession; that he has often seen him write, and that the name and signature to the concession from said Zenon Trudeau to the said thirteen concessionees, is in the proper handwriting of the said Zenon Trudeau. And this deponent further says that the claimants made a common field on the same, and actually cultivated the same for several years.

J. BAPTISTE VALLÉ.

Sworn and subscribed before me, this 17th June, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 162.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Buyat, Hippolite Robert, Joseph Lalumandiere, Girouard, J. Baptiste Taumure, Joseph Béquette, Auguste Aubuchon, Jean Lalumandiere, Lalumandiere, Louis Carron, Vitale Beauvais, Dufour, and J. M. Pepin, claiming a special location between the two forks of the river Gaboury. (See book No. 7, page 162.)

The board are of opinion that this claim ought to be confirmed to the said Louis Buyat and to the above-named twelve individuals, or to their legal representatives, according to the petition and concession. (See book No. 7, page 279.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 283.—*Dennis Sullivan, claiming 350 arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
283	Dennis Sullivan.	300	Concession to 164 inhabitants. 30th January, 1803. List A, No. 94.		B. Cousin, D. S., 30th December, 1805. Countersigned, A. Soulard, S. G.; on Byrd's creek, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 18, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, commissioners.

Dennis Sullivan, claiming 350 arpens 93⅓ perches of land, situated on Byrd's creek, district of Cape Girardeau, produces to the board as a special permission to settle, list A, on which claimant is No. 94, for 300; plat of survey, dated December 30, 1805, signed B. Cousin, countersigned Antoine Soulard, surveyor general.

The following testimony in the foregoing claim, taken at Cape Girardeau, June 4, 1808, by Frederick Bates, commissioner:

John McCarty, duly sworn, says that claimant came to Louisiana in the year 1802, and worked at the blacksmith business for two years; since which he has taught a school; no improvement. Laid over for decision. (See book No. 4, page 57.)

March 2, 1810.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Dennis Sullivan, claiming 350 arpens 93⅓ perches of land. (See book No. 4, page 57.) It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 288.)

May 29, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Dennis Sullivan, by his legal representatives, claiming 640 acres of land, situate in the district of Cape Girardeau. (See record-book B, page 320 for list A, on which claimant is No. 94, for 300 arpens, and same book, page 337, for survey. See also No. 4, pages 54 and 288.)

The following testimony was taken in October, 1833, before L. F. Linn, commissioner:

Jonathan Buis states that, in the fall of 1802, after his return from a visit to New Orleans, he saw and knew Dennis Sullivan or O'Sullivan, in the district of Cape Girardeau, Upper Louisiana, now State of Missouri, where the said O'Sullivan resided and continued to reside up to the time of his death, which took place some time after the change of government. The said Dennis was a mechanic, a blacksmith by trade, which business he pursued and carried on in different places in the said district. This affiant frequently heard the Commandant Lorimier say that mechanics were not required to settle and improve their lands.

JONATHAN BUIS.

Sworn and subscribed to, October 17, 1833.

L. F. LINN, *Commissioner.*

Moses Byrd also states that he was well acquainted with the said Dennis Sullivan, who came to the district of Cape Girardeau, Upper Louisiana, in 1801 or 1802. The said Dennis was a blacksmith by trade, which occupation he continued to follow in different parts of said district up to the time of his death, which occurred after the change of government, the precise year he does not recollect.

MOSES BYRD.

Sworn and subscribed to before me, in Cape Girardeau county, October 17, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 163.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Dennis Sullivan, claiming 300 arpens of land. (See book No. 7, page 163, where this claim is entered for 640 acres. For concession, see Joseph Thompson, jr.'s claim, decision No. 202.)

The board are of opinion that 300 arpens of land ought to be confirmed to the said Dennis Sullivan, or to his legal representatives, according to the concession. (See book No. 7, page 179.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 284.—*Curtis Wilbourn, claiming* 600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
284	Curtis Wilbourn.	600	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND CLAIMS.

November 1, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Curtis Wilbourn, claiming 600 arpens of land, situated in the district of Cape Girardeau, produces to the board list B, on which claimant is No. 10.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 391.)

June 1, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Curtis Wilbourn, by his legal representatives, claiming 640 acres of land, situated in the former district of Cape Girardeau. (See record-book B, page 324, for list B, on which claimant is No. 10, for 600 arpens; minute-book No. 5, page 391.)

The following testimony was taken before L. F. Linn, commissioner, in June, 1833:

STATE OF MISSOURI, *County of Cape Girardeau:*

John Baldwin knew said Curtis. He came to the district of Cape Girardeau in the year 1803, and settled in Tywapity in the fall of said year; he built a house in fall or winter of 1803, and immediately commenced clearing land, and in 1804 he raised corn and other things on said place. This affiant saw his permission to settle on the books of Lorimier. Claimant was a married man, had a wife and six children, five sons and one daughter. The said Curtis was killed some six or eight years ago. This affiant has understood and believes that all his children are dead except two, who are the actual claimants.

JOHN BALDWIN.

Sworn and subscribed to, this 11th day of June, 1833.

L. F. LINN, *Commissioner.*

(See minute-book No. 7, page 165.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Curtis Wilbourn, claiming 600 arpens of land. (See book No. 7, page 165, where this claim is entered for 640 acres.)

The board are of opinion that 600 arpens of land (it being the quantity claimed on record) ought to be granted to the said Curtis Wilbourn, or to his legal representatives, according to possession. (See book No. 7, page 179.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 285.—*Alexander Butner* or *Burton, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom, surveyed, date, and situation.
285	Alexander Butner or Burton.	300	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 1, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Alexander Butner or Burton, claiming 300 arpens of land, situate in the district of Cape Girardeau, produces to the board list B, on which claimant is No. 38.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 392.)

June 1, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Alexander Butner or Burton, claiming 300 arpens of land, situated in the district of Cape Girardeau. (See record book B, page 324, for list B, on which claimant is No. 38, for 300 arpens; minutes, book No. 5, page 392.)

The following testimony was taken before L. F. Linn, commissioner, in June, 1833:

STATE OF MISSOURI, *County of Cape Girardeau:*

Philip Young, being duly sworn, deposeth and saith that he was acquainted with the abovenamed Alexander Butner or Burton; that he settled a place on the waters of Caney creek, in the year 1802, and that he raised a crop of corn on said place in the year 1803, and that he continued to reside on and cultivate the same in 1804, and probably 1805. And further, this deponent states that he resided within about two miles from the said Alexander Burton during the time above stated.

PHILIP YOUNG.

Sworn to and subscribed, June 11, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 165.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Alexander Butner or Burton, claiming 300 arpens of land. (See book No. 7, page 165.)

The board are of opinion that 300 arpens of land ought to be granted to the said Alexander Butner or Burton, or to his legal representatives, according to possession. (See book No. 7, page 179.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 286.—*Guillaume Bizet, claiming* 40 *arpens.*

On the said day (7th February, 1769), upon the demand of Guillaume Bizet, inhabitant, we have granted and do grant to him, in full property, for him, his heirs or assigns, a tract of land situated at the Cul de Sac of the Grand prairie, containing one arpent in width by forty in depth, joining on one side the land of Bacannet, on the other side to that of Kiery Desnoyers, on condition to establish the said land in one year and a day, and that it will be subject to public charges, and others which it may please his Majesty to impose.

At St. Louis, on the said day and year. ST. ANGE LABUXIERE.

St. Louis, *June* 12, 1835.

I certify the above to be truly translated from Livre Terrien, page 21, of record in the recorder's office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
286	Guillaume Bizet.	40	Concession, February 7, 1769.	St. Ange.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 2, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and James H. Relfe, commissioners.

Guillaume Bizet, by his legal representatives, claiming 40 arpens of land, situated in the Cul de Sac of Grand prairie. (See Livre Terrien, book No. 1, page 21; book F, page 155.)

Pierre Gueret, duly sworn, says that he is fifty-seven years of age; that he knows the tract claimed; that he owned land near the said tract, and that he has perfect recollection of having seen the late Jean Baptiste Provencher (who had married the widow of Guillaume Bizet, the original grantee) in possession of the tract now claimed, and that said Provencher cultivated the same for many years, but how long he cannot say. Witness further says that said Provencher did cultivate said land while under the government of Francisco Perez, or Zenon Trudeau, or may be under both, he is not positive, but he is certain that it was before Mr. Delassus was lieutenant governor. (See book No. 7, page 166.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Guillaume Bizet, claiming 40 arpens of land. (See book No. 7, page 165.)

The board are of opinion that this claim ought to be confirmed to the legal representatives of the said Guillaume Bizet, deceased, according to the concession. (See book No. 7, page 180.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 287.—*James Wilbourn, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
287	James Wilbourn.	300	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 1, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Wilbourn, claiming 300 arpens of land, situate in the district of Cape Girardeau, produces to the board list B, on which claimant is No. 11. It is the opinion of the board that this claim ought not to be granted. (See minute-book No. 5, page 391.)

January 8, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Wilbourn, by his legal representatives, claiming 640 acres of land, in the late district of Cape Girardeau. (See book No. 5, page 391; book P, 324.)

John Baldwin, aged about sixty-two years, is well acquainted with the said James Wilbourn; the said James came to the district of Cape Girardeau, in the fall of 1803, and settled in Tywapity bottom; he built a cabin as soon as he arrived, that is, in the winter of 1803; as soon as he built he commenced opening a farm, and in 1804 he raised corn and other things on said improvement. This affiant has seen the permission of the said James to settle, on the books of Cousin, at Cape Girardeau. The said James was, at the time of the settling of this country, a married man, with a wife and one child.

JOHN BALDWIN.

Sworn to and subscribed, this 11th day of June, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 450.)

April 27, 1835.—James H. Relfe, esq., appeared, pursuant to adjournment.

In claim of James Wilbourn, claiming 640 acres of land, (see book No. 6, page 450,) the following testimony was taken by James H. Relfe, commissioner, in Scott county:

Bridget Lane, widow, stated that she moved to and settled in the district of New Madrid, then province of Upper Louisiana, now State of Missouri, about three years before the Americans took possession of said province. The Christmas, a year after she had moved, James Wilbourn, also, came to the country, and his father's family eat dinner with us. The same winter, or next spring, the said James Wilbourn made a settlement and improvement in Tywapity bottom, in said province. He built a very good little cabin, made a garden, and planted seed which he brought from Georgia with him. This affiant recollects he sowed some sowerdock and she scolded him for it. He had a smart little strip in cultivation. He had a wife and one child; said Wilbourn has lived in the country ever since.

her
BRIDGET × LANE.
mark.

Sworn to and subscribed, this 9th April, 1835.

JAMES H. RELFE, *Commissioner.*

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

James Wilbourn, claiming 300 arpens of land. (See book No. 6, page 450, where this claim is entered for 640 acres.)

The board are of opinion that 300 arpens of land (it being the quantity claimed on record) ought to be granted to the said James Wilbourn, or to his legal representatives, according to possession. (See book No. 7, page 180.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 288.—*Israel Dodge, claiming* 7,056 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of the upper part of the same province:*

Israel Dodge, father of a numerous family and (*owner*) of several slaves, having erected in the country several mills, distilleries, breweries, &c., and having exercised his industry in a blameless manner, hopes that you will be pleased to make him partake of the favors which the government grants with generosity to all those who come to fix themselves under the domination of his Majesty, and particularly to those who, by their labor, have deserved his regard. Therefore, full of confidence in your justice, he has the honor to supplicate you to have the goodness to grant to him in full property, for establishing an extensive stock farm, one league of land in superficie, or 7,056 arpens, to be taken in a vacant part of the domain, at his choice, and in the manner most convenient to his views. Your petitioner, having more than the means necessary to make the establishment contemplated, and this quantity of land having almost always been granted in such cases, without difficulty, by the government, hopes that his known conduct, his character, his submission and fidelity to the laws, will be motives which will contribute, in part, to the accomplishment of his wishes. In so doing, you will do justice.

ISRAEL DODGE.

ST. GENEVIEVE, *December* 5, 1800.

We, the undersigned, commandant of the post of New Bourbon, do certify to the lieutenant governor of Upper Louisiana, that the concession for one league (square of land) asked by the petitioner, in a vacant place, not already conceded to any person, and being a part of the King's domain, is indispensably necessary to him for the purpose of establishing a grazing farm, in order to feed and maintain the great number of cattle he owns, which it is impossible for him to do on his lands, they being all situated on barren hills; besides, the establishments so useful to the public, such as mills, distilleries, and breweries, which the petitioner has had erected in this post, at a great expense, are great inducements to grant him the favor which he solicits.

Done at New Bourbon, December 8, 1800.

P. DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *December* 11, 1800.

Having examined the foregoing statement, together with the information given by the commandant of the post of New Bourbon, captain of militia, Don Pedro Delassus de Luziere, and considering that the petitioner is one of the most ancient inhabitants of this country, I do grant to him and his heirs the land which he solicits, provided it is not to the prejudice of any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks in the place indicated, and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of land belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

ST. LOUIS, *August* 14, 1834.

No. 288.—*Israel Dodge, claiming* 7,056 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
288	Israel Dodge.	7,056	Concession, December 11, 1800.	Carlos Dehault Delassus.	Unlocated.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Israel Dodge, claiming 7,056 arpens of land, district of St. Genevieve, produces the record of a concession from Charles D. Delassus, L. G., dated December 11, 1800.

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, book No. 5, page 407.)

November 15, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Israel Dodge, claiming 7,056 arpens of land. (See record-book E, page 219; No. 5, page 407.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated December 11, 1800.

M. P. Leduc, duly sworn, says that the signature to the above concession is in the true handwriting of said Carlos Dehault Delassus. (See book No. 6, page 338.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Israel Dodge, claiming 7,056 arpens of land. (See book No. 6, page 338.)

The board are of opinion that this claim ought to be confirmed to the said Israel Dodge, or to his legal representatives, according to the concession. (See book No. 7, page 181.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 289.—*Agnew Massey, claiming* 248 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
289	Agnew Massey.	248	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 28, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Agnew Massey, claiming 300 arpens of land, situate in Tywapity, district of New Madrid, produces to the board a certified list of permission to settle, formerly given, No. 1369, on which claimant is No. 248.

The following testimony in the foregoing claim was taken at New Madrid, June 16, 1808, by Frederick Bates, commissioner:

Edward Mathews, duly sworn, says that, in the spring of 1802, claimant built a cabin, and inhabited and cleared, enclosed and cultivated, a few acres; he left the premises in the fall of that year; since which time it has neither been inhabited nor cultivated. Claimant had a wife and one child. Laid over for decision. (See book No. 4, page 108.)

December 12, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners:

Agnew Massey, claiming 300 arpens of land. (See book No. 4, page 108.) It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 26.)

January 21, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Agnew Massey, by his legal representatives, claiming 640 acres of land, situate in Prairie St. Charles, alias Mathews' prairie. (See book E, page 194; book No. 4, page 108; No. 5, page 26.)

STATE OF MISSOURI, *County of Cape Girardeau:*

George Hacker being sworn, says he was well acquainted with Agnew Massey, who resided in the district of New Madrid; he first knew him in April, 1802, in Prairie St. Charles, in said district, where he inhabited and cultivated land; he had cleared land which was in cultivation, and built a dwelling-house, &c. He had a wife, one son, and one daughter.

GEORGE HACKER.

Sworn and subscribed to, June 11, 1833.

L. F. LINN, *Commissioner.*

I do hereby swear that I came to and settled in Prairie St. Charles, in Scott county, and State of Missouri, in the spring of 1802, and that some time within the said year I saw and became acquainted with Agnew Massey, who built a small cabin, without any other improvement, and left it in a few months.

DANIEL STRINGER.

Sworn and subscribed to before me, a justice of the peace for Byrd township, in Cape Girardeau, county and State of Missouri, this 15th day of October, 1833.

A. H. BREWARD.

Sworn to, and signature acknowledged, October 15, 1833.

L. F. LINN, *Commissioner.*

This day personally appeared before me, Lewis F. Linn, one of the commissioners appointed, &c., Robert Giboney, of lawful age, who being duly sworn, deposeth and saith that he emigrated to the district of Cape Girardeau, then under the Spanish government, in the year 1797; that, in the year 1804 and 1805, as well as this affiant recollects, in an arrangement made between Agnew Massey and this affiant's brother, about going to Mathews' prairie and bringing his (said Massey's) horses to the saline on the Mississippi, then in the district of St. Genevieve, that this affiant went for his brother, and drove Massey's horses to the saltworks as above; the compensation for the above labor was paid in salt, but how much this affiant does not recollect.

ROBERT GIBONEY.

L. F. LINN, *Commissioner.*

(See book No. 6, page 478.)

April 25, 1835.—James H. Relfe, esq., appeared, pursuant to adjournment.

In the case of Agnew Massey, claiming 640 acres of land, (see book No. 6, page 478,) the following testimony was taken before James H. Relfe, commissioner, in Scott county:

Elizabeth Smith states on her oath, that she moved to and settled in Mathews's prairie, province of Upper Louisiana, now State of Missouri, in the year 1804. In the month of May or June of that year she saw the improvement of Agnew Massey in said prairie; from the appearance of the place, she supposes it was in cultivation the year previous; the fence-rails looked old, as if they had been made several years before. There appeared to be two or three acres under fence, which had been in cultivation.

ELIZABETH her × mark. SMITH.

Also, Daniel Stringer being sworn, states that in 1803 he knew Agnew Massey in Mathews's prairie, in the province of Upper Louisiana. In that year he was at the house of the said Massey, in said prairie; he had a family. This affiant does not recollect as to the size of his improvement. He lived in a log cabin, which was the common kind of houses in the country at that time. He had in that year ground enclosed; how much witness cannot state.

DANIEL STRINGER.

Sworn to and subscribed, this 10th April, 1835.

JAMES H. RELFE, *Commissioner.*

(See No. 7, page 138.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Agnew Massey, claiming 248 arpens of land. (See book No. 6, page 478, where this claim is entered for 640 acres. No. 7, page 138.)

The board are of opinion that 248 arpens of land (it being the quantity claimed on record) ought to be granted to the said Agnew Massey, or to his legal representatives, according to possession. (See book No. 7, page 181.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 290.—*Joseph Doublewye, claiming* 640 *arpens.*

No.	Name of original claimant.	Arpens.	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
290	Joseph Doublewye.	640	Settlement right.		On the waters of St. Francis river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 2, 1813.—Joseph Doublewye's legal representatives, claiming 800 arpens of land on the waters of St. Francis, county of Cape Girardeau.

David Ferrell, duly sworn, says that claimant, Doublewye, had a man on this tract in 1803 and 1804, working for him, and living on the land, himself being occasionally there. Said tract has been inhabited and cultivated to this time. (See recorder's minutes, page 47.)

December 15, 1813.—The representatives of Joseph Doublewye, claiming 800 arpens of land, on the waters of the river St. Francis, in the county of Cape Girardeau, on the interference of Charles Peyton and Henry Burning.

Robert A. Logan, duly sworn, says that he has lived on the river St. Francis, in the district or county of Cape Girardeau, for upward of ten years, to wit, September, 1803; has constantly resided there, and is, and has been very well acquainted with the settlers on the river, and with those on the waters of the river St. Francis, within the county of Cape Girardeau, and that he, said witness, never either knew or heard of a man of the

name of Joseph Doublewye within the said settlements, as an improver of lands. Witness further says that, in April, 1804, a cabin was *raised* by a man said to have been employed by E. Able on lands in the neighborhood of improvements subsequently made by C. Peyton and others; but at that time there were no immediate neighbors. In the fall of that year said man covered the cabin; this cabin never was inhabited, and a few years thereafter was burnt down. In the year 1806, a man of the name of Hillhouse built a cabin, inhabited and cultivated a tract of land in the neighborhood of said cabin; the dwelling of Hillhouse was about half a mile distant therefrom. Since Hillhouse's establishment, the place improved by him has been constantly inhabited and cultivated to this time. Witness understands that Peyton's and Burning's claims are derived from Hillhouse.

Francis Clark, duly sworn, says that in April or May, 1804, witness went to the settlements on the river St. Francis in the then district of Cape Girardeau; was pretty generally acquainted with the people of that river and its waters in said county, and never knew or heard of Joseph Doublewye either improving or claiming lands therein, until the entry of his notice. Thomas Ring told this witness that he, Ring, had built a cabin for E. Able on the waters of the river St. Francis, in 1804. (See recorder's minutes, page 78.)

December 28, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Doublewye, alias Deblois, by his legal representatives, claiming 640 acres of land, situate on the waters of St. Francis, county of Madison. (See record-book F, page 50; recorder's minutes, pages 47 and 78.)

STATE OF MISSOURI, *county of Madison:*

Samuel Campbell, aged about 68 years, being duly sworn as the law directs, deposeth and saith, that he was well acquainted with Joseph Deblois, the original claimant; that he was one of the old settlers of the country, then the province of Upper Louisiana; witness also knows the land claimed, and knows that the claimant settled on the same in the summer of 1803, and actually built a house thereon, and cleared and fenced in several acres of land. Claimant hired one Thomas Ring to help him do the work, for which he paid Ring $40, which was valued between the parties by this witness. Witness also knows that the claimant inhabited the house in the fall and winter of 1803 and 1804, and that in the spring of 1804, the claimant planted corn, made a garden, and cultivated the land. In the summer, the Osage Indians made a break in the settlements, and drove the claimant, with many others, from their farms; but witness knows that claimant returned in the fall and gathered his corn, and then returned to the place and again inhabited the house; and that the claimant and others under him, from thenceforward for several successive years, continued to inhabit and cultivate the same place, and extend his improvements; the claimant had a family, or a wife and two children, and the said tract of land has been continually inhabited and cultivated ever since.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 23d day of October, 1833.

L. F. LINN, *Commissioner.*

Also came John Clements, a witness, aged 53 years, who, being duly sworn, deposeth and saith, that he knows the land claimed; that it was always called Deblois's land or improvement; witness saw Thomas Ring at work there in the fall of 1803, in building a house or cabin, and was told by Ring that it was for the claimant; witness also saw the horse which claimant paid Ring for his labor done on the said place; witness also saw corn standing on the place in the fall of 1804; the house was fenced in by the land cleared, and that was the land that was in corn; witness saw afterward one Hillhouse, or Hillis, on the place, and understood that he was there by permission of Deblois.

his
JOHN × CLEMENTS.
mark.

Sworn to and subscribed before me, this 23d October, 1833.

L. F. LINN, *Commissioner.*

And also came John L. Pettit, a witness, aged about 51 years, who, being duly sworn, deposeth and saith, that he knew the original claimant in this country as a citizen and resident, since the year 1801. Witness had a conversation with the commandant of the post, in 1801, in which conversation the commandant told the witness that claimant had his permission to settle on land; that claimant was entitled to land, being a mechanic, a carpenter, and at work for the government at St. Genevieve. Claimant was one of the old settlers in the country.

JOHN L. PETTIT.

Sworn to and subscribed before me, this 23d October, 1833.

L F. LINN, *Commissioner.*

(See book No. 6, page 420.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, and J. H. Relfe, commissioners.

Joseph Doublewye, alias Deblois, claiming 640 acres of land. (See book No. 6, page 420.)

The board are of opinion that this claim ought to be granted to the said Joseph Doublewye, alias Deblois, or to his legal representatives, according to possession. (See book No. 7, page 181.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 291.—*Antoine V. Bouis, claiming* 1,000 *arpens.*

ST. LOUIS OF ILLINOIS, *November* 11, 1796.

To the Lieutenant Governor.

Antonio Vincent Bouis, sub-lieutenant of the militia of this town of St. Louis of Illinois, and residing in the same, with due respect, and in the best manner possible, has the honor to represent to you, that he wishes to establish a plantation for the increase of agriculture, and wanting lands for that purpose, as also to raise cattle, he humbly supplicates you to be pleased to grant to him, in fee simple, for him and his heirs, or others

who may represent his right, twenty-five arpens of land in front by forty in depth, in the place where Emilian Yosty has got his plantation, joining him, and continuing, in a straight line, on the side where passes the road to St. Charles of Missouri, and running, for depth, to the hills, the petitioner obliging himself to leave the said road free, and subjecting himself to what the laws prescribe in this particular. Favor which he hopes to deserve of your known justice.

his
DON ANTONIO × VINCENT.
mark.

ST. LOUIS OF ILLINOIS, *November* 11, 1796.

The surveyor of this jurisdiction shall put this party [omission in the original] of the quantity of land in the place and in the shape solicited by him, provided it be vacant, and not prejudicial to any one.

ZENON TRUDEAU.

ST. LOUIS, *July* 27, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
291	Antoine V. Bouis.	1,000	Concession, 11th November, 1796.	Zenon Trudeau.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 23, 1807.—The board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, esquires.

The same (Antoine V. Bouis) claims 1,000 arpens of land, situate on the river Missouri, district of St. Louis, produces a concession from Zenon Trudeau, dated 11th November, 1794 (1796). It being suggested that the claims of Joseph Williams and Robert Young interfered in this claim, ordered, by the board, that this claim will be taken up for further examination on Thursday next, and that the claimant give notice of the day to the said persons, at least four days previous thereto. (See book No. 3, page 7.)

July 30, 1807.—The board met, agreeably to adjournment.

Antoine V. Bouis, claiming 1,000 arpens, situate on the river Missouri. This case is proceeded on in pursuance of an order of the 23d inst. The claimant files a caveat against Jacques Chovan. The claim of Joseph Williams interfering with the above 1,000 arpens tract, the board went into an investigation of the same.

Nicholas Lecompte, sworn, says that, about the year 1795, he was put in possesssion, and had his land surveyed by one Bouvet, and the deponent produced a plat of survey of his land, dated February 20, 1795.

McDaniel, the agent of Joseph Williams, motioned the board for a postponement of this case after hearing testimony. Ordered, by the board, that the same be postponed until January 29, 1808, if not on Sunday, and if on Sunday, until the next day.

James Mackay, duly sworn, says he is acquainted with the survey of Williams, and that about the year 1798, he saw the said Joseph Williams on his land, and that the same had been inhabited and cultivated ever since.

Robert Owen, sworn, says that the first improvement made on the aforesaid land was by Joseph Williams, about eleven years ago. And witness further says that, in the spring of the year, after the first improvement was made, it was inhabited, and has been inhabited and cultivated ever since; and that, in the year 1800, there was about fifteen or eighteen acres under cultivation.

The agent of the United States declares that he believes the concession and survey of the aforesaid Joseph Williams's land are both antedated; whereupon the board require further proof.

Nicholas Lecompte, duly sworn, says that Joseph Williams informed him, at the time he came to work on the land he now claims, that he had a concession for 400 arpens, to include the land he was then improving; he also says that John Louis Mark settled on land in this neighborhood in the spring of 1796.

Robert Owen, sworn, says, about eleven years ago he was in the quarters of the late Spanish officer, M. Trudeau, where there were several persons present, among others, a certain John L. Mark, who made application for a tract of land adjoining or in the neighborhood of N. Lecompte. M. Trudeau replied that he had already made concessions adjoining Lecompte to A. V. Bouis, and to Joseph Williams, and was doubtful whether there remained any vacant land.

Robert Young, sworn, says that, about the year 1800, James Mackay surveyed the land on which Joseph Williams now lives, and the deponent further says that he carried the chain, but whether by regular appointment or not, he does not now recollect. The tract, as surveyed by Mackay, contained, as well as this deponent now recollects, 800 arpens. The board are satisfied as to the dates of the concession and survey aforesaid.

Christopher Shurls, sworn, says that Zenon Trudeau gave his father a grant to settle on the land which A. V. Bouis now claims, and that, after working there some time, he received an order from said Trudeau to remove from said land, otherwise he would lose his labor, as A. V. Bouis's claim was older than that of the deponent's father. This took place about ten or eleven years ago; in consequence of said order, the deponent's father removed from said land, and that Robert Young afterward settled on Williams's land, at the place from which this deponent's father had removed.

Antoine Soulard, sworn, says that Antoine V. Bouis often applied to him to survey his land, before a survey on Williams's land was made; that various circumstances prevented his compliance with this request; and the deponent further says that the decision of Gayoso, respecting those claims, took place after the surveys of Williams and others were made. (See minutes No. 3, pages, 16, 17, and 18.)

January 29, 1808.—The board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

The contending claims of Antoine Vincent Bouis, for 1000 arpens of land, situate on the river Missouri, and of Joseph Williams, for 800 arpens, referred for decision on this day, at a board held on the 30th of July, 1807, page 16.

Jean Louis Marc, duly sworn, says that at least twelve years ago, during the time that Don Zenon Trudeau was lieutenant governor of Upper Louisiana, he (the deponent) applied to him for a tract of land, situate between

Emilian Yosti and Nicholas Lecompte; the lieutenant governor replied, that he believed he had already granted the said land to Antoine Vincent Bouis; the deponent being informed, by several other persons, that the said land did belong to Antoine Vincent Bouis, he went to him, and agreed with him to settle on the said land for three or four years, as the tenant of said Bouis, and that said Vincent Bouis was to let him have three or four arpens of said land, if he complied with his contract, and that said Vincent Bouis verbally agreed to give the deponent ten or twelve head of cows, and from sixteen to twenty sows; this agreement took place in the fall, and that, in the spring following, he, the deponent, went on said tract of land, and built a small cabin, and made sugar; and that, in the following spring, he built a good cabin on the land between Yosti and Lecompte, on a place which he supposed would be vacant, and that, in case he was on the land of Antoine Vincent Bouis, he would get land from said Bouis, but should it be vacant, he would hold it in his own right; made and fenced in a field of about three arpens, and continued on it about twenty months; further says, that Vincent Bouis never complied with his contract, but told him that his time was still going on; that said Vincent Bouis's stock was scattered about in the rushes and could not collect them; that when the lines should be run he would allow him the land according to contract; that during the time he was settled on said land, a man by the name of Shultz went and cut house logs on said tract, and that the deponent gave notice of it to A. V. Bouis, and that said Bouis applied to the lieutenant governor, Zenon Trudeau, and obtained an order, forbidding the said Shultz from cutting logs on said land. Further says, that his house was on the road of the Indians to their hunting ground, and that his wife was frequently insulted by them; he therefore left the house and went near to St. Charles, expecting to return when there should be other settlers near the place which he had left; says that he went a voyage up the Missouri, and when he returned, found trees marked on said land; says that at the time he made said settlement he considered himself as the tenant of Antoine V. Bouis; further says, that about seven or eight months after he had settled with his family in his large cabin, Joseph Williams came and settled near him. Deponent says, that while settled on said land, he raised corn, tobacco, and garden stuff; had raised nothing when said Williams made his settlement, it not being planting time, but had fenced in his field.

Question by agent of Williams. Do you expect to receive from Vincent Bouis the four acres of land contracted for?

Answer. I know nothing of it; but if Mr. Vincent Bouis gets the land, I suppose it to be just that I should have some land for the twenty months I lived on it. (See book No. 3, page 177.)

February 1, 1808.—Board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

The contending claims of Antoine V. Bouis, for 1,000 arpens of land, and of Joseph Williams, for 800 arpens, before the board.

Louis Braseau, duly sworn, says that he saw Jean Louis Marc making sugar at the bottom of a hill, near the road from St. Louis to St. Charles, about ten or eleven years ago; the said Jean Louis Marc told the deponent, at that time, that he was working on the land of Antoine V. Bouis; deponent further saith, that he knows that Jean Louis Marc was making sugar between the settlements of Emilian Yosti and Nicholas Lecompte, and that there was a cabin built on said place, in which said Jean Louis then lived.

Robert Owens, duly sworn, says that Joseph Williams made the first improvement by one year, but don't know who built the first cabin; further says that Williams made his improvement eleven years ago last spring, or eleven years this spring, but thinks it is twelve years this spring coming.

John Richardson, duly sworn, says that he came to this country in the year 1797, and settled within six miles of Williams; had his washing done at Williams' house; saw corn growing in the field ever since occupied by Williams, same year; that he knows the place where Jean Louis Marc made his improvement; that at that time no improvement was made by said Jean Louis

Question by the agent of Antoine V. Bouis. Do you know Jean Louis Marc?

Answer. I do not.

Question by same. Do you know how long since Williams built the first house on the place where he now lives?

Answer. I cannot say.

Question by same. Was there any building on the land in 1797?

Answer. Nothing more than a camp.

Question by same. Did Williams and his family live on the land in 1797?

Answer. Yes, they did.

Question by same. How far from said land did Williams' wife reside?

Answer. About three or four miles.

Question by agent of Williams. What do you understand by a man and his family?

Answer. I understand he and all his concerns.

Question by same. How large are the apple-trees on said land?

Answer. I saw them in blossom last year.

Question by same. How long did Mrs. Williams remain in the house where she did your washing, before she moved on to the place where Williams made his improvements?

Answer. A very short time, not past three or four months.

Antoine Soulard, duly sworn.

Question by agent of Joseph Williams. Did you, in pursuance of an order of Don Zenon Trudeau, lieutenant governor of Upper Louisiana, dated the 26th of August, 1796, put Joseph Williams in possession of a tract of land?

Answer. Yes, I did.

Question by same. Where is that land situated?

Answer. On the south side of the road from St. Louis to St. Charles, about thirty arpens from the Missouri river, and is the same land described in a survey made the 10th of April, 1800, and certified the 10th of May, 1803.

Question by same. Did you at any time put Antoine Vincent Bouis in possession of a tract of land, in pursuance to an order of Don Zenon Trudeau, lieutenant governor of Upper Louisiana, dated the 11th of November, 1796?

Answer. No, I did not; but I went on to the place to put said Bouis in possession, but the obstacles I met with prevented it.

Question by the same. What were those obstacles?

Answer. In setting out from Yosti's corner, in presence of Lafoucade, agent for A. V. Bouis, and Williams being also present, said Williams told him that if he run that line he would take all his, the said Williams', im-

provement; which proceeding took place before Williams' survey was made; deponent further says that he ran a line from Yosti's corner, about twelve or fourteen arpens in length; he then became convinced that in running said survey, he would take in the improvement of said Williams; and seeing the concessions of Williams was older than the concession of A. V. Bouis, and that said Williams was established on the land, he therefore did not proceed to the survey required by said Bouis; further says, that there was no settlement made on said Bouis' land, at that time, to his knowledge, and that nothing of the kind was claimed by the agent of said Bouis; further says, that he does not remember to have had any conversation with Lafoucade, the agent of Bouis, concerning any settlement on the land of said Bouis.

Question by the agent of Antoine V. Bouis. Who first applied to you to make a survey?

Answer. Williams applied first, because I had his concession in my hands before that of A. V. Bouis.

Question by same. Why did you proceed to the survey of Antoine V. Bouis' land before that of Williams?

Answer. I did not proceed to the survey for A. V. Bouis before that of Williams; I went to survey both of them, provided there should be vacancy sufficient; and finding there was not vacancy enough, I referred the parties to the lieutenant governor.

Question by the board. Do you know, of your own knowledge, when you ran the assaying line, that said Williams had been settled on said place for several years before?

Answer. Yes.

Question by same. Was the time when said Williams delivered his concession into your hands, near the time that it bears date?

Answer. Very near.

On motion of the agent of A. V. Bouis, this case is postponed until this day two weeks. (See book No. 3, page 180.)

March 14, 1808.—Board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

This being the day given to the contending claimants, Antoine V. Bouis and Joseph Williams, for a hearing, and to receive the answers of Christopher Shultz, on interrogatories filed 15th February last, the same were this day returned and filed. Laid over for decision. (Book No. 3, page 188.)

October 2, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Antoine V. Bouis, claiming 1,000 arpens of land, situate on the river Missouri. (See book No. 3, page 16, 177, 180, and 188.)

Joseph Brazeau, being duly sworn, says that he saw Louis Marc making sugar upon said land, fifteen or sixteen years ago, perhaps less, but long since; that the land upon which the sugar was made, he understood to be the property of Antoine V. Bouis; further says, that Louis Marc had a cabin thereon, but does not know how long he continued there.

The board order a survey to be made of this claim, at the expense of Antoine V. Bouis; to be made as nearly conformable as may be to the concession, so as to include the improvements made by Jean Louis Marc, and not to interfere with the survey ordered for Joseph Williams in this book, page 174, or any other land legally surveyed, except the survey heretofore surveyed for said Joseph Williams. And the board further order that the said survey of Antoine V. Bouis be made at the same time that the survey ordered for Joseph Williams is made. Ordered by the board, that the clerk of this board transmit to the principal deputy surveyor of this Territory, a copy of the orders of this board, for the surveys in both the claims of Antoine V. Bouis and Joseph Williams, and that the said surveyor survey or make return thereof in two weeks from this day. (See book No, 4, page 175.)

November 1, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

Antoine V. Bouis, claiming 1,000 arpens of land, situate on the Missouri district of St. Louis. (See book No. 1, page 78; book No. 3, pages 177, 180, and 188; book No. 4, page 175.)

It is the opinion of a majority of the board that this claim ought not to be confirmed. Clement B. Penrose, commissioner, voting for the confirmation thereof. (See book No. 4, page 184.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Antoine V. Bouis, by his legal representative, F. V. Bouis, claiming twenty-five by forty arpens of land, situate near Yosti's plantation, in the Missouri bottom, on the road leading from St. Louis to St. Charles, (special location.) (See record-book C, page 204; minutes No. 4, pages 175 and 184.) Produces a paper, purporting to be an original concession from Zenon Trudeau, dated 11th November, 1796.

M. P. Leduc, duly sworn, says that the decree and signature to the same are in the proper handwriting of said Zenon Trudeau. (See book No. 6, page 220.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

A. V. Bouis, claiming 1,000 arpens of land. (See book No. 6, page 220.)

The board are of opinion that this claim ought to be confirmed to the said A. V. Bouis, or to his legal representatives, according to the concession. (See book No. 7, page 181.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 292.—*Andre Chevalier, claiming* 400 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel in the armies of his Catholic Majesty, and Lieutenant Governor of Upper Louisiana:*

Andre Chevalier, jr., humbly supplicates and has the honor to represent to you that, being on the point of settling himself, he desires to make and improve a plantation, and wishes that you would grant and concede to him a concession of 400 arpens in superficie, to be taken in a vacant place of the domain. The petitioner hopes to obtain this favor, being the son of one of the most ancient inhabitants of this place, and also able to improve his plantation and raise cattle thereon. In so doing, he shall never cease to pray for the conservation of your days.

Done at New Bourbon, October 1, 1799.

his
ANDRE × CHEVALIER.
mark.

We, the undersigned, commandant of New Bourbon, do certify to the lieutenant governor of Upper Louisiana, that the petitioner is worthy to obtain the concession he solicits for, as much on account of the length of time his family has been settled in the upper part of this colony, and their honesty, as also because he has no other profession to support himself but that of a farmer, which he has practised with advantage since his youth.

Done in New Bourbon, October 4, 1799.

PEDRO DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *October* 18, 1799.

In consequence of the information given by the commandant of the post of New Bourbon, Captain Don Pedro Delassus de Luziere, and considering that the petitioner is the son of one of the most ancient inhabitants of this country, and that he possesses sufficient means to improve the land he solicits, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks for, in a vacant place in the King's domain; and this being executed, he shall make out a plat, delivering the same to said party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

The present original title of concession has been recorded, and its compared copy deposited in the archives of this post of New Bourbon, under No. 20. D. L.

ST. LOUIS, *July* 24, 1833. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
292	Andre Chevalier.	400	Concession, 18th October, 1799.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

Sittings at ST. GENEVIEVE, *June*, 1806.—Camille Delassus, assignee of Andrew Chevalier, claiming 400 arpens of land, produces an unlocated concession from Charles D. Delassus, dated the 18th of October, 1799, and a deed of transfer, dated the 19th of May, 1804.

The board require proofs of the date of said concession, and of the age of said Andrew Miller (Chevalier). Rejected. (See book No. 2, page 25.)

September 28th, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

Camille Delassus, assignee of Andrew Chevalier, claiming 400 arpens of land. (See book No. 2, page 25.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 515.)

July 6, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Andre Chevalier, by his legal representatives, claiming 400 arpens of land. (See record-book B, page 511; minutes, book No. 2, page 25; No. 4, page 515.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated October 18th, 1799, preceded by a recommendation from Pierre Delassus Deluziere, commandant of New Bourbon.

M. P. Leduc, being duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and that the recommendation and the signature affixed to it is in the proper handwriting of Pierre Delassus Deluziere, then commandant of New Bourbon. (See book No. 6, page 213.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Andre Chevalier, claiming 400 arpens of land. (See book No. 6, page 213.)

In this case the following certificate was sworn to, and signature acknowledged, before L. F. Linn, commissioner:

I certify that it is not in my power to survey Andre Chevalier's survey between now and the 1st of March. Given under my hand, February the 24th, 1806.

THOMAS MADDIN.

Sworn to, and signature acknowledged, May 11th, 1833.

L. F. LINN, *Commissioner.*

The board are of opinion that this claim ought to be confirmed to the said Andre Chevalier, or to his legal representatives, according to the concession. (See book No. 7, page 183.)

JAMES F. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 293.—*Joseph Silvain, claiming* 250 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of Upper Louisiana.*

Joseph Silvain, a Roman Catholic and French Canadian, has the honor to represent to you that, having resided for some time in Cape Girardeau, where he has resolved to settle himself, he would wish to obtain, in said place, a concession of two hundred and fifty arpens of land for himself, his wife, and one child; if you were pleased to grant this favor, which he expects of your justice and for which he shall never cease to pray Heaven for your preservation.

CAPE GIRARDEAU, *October* 18, 1799.

JOSEPH his × mark SILVAIN.

We, commandant of the post of Cape Girardeau, do inform the lieutenant governor that the land demanded and occupied by the petitioner is a part of his Majesty's domain, and that himself has all the qualifications required to obtain the favor which he solicits.

L. LORIMIER.

CAPE GIRARDEAU, *October* 19, 1799.

ST. LOUIS OF ILLINOIS, *December* 15, 1799.

Whereas by the information given by the commandant of the post of Cape Girardeau, Don Luis Lorimier, the number of persons composing the family of the petitioner is ascertained, the surveyor, Don Antonio Soulard, shall put him in possession of two hundred and fifty arpens of land in superficie, in the place asked for, said quantity corresponding to the number of his family, according to the regulations of the governor general of this province; and afterward the party interested shall have to solicit the title of concession in form from the intendant general of these provinces, to whom alone belongs, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *February* 6, 1834. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
293	Joseph Silvain.	250	Concession, 15th December, 1799.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. L. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Silvain, claiming 250 arpens of land, situate in district of Cape Girardeau. Produces record of a concession from Delassus, L. G., dated December 15, 1799.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 499.)

December 5, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Silvain, claiming 250 arpens of land. (See record-book E, page 27; book No. 5, page 499.)

Produces a paper purporting to be an original concession from Charles Dehault Delassus, dated December 15, 1799.

M. P. Leduc, duly sworn, says that the signature in the recommendation is in the true handwriting of Louis Lorimier, commandant of Cape Girardeau, and the signature to the concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 365.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Joseph Silvain, claiming 250 arpens of land. (See book No. 6, page 365.)

The board are of opinion that this claim ought to be confirmed to the said Joseph Silvain, or to his legal representatives, according to the concession and to possession. (See book No. 7, page 183.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 294.—*Jacob Neal, claiming* 800 *arpens.*

To Don F. VALLE, *Captain and civil and military Commandant of the post of St. Genevieve of Illinois, &c.:*

Jacob Neal, being among the number of families to which the government has permitted to settle in this country, in consequence of the demand made by Mr. Moses Austin, as appears by the certificate of the said Austin here annexed, has the honor to represent that, being desirous to make a plantation in order to support his numerous family, composed of himself, his wife, and nine children, and also to establish a gunpowder manufactory, which article will be most advantageous to this colony, he would wish to have a certain quantity of land; therefore, the said petitioner applies to your goodness, and to the generosity of the government which you represent in this district, praying that you be pleased to grant to him, his heirs or assigns, a concession of 800 arpens of land in superficie, situated on the bank of the river called Mine à Breton, at about two leagues below the settlement at the said Mine. In doing which you will do justice.

JACOB NEAL.

ST. GENEVIEVE, *November* 20, 1799.

Having examined the foregoing petition, we do refer it to the lieutenant governor, for him to determine what he shall think fit.

F'COIS VALLÉ.

ST. GENEVIEVE, *November* 22, 1799.

ST. LOUIS OF ILLINOIS, *November* 29, 1799.

In consequence of the official order of the Baron de Carondelet, dated March 15, in the year 1797, granting lands to all those who have come to this country with Mr. Moses Austin, the party interested shall prove, before the commandant of St. Genevieve, in whose jurisdiction he resides, the number of persons composing his family,

and afterward, the surveyor, Don Antonio Soulard, shall put him in possession of 200 arpens of land in superficie for the husband and wife, 50 for each child, and 20 for each negro, and the whole not to exceed 800 arpens for one single owner, as it is ordered by the regulation of the governor general of the province. And this being executed, the interested shall have to solicit the title of concession in form from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 24, 1833. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
294	Jacob Neal.	800	Concession, 29th November, 1799.	Carlos D. Delassus.	On Mine à Breton creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 23, 1833.—The board met, pursuant to adjournment. Present, L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Jacob Neal, by his legal representatives, claiming 800 arpens of land, situated on the waters of the river or creek of Mine à Breton. (See book C, page 497.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated the 29th day of November, 1799.

The following testimony was taken before Lewis F. Linn, esq., one of the commissioners:

STATE OF MISSOURI, *County of St. Genevieve:*

John B. Vallé, aged about 72 years, being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with François Vallé; that he has often seen him write; that the said François Vallé was commandant of the post and district of St. Genevieve, in the year 1799, and that the name, signature, and writing to the recommendation for said grant, dated as aforesaid, is the proper name and signature, and in the proper handwriting of the said François Vallé, the commandant as aforesaid. And this deponent further says that he was well acquainted with Charles Dehault Delassus; that he has often seen him write; that he was the lieutenant governor of the province of Upper Louisiana in the year 1799, and that the name, signature, and handwriting to the said concession from him to the said Jacob Neal, dated the 29th day of November, in the year 1799, is the proper name and signature, and in the proper handwriting of the said Charles Dehault Delassus. Sworn to and subscribed before me, L. F. Linn, one of the commissioners appointed, &c., this 4th day of May, 1833.

J. B. VALLÉ.
L. F. LINN, *Commissioner.*

And also came John T. McNeal, a witness, aged about 70 years, who being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with Jacob Neal, the original claimant; that he saw him in this country, then called the province of Upper Louisiana, in the year 1799; that he was then a citizen and resident in the country; had a wife and nine children; that he understood he had obtained a grant for land from the Spanish government, situate on the creek or river of Mine à Breton; that he understood it to be the intention of the said Neal to erect a powder mill on the land granted, but that before he could carry the same into effect he died. Sworn to and subscribed before me, Lewis F. Linn, commissioner, this 8th day of May, 1833.

JOHN T. McNEAL.
L. F. LINN, *Commissioner.*

(See book No. 6. page 249.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Jacob Neal, claiming 650 arpens of land. (See book No. 6, page 249, where this claim is entered for 800 arpens.)

The board are of opinion that 650 arpens of land ought to be confirmed to the said Jacob Neal, or to his legal representatives, according to the concession and number of persons composing his family. (See book No. 7, page 183.)

JAMES H. RELFE.
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 295.—*Pierre Dumais, claiming* 1,000 *arpens.*

CAPE GIRARDEAU, *January* 6, 1800.

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

SIR: Pierre Dumais has the honor to represent to you that, having resided in this province since his infancy, he would wish to make therein an establishment; therefore he has recourse to the bounty of this government, praying that you may be pleased to grant to him a tract of vacant land, of 1,000 arpens in superficie, to be taken in the district of Cape Girardeau, in the place called the Old Cape, adjoining a tract of land belonging to Mr. Louis Lorimier. Favor which the petitioner presumes to expect of your justice.

PIERRE DUMAIS.

CAPE GIRARDEAU, *January* 9, 1800.

We, commandant of the post of Cape Girardeau of Illinois, have the honor to inform the lieutenant governor that the statement of the petitioner is true, and that we believe him worthy to obtain the concession which he solicits, and which is a part of his Majesty's domain.

LOUIS LORIMIER.

ST. LOUIS OF ILLINOIS, *January* 23, 1800.

In consequence of the information given by the commandant of the post of Cape Girardeau, Don Louis Lorimier, by which it appears that the petitioner possesses means more than sufficient to obtain the concession which he solicits, I do grant, to him and his heirs, the land he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, on the designated spot of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order that it shall serve to him to obtain the concession and title, in form, from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands belonging to the royal domain,

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *February* 6, 1834.—Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
295	Pierre Dumais.	1,000	Concession, January 23, 1800.	Carlos Dehault Delassus.	Near the Old Cape, district of Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Mainard, assignee of Peter Dumais, claiming 1,000 arpens of land, situate near Old Cape, district of Cape Girardeau. Produces the record of a concession from C. D. Delassus, lieutenant governor, dated 23d January, 1800; a transfer from Dumais to claimant, dated 20th May, 1806.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 416.)

December 5, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Pierre Dumais, by his legal representative, claiming 1,000 arpens of land, situate at the place called the Old Cape Girardeau. (See record-book E, page 27; No. 5, page 416.) Produces a paper, purporting to be an original concession from Charles Dehault Delassus, dated 23d January, 1800.

M. P. Leduc, duly sworn, says that the signature to the recommendation is in the proper handwriting of Louis Lorimier, commandant of Cape Girardeau, and the signature to the concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 364.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Pierre Dumais, claiming 1,000 arpens of land. (See book No. 6, page 364.)

The board are of opinion that this claim ought to be confirmed to the said Pierre Dumais, or to his legal representatives, according to the concession. (See book No. 7, page 183.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 296.—*Samuel Neal, claiming* 200 *arpens.*

To Don FRANCIS VALLE, *Captain and civil and military Commandant of the post of St. Genevieve, &c.:*

ST. GENEVIEVE, *November* 22, 1799.

Samuel Neal, one among the number of families to whom the government has permitted to establish themselves in this country, in consequence of the demand made by Mr. Moses Austin, as appears by the certificate of the said Austin, dated 17th instant, laid before you by Jacob Neal, has the honor to represent that, wishing to improve a plantation, in order to cultivate grain and other things, he has recourse to your goodness and to the generosity of the government which you represent in this district, for the purpose of obtaining for him, his heirs or assigns, a concession of 240 arpens of land in superficie, situated on the bank of the river called Mine à Breton, at about two leagues and a half below the settlement at the said Mine. In doing which you will do justice.

SAMUEL NEAL.

ST. GENEVIEVE, *November* 22, 1799.

Having examined the foregoing petition, we do forward it to the lieutenant governor, in order for him to determine what he shall think fit.

FRANCOIS VALLE.

ST. LOUIS OF ILLINOIS, *November* 29, 1799.

In consequence of the official order of the Baron de Carondelet, dated March 15, 1797, granting lands to all those who have come to this country with Mr. Moses Austin, the party interested shall prove before the com-

mandant of St. Genevieve, in whose jurisdiction he resides, the number of persons composing his family, and afterward the surveyor, Don Antonio Soulard, shall put him in possession of 200 arpens of land in superficie, for the husband and wife, 50 for each child, and 20 for each negro; the whole not to exceed 800 arpens for one single proprietor, as it is ordered by the regulation of the governor general of the province. And this being executed, the interested shall have to solicit the title of concession in form, from the intendant general of this province, to whom alone corresponds, by order of his Majesty, the distributing and granting of all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 24, 1833. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
296	Samuel Neal.	200	Concession, November 29, 1799.	Carlos Dehault Delassus.	On Mine à Breton creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 23, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Samuel Neal, by his legal representatives, claiming 800 arpens of land, situate on the waters of the creek of Mine à Breton. (See record-book C, page 498.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 29, 1799.

The following testimony was taken before L. F. Linn, esq., one of the commissioners:

John B. Vallé, aged about 72 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with François Vallé; that he has often seen him write; that he was the commandant of the post and district of St. Genevieve in the year 1799; and that the name and signature and handwriting to the recommendation to the lieutenant governor, dated the 22d day of November, in the year 1799, is the proper handwriting of the said François Vallé. And this deponent further says, that he was well acquainted with Charles Dehault Delassus; that he has frequently seen him write; that the said Delassus was the lieutenant governor of the province of Upper Louisiana in the year 1799, and that the name, signature, and handwriting to the concession from him to the said Samuel Neal, dated the 29th day of November, in the year 1799, is the proper name, signature, and in the proper handwriting of the said Charles Dehault Delassus.

Sworn to and subscribed before me, L. F. Linn, one of the commissioners, &c., this 4th day of May, 1833.

J. B. VALLE,

L. F. LINN, *Commissioner.*

And also came John T. McNeal, a witness aged about 70 years, who being duly sworn, as the law directs, deposeth and saith that he was well acquainted with Samuel Neal, the original grantee; that he was a citizen and resident in the province of Upper Louisiana in the year 1799; that he understood he had obtained a grant for land from the Spanish government, and that he had prepared and started to make an improvement thereon; that he was informed the land granted was on the waters of Mine à Breton creek or river; that he labored with the said Samuel Neal in the furnace of Moses Austin.

Sworn to and subscribed before me, Lewis F. Linn, commissioner, this 8th day of May, 1833.

JOHN T. McNEAL.

L. F. LINN, *Commissioner.*

(See minutes, book No. 6, page 247.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Samuel Neal, claiming 200 arpens of land. (See book No. 6, page 247, where this claim is entered for 800 arpens.)

The board are of opinion that 200 arpens of land ought to be confirmed to the said Samuel Neal, or his legal representatives, according to the concession. (See book No. 7, page 184.)

JAMES H. RELFE,

F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 297.—*Jean B. Lamarche, claiming* 800 *arpens.*

To Mr. ZENON TRUDEAU, *Lieutenant Colonel and Lieutenant Governor of the western part of Illinois and dependencies, &c.:*

SIR: J. B. Lamarche, residing in St. Louis, wishing to establish himself on the banks of the Missouri, supplicates you to be willing to grant to him a piece of vacant land, of six arpens in front, situated between Mr. Chartrand on one side, and François Janis on the other, by forty (arpens) in depth, having for boundary on one end the Missouri, and on the other Mr. Yosty. Favor which is expected from you by one who shall never cease to pray most sincerely for your prosperity.

his

J. B. × LAMARCHE.

mark.

ST. LOUIS, *November* 18, 1798.

ST. LOUIS, *November* 18, 1798.

The piece of land asked for, of six arpens in front by forty arpens in depth, being vacant on account of the abandonment made of it by one Water, who absconded from this jurisdiction, Mr. B. Lamarche may locate himself there and improve the same; and the surveyor of this jurisdiction shall make out the survey, in order to serve to obtain the concession of the governor general; whom I inform that the said B. Lamarche is a Canadian, a married man, an inhabitant of the country, and a mechanic, having all the qualifications required to obtain this concession.

ZENON TRUDEAU.

DON ANTONIO SOULARD, *Surveyor General of the settlements of Upper Louisiana:*

I do certify that a tract of land of 800 arpens in superficie, was measured, the lines run, and bounded, in favor and in presence of Gregorio Sarpy, by virtue of the power given by him for this purpose to the deputy surveyor. Said land belonged originally to B. Lamarche, as appears by the title here annexed, which has been presented to me by the said Gregorio Sarpy, a creditor of the said original owner, who absconded from this country some years ago.

The said land was measured with the perch of the city of Paris, of eighteen French feet, lineal measure of the same city, conformably to the custom of measuring land in this province. This land is situated at about twenty-four miles southwest of St. Louis, and bounded on its four sides by vacant lands of the royal domain. The survey and measurement were made without regard to the variation of the needle, which is 7° 30′ east, as appears by the foregoing figurative plat, on which are described the dimensions, courses of the lines, and other boundaries, &c. The survey was made by virtue of the decree of the lieutenant governor, Don Zenon Trudeau, dated November 18, 1798, here annexed. In testimony whereof, I do give the present certificate, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, John Terry, on the 12th of January, 1804, who signed the minutes to which I certify.

ST. LOUIS, *April* 15, 1804. ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS, *August* 8, 1833. Truly translated from book C, page 263.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
297	Jean B. Lamarche.	240	Concession for 240 arpens, November 18, 1798.	Z. Trudeau.	Survey of 800 arpens by John Terry, D. S., January 12, 1804; certified by Soulard, April 15, 1804; 24 miles S. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

September 19, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas and Clement B. Penrose, esq.

John B. Lamarche, claiming 6 by 40 arpens of land, situate on the Missouri, to be bounded on each side by one Chartrand and François Janis, and in the rear by Emilian Yosti. Produces a concession from Zenon Trudeau, dated November 18, 1798, and a survey of said quantity, taken on the river Marameck, in consequence of the above described tract having previously been surveyed by another person, the said survey without date.

Toussaint Cerre, being duly sworn, says that the said claimant actually inhabited the said tract of land as surveyed on the Marameck, about 7 or 8 years ago. Rejected. (See No. 2, page 15.)

September 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Gregoire Sarpy, assignee of John Baptist Lamarche, claiming 800 arpens of land. (See book No. 2, page 15, for the claim of John Baptist Lamarche.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 512.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Jean B. Lamarche, by Alexander McNair's legal representatives, claiming 800 arpens of land, originally granted by Zenon Trudeau, to said Lamarche, on November 18, 1798. (See record-books D, page 345, and C, page 263. Minutes No. 2, page 15; No. 4, page 512.) Produces sheriff's deed. (See book No. 6, page 223.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jean B. Lamarche, claiming 240 arpens of land. (See book No. 6, page 223, where this claim is entered for 800 arpens.) The board are of opinion that 240 arpens of land, which is the quantity asked for in the petition, ought to be confirmed to the said Jean B. Lamarche, or to his legal representatives, according to the concession, to be taken within the survey of record in book C, page 263, in the recorder's office. (See book No. 7, page 184.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 298.—*J. P. Cabanné, claiming* 2,000 *arpens.*

ST. LOUIS, *November* 11, 1799.

To DON CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of the upper part of the same province:*

SIR: J. Pre. Cabanné, father of a family, residing in this town, and since several years in this province of

Louisiana, has the honor to represent to you that, considering the dangers to which one is exposed in the fur trade, which is decreasing every day, and viewing agriculture as the only secure and certain means of procuring an independent existence, he hopes that you will be pleased to treat him with the same goodness and generosity that all the subjects of his Majesty have found in you: therefore, not having yet received any concession, he has the honor to supplicate you to have the goodness to grant to him, in full property, a tract of land of 2,000 arpens in superficie, to be taken in a vacant place of his Majesty's domain, on the north side of the Missouri. This favor shall be one link more to bind him to the soil he inhabits, and will increase in him, if possible, the sentiments of fidelity and devotedness he bears to the government under which he has found all the advantages which can make a Frenchman, whom the revolution has exiled from his country, forget all the evils he has formerly experienced; and you will do justice.

CABANNÉ.

ST. LOUIS OF ILLINOIS, *November* 12, 1799.

Considering that the petitioner has been settled in this country since a long time, and whereas we are assured that he possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land he solicits, provided that it is not to the prejudice of any one, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to said party with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 6, 1833.

Truly translated from the Spanish record of concessions, book No. 2, pages 44 and 45.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim	By whom granted.	By whom surveyed, date, and situation.
298	Jean P. Cabanné.	2,000	Concession, Nov. 12, 1779.	Carlos Dehault Delassus.	Unlocated.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 7, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates, commissioners.

J. P. Cabanné, claiming 2,000 arpens of land, to be taken on any vacant land, produces to the board a notice of said claim to the recorder, dated May 31, 1808, in which he states his concession to have been lost; produces to the board a registry of the same in book No. 2, marked B, page 44, lodged in the recorder's office.

Claimant, sworn, says that he has not the concession in his hands at present; does not know where it is, and believes it to be lost.

Antoine Soulard, sworn, says that, about the year 1800, he had the concession of claimant in his possession, and then recorded it in the registry, as before stated, in book No. 2, marked B, page 44. Laid over for decision. (See minutes, book No. 3, page 283.)

June 18, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jeane Pierre Cabanné, claiming 2,000 arpens of land. (See book No. 3, page 283.) It is the opinion of the board that this claim ought not to be confirmed. The board, on examining the registry referred to in this claim, to wit, book No. 2, marked B, find several concessions of subsequent dates to the one referred to, page 44; in the pages of the book preceding that number, and particularly in page 43, one dated 31st March, 1803; and, also, on examining the said alleged registry, (book No. 1, page 27,) the board find a concession dated 21st November, 1803. (See book No. 4, page 386.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

J. P. Cabanné, claiming 2,000 arpens of land. (See record-book D, page 180. Minutes No. 3, page 283; No. 4, page 386. Spanish record of concessions, No. 2, page 44. See book No. 6, page 221.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John P. Cabanné, claiming 2,000 arpens of land. (See book No. 6, page 221.)

The board are of opinion that this claim ought to be confirmed to the said John P. Cabanné, or to his legal representatives, according to the concession. (See book No. 7, page 185.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 299.—*Jean Marie Cardinal, claiming* 40 *arpens.*

Don FRANCISCO CRUZAT, *Lieutenant-Governor of the Settlements of Illinois:*

Having examined the statement contained in the foregoing memorial, dated August 27th, 1777, and the demand of John Mary Cardinal, inhabitant of this town of St. Louis, in which he represents that he has not a quantity of land sufficient to make the sowings necessary for the maintenance of his family, I have granted, and do grant to him, in fee simple, for him and his heirs, a tract of land of two arpens in width by twenty in length, situated in the prairie called the White-ox prairie; bounded on one side by the (land) of Lewis Biponet, behind

by a branch that comes down from the hills, and on the two other sides by land not yet granted, on condition to establish said land in one year from this day, his Majesty reserving the right to dispose of the same, as being his domain, in case of utility to his royal service.

Given in St. Louis of Illinois, August 28, 1777.

FRANCISCO CRUZAT.

ANTONIO SOULARD, *Ex-Surveyor General of this Upper Louisiana for his Majesty:*

We do certify to all whom it may concern, that the foregoing title is conformable to the original, recorded on page 12, of book No. 3, of the ancient titles of concessions in this Upper Louisiana, under my charge; which copy I have delivered at the request of Mr. Louis Labaume, he being the purchaser of said land by virtue of a certified copy of a juridical deed of sale, which he communicated to us, and executed to him in St. Charles, for the said property, before Captain Mackay, commandant of the settlements on the Missouri, dated July 26th, 1804. Which (certificate) I have delivered in order that it may serve and be available to the (party) interested, as in right, before all competent authorities and tribunals.

ANTONIO SOULARD.

ST. LOUIS, *August* 5, 1804.

JULIUS DE MUN.

ST. LOUIS, *May* 7, 1833.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
299	Jean Marie Cardinal.	40	Concession, August 28, 1777.	Francisco Cruzat.	James Mackay, D. S., February 10, 1806. Received for record, February 28, 1806. A. Soulard, S. G., White-ox prairie.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 21, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

The claim of Louis Lebaume, assignee of François (Jean) Maria Cardinal, being taken up by the board, and a vote being taken thereon, it is the opinion of the board that said claim ought not to be confirmed; this claim, for the major part, being included within the claim of the widow and representative of Antoine Morin, this day confirmed to them. (See book No. 3, page 485.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jean Maria Cardinal, by L. Lebaume's legal representatives, claiming 40 arpens of land in White-ox prairie. (See book D, page 296. Livre terrien, No. 3, page 12. Book F, page 184. Minutes, No. 3, page 485.) Produces a copy of a duly-registered concession granted by Francisco Cruzat, bearing date August 28, 1777, taken from said livre terrien; also a certificate of Soulard, dated August 5, 1804; also, a copy of a survey of said land, certified by M. P. Leduc; also a copy of a deed from the heirs of Cardinal to Lebaume, dated July 26, 1804, certified by James Mackay, commandant of St. Charles.

M. P. Leduc, duly sworn, says that the signature to the above-mentioned papers are in the proper and respective handwriting of the above-mentioned individuals who signed them. (See book No. 6, page 150.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

In the case of Jean Marie Cardinal, claiming 40 arpens of land. (See page 150 of this book, No. 6.) Claimant produces a paper purporting to be a plat and certificate of survey, dated February 28, 1806, by Antoine Soulard.

M. P. Leduc, duly sworn, says that the signature to said plat and certificate is in the proper handwriting of said Antoine Soulard. (See book No. 6, page 219.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Jean Marie Cardinal, claiming 40 arpens of land. (See book No. 6, pages 150 and 219.)

The board are of opinion that this claim ought to be confirmed to the said Jean Marie Cardinal, or to his legal representatives, according to the concession. (See book No. 7, page 185.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 300.—*Widow Dodier, claiming* 120 *arpens.*

ST. LOUIS, *May* 23, 1772.

I, the undersigned, Martin Duralde, by virtue of the power in me vested by Don Pedro Piernas, captain of infantry and lieutenant governor of the settlements and other parts dependent of the Spanish government of Illinois, at the request of the inhabitants of this post of St. Louis, asking that the dimensions, courses of the lines, and boundaries of the lands, they own in the vicinity of said post be determined by a competent person, authorized to that effect, declare to all those whom it may concern, that, at the request of each of the said inhabitants, during the fall of the year 1770, and the springs of the years 1771 and 1772, (of which I neither state the months nor the days, the operations (of survey) having been made at different times, and not in succession, in relation to those who have possessions distant from one another and situated in various places,) and, namely, at the desire of the widow Dodier, I purposely went from my dwellings, situated in the above said post of St. Louis, on a tract of land of three arpens in width by forty others in length, to her belonging, part of it

ploughed and the rest untilled, situated in the prairie beyond the mound called Lagrange, and adjoining immediately to that (the land) of Mr. Debrusseau, and on the other side to that of said Debrusseau, on the two other sides to the King's domain, in order to survey the same with my instrument and a chain of forty-five feet in length, which length taken four times just makes the arpent used in this country, which has one hundred and eighty feet on each side. In the execution of which survey I was accompanied by the said proprietor and by her said most immediate neighbor, in order to serve as assisting witnesses, and to indicate exactly the true situation of their respective concessions. I succeeded in surveying the same, and had it bounded, in my presence, with stones at its four angles, (extremities,) after having measured it on its lines of width and length; which first two parallels, that is to say, in width, run between north one quarter northwest and the north, or, more exactly, deviate from the north toward the west, five degrees; and the two others, that is to say, in length, also parallels, run west one quarter northwest, or, rather, deviate from the west toward the north, eleven degrees fifteen minutes, without regard to the variation of the compass which may exist, making, consequently, in directing the sight from the point of departure toward the courses indicated, an acute angle of seventy-three degrees forty-five minutes, allowance being made for the differences caused by the unevenness of the land and inclination of the lines toward one another, relatively to the horizontal perpendiculars, which always serve to their true measures, as well on the width as on the length. And I do attest the same with my signature, and with the unanimous consent of all the proprietors here above named, (in livre terrien, No. 2,) assembled at present, with the approbation of the said Don Pedro Piernas, in the government-house, in order to serve mutually as witnesses and affirm the facts, some with their signatures and others with their declarations, not knowing how to sign, in presence of Don Pedro Piernas, the aforesaid lieutenant governor, and Don Louis St. Ange de Bellerive, formerly a captain, and lately commandant of this said post, both serving, to wit: the last named to certify with his signature, that, in his said capacity, and by virtue of the power with which he was vested, to have granted, either by titles or verbally, the above-described tracts of land, in the name of his Majesty; and the said Mr. Piernas to approve, confirm, and ratify, (also with his signature in his capacity of actual lieutenant governor, by which he is vested with the same power of granting,) the possessions already granted by the said St. Ange, and specified in the foregoing register, containing sixty-eight written pages, this inclusive, which I remit in the archives of this government, in order to be therein preserved forever, and serve, in case of need, of surety, authenticity and attestation in behalf of all therein stated.

MARTIN DURALDE.

LACLEDE LIGUEST,
HUBERT,
DODIE,
A. CONDE,
RENE KIERCEREAU,
AMABLE GUION,
BECQUET,
SARPY,
COTTEE.

ST. ANGE PEDRO PIERNAS.

ST. LOUIS, *October* 31, 1834.

Truly translated from livre terrien, No. 2, pages 1, 2, 38, 39, 67 and 68.

JULIUS DE MUN, *T. B. C*

NOTE.—The following is written on the margin of page 38: Reunited to the King's domain on account of having been abandoned since a long time.

TRUDEAU.

June 4, 1793.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
300	Widow Dodier.	120	Concession, May 23, 1772.	St. Ange and Piernas.	Martin Duralde, May 23, 1772; in the prairie beyond the Grange de Terre (Big Mound.)

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Margaret Becquette, widow of Dodier, and others, heirs of François M. Mette. Widow Dodier, claiming three arpens by forty, situate prairie adjoining the town of St. Louis. Produces a concession from St. Ange and Piernas, L. G., dated 23d May, 1772; record of transfer from said widow and others, to claimant, dated the 18th August, 1806. In the margin of the concession is written, "Réunie au domaine du Roi pour les avoir abandonnées depuis long tems. St. Louis, ce 4 Juin, 1793." (Reunited to the King's domain for having abandoned them since a long time. St. Louis, June 4, 1793.)

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, No. 5, page 414.)

June 8, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Widow Dodier, by Louis Labeaume's representatives, claiming three by forty arpens of land. (See record-book D, pages 306, 307, and 308; Minutes, No. 5, page 414.) Produces livre terrien, No. 2, page 38, and a copy of the same; also deed from the heirs of said Dodier to L. Labeaume. (See minutes No. 6, page 174.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Widow Dodier, claiming 120 arpens of land. (See book No. 6, page 174.)

The board are of opinion that this claim ought to be confirmed to the said widow Dodier, or to her legal representatives, according to the survey in livre terrien, book No. 2, page 38. (See book No. 7, page 185.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 301.—*William Hartly, claiming* 650 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant-Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of Upper Louisiana:*

ST. LOUIS, *January* 14, 1800.

Wm. Hartly, Roman Catholic, has the honor to represent to you that he came to this country about three years ago, with the intention to settle himself in the same; that for that purpose he obtained the permission of your predecessor, Don Zenon Trudeau, with his promise of a concession for a tract of land. In consequence he returned to America (the United States) in order to bring his family immediately, but a serious disease having obliged him to delay his departure, he could not get here as soon as he would have wished. He hopes of your justice that you will be pleased to take his demand into consideration, and grant to him a concession for a tract of land corresponding to the number of his family, which consists of himself, his wife, and nine children. Which (land) he has chosen at about six leagues in the N. W. of this town, St. Ferdinand, and near the plantation of Mr. Yosty, in the same settlement. The petitioner having no other views but to live as a peaceable and submissive cultivator (of the soil,) hopes to deserve the favor which he claims of your kindness.

his
WM. × HARTLY.
mark.

ST. LOUIS OF ILLINOIS, *January* 14, 1800.

In consequence of the official note sent to us by Don Antonio Soulard, surveyor general of this Upper Louisiana, under date of this same day and month, by which he certifies to the number of persons composing the family of the petitioner, and to other corresponding circumstances, the same surveyor, Don Antonio Soulard, shall put him in possession of 650 arpens of land in superficie, in the place where he asks the same; said quantity being proportionate to the number of persons composing his family, according to the regulation of the governor general of this province. And this being executed, the party interested shall have to solicit the title of concession in form, from the intendant general of these provinces, to whom alone corresponds, by order of his Majesty, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.
MACKAY.

(Recorded No. 66.)

ST. LOUIS, *April* 12, 1833.—Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
301	William Hartly.	650	Concession, January 14, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Mackay, assignee of John Long, assignee of William Hartly, claiming 650 arpens of land, situate in Missouri, district of St. Louis, produces record of concession from Charles D. Delassus, lieutenant governor, dated January 14, 1800; record of a transfer from Hartly to Long, dated February 10, 1801; record of a transfer from Long to claimant, dated February 8, 1805.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 434.)

March 21, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment, being authorized to receive evidence by a resolution of this board, taken 9th instant.

William Hartly, by his legal representatives, claiming 650 arpens of land. (See book C, page 480; minutes, No. 5, page 434; Bates' decisions, book No. 2, page 34.) Produces a paper, purporting to be an original concession, dated January 14, 1800, from Carlos Dehault Delassus.

M. P. Leduc, duly sworn, says that the signature is in the proper handwriting of said C. D. Delassus. (See book No. 6, page 134.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

William Hartly, claiming 650 arpens of land. (See book No. 6, page 134.)

The board are of opinion that this claim ought to be confirmed to the said William Hartly, or to his legal representatives, according to the concession. (See book No. 7, page 185.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 302.—*Absalom Kennison, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
302	Absalom Kennison.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Absalom Kennison, claiming 640 arpens of land, situate in Bois-brule, district of St. Genevieve, produces notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See minute-book No. 5, page 442.)

January 31, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Absalom Kennison, by his legal representatives, claiming 640 acres of land, situate in Bois-brule bottom, Perry county. (See record-book E, page 241; minute-book No. 5, page 442.)

The following testimony was taken before L. F. Linn, commissioner:

Claimant produces, in support of said claim, Thomas Allen as a witness, who, being duly sworn, deposes and says that he emigrated to this State, then known as the Territory of Upper Louisiana, in the spring of 1797, and settled in the Bois-brule bottom, in Perry county, where he has had his home, and resided ever since. This deponent was well acquainted with the said Absalom Kennison, deceased, and he well recollects that said Kennison moved to and settled in the said Bois-brule bottom in the year 1799, on a place at or near the hill bounding said bottom; and that he continued to reside there for several years; that he well recollects that, in the year 1803, he had on said place a considerable field, he thinks not less than ten or twelve acres, cleared, fenced, and cultivated, and had built a dwelling-house thereon, in which he resided with his family, and other out-buildings, such as were usual in the country at that time. This deponent further states that the place, so settled and improved by the said Absalom Kennison, deceased, is now covered by other claims, and that the same are held, as he believes, and as is generally understood in the neighborhood, by those deriving title to the same from the government; and that the said Absalom Kennison continued to reside in the country until the time of his death, which was, as he thinks, about the year 1816.

his
THOMAS × ALLEN.
mark.

OCTOBER 25, 1833. L. F. LINN, *Commissioner.*

Elizabeth Locherd, also being sworn, testifies and says that she came to this country, then Upper Louisiana, in the spring of 1800, and settled in the edge of Bois-brule bottom aforesaid, and that very shortly after her arrival she was at the house of Absalom Kennison, senior, deceased, where he resided with his family, described in the foregoing deposition of Thomas Allen, and continued to visit there frequently, having been the neighbor of the said Kennison in Kentucky, and being also a neighbor here; and that the said Kennison had a considerable field enclosed and cultivated, previous to and in the year 1803, and saw corn and other things growing in said field.

her
ELIZABETH × LOCHERD.
mark.

OCTOBER 25, 1833. L. F. LINN, *Commissioner.*

Hezekiah P. Harris, being sworn, testifies and says that, in the summer of 1804, he well recollects the said Absalom Kennison inviting him to assist him in reaping wheat, at the place described in the foregoing depositions of Thomas Allen and Elizabeth Locherd, and that he accordingly went and assisted in reaping, and that the said Kennison was then residing there with his family, and had a considerable improvement, more, he should think, than twelve acres.

H. P. HARRIS.

OCTOBER 25, 1833. L. F. LINN, *Commissioner.*

(See book No. 6, page 491.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Absalom Kennison, claiming 640 acres of land. (See book No. 6, page 491.)

The board are of opinion that 640 acres of land ought to be granted to the said Absalom Kennison, or to his legal representatives, according to possession. (See book No. 7, page 186.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 303.—*Jacob Miller, claiming* 300 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
303	Jacob Miller.	300	Settlement right.		James Boyd, D. S. Received for record by A. Soulard, S. G.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 11, 1809.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Jacob Miller, claiming 350 arpens of land, situate in White Water, district of Cape Girardeau, produces to the board, as a certificate of permission to settle, list B, on which said claimant is No. 32, and a plat of survey signed by B. Cousin, and signed by Antonio Soulard, as received for record.

Joseph Niswanger, being duly affirmed, says that claimant settled in the year 1804, cleared five or six acres, built a cabin. In the same or following year, claimant sold the improvement, and removed to another tract which he had purchased, which latter has an enclosure and cultivation of about ten acres, a cabin and stable. Inhabitation and cultivation to the present day. Claimant has a wife and one child. Laid over for decision (See book No. 3, page 467.)

December 22, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacob Miller, claiming 350 arpens of land. (See book No. 3, page 467.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 235.)

January 30, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jacob Miller, by his legal representatives, claiming 300 acres of land, situate in the county of Cape Girardeau. (See record-book B, page 292; minute-book No. 3, page 467, and No. 4, page 235.)

STATE OF MISSOURI, *Cape Girardeau county:*

Personally appeared before L. F. Linn, one of the commissioners, &c., Isaac Miller, of lawful age, who being duly sworn, deposeth and saith that his father, John Miller, emigrated to the upper province of Louisiana, now State of Missouri, in the month of October, in the year 1803; that this affiant and the above-named Jacob Miller, an elder brother, moved with him; that in the same year application was made to the Spanish commandant of the post of Cape Girardeau, Louis Lorimier, for a grant of land for each of them, and the said commandant granted to John Miller 800 arpens, and to this affiant and Jacob Miller 300 arpens each, and that the application for these grants was made for the express purpose of permanently settling on and improving the same, they all being farmers and cultivators of the soil; that they all settled on and cultivated those said grants of land; that the grants made to this affiant and John Miller, were confirmed to them by a former board of commissioners. The grant to Jacob Miller, the elder brother, was not confirmed, for some cause to this affiant unknown. This deponent further states that Jacob Miller made valuable improvements on the same—dwelling-houses, out-houses, orchards, &c.; the dwelling-house was built in the year 1803, the other buildings immediately afterward, either late in the fall of 1803, or in the beginning of the year 1804, witness does not positively recollect which. Witness further states claimant commenced preparing ground for cultivation in 1803, and in the year 1804 raised a crop of corn, vegetables, &c.

ISAAC MILLER.

Sworn to and subscribed, October 19, 1833.

L. F. LINN, *Commissioner.*

Joseph Niswanger, of lawful age, being sworn, deposeth and saith that he was intimately acquainted with the above-named Jacob Miller; that he knows he emigrated to this country in the year 1803, perhaps in the month of September or October; that the said Jacob Miller immediately commenced clearing land and preparing for a crop, and raised a crop in the year 1804, and continued to cultivate his farm till he moved away, many years after; the time he left his farm not recollected, probably the year 1820.

JOSEPH his × mark NISWANGER.

Sworn to and subscribed, October 19, 1833.

L. F. LINN, *Commissioner.*

(See No. 6, page 489.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jacob Miller, claiming 300 acres of land. (See book No. 6, page 489.)

The board are of opinion that this claim ought to be granted to the said Jacob Miller, or to his legal representatives, according to the survey. (See book No. 7, page 186.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 304.—*John Greenwalt, jr., claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
304	John Greenwalt, jr.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June, 1806.—The same, (Israel Dodge,) assignee of John Greenwalt, claiming under the second section a tract of land situate on the waters of Bois-brule, produces a deed of transfer executed by the aforesaid John Greenwalt, dated October 27, 1804.

Camille Lassus, being duly sworn, says that the said Greenwalt had obtained a permission to settle from Pierre de Luziere.

Thomas Maddin, being also sworn, says that the said Greenwalt had a concession for said land; that he, the witness, surveyed the same by virtue of said concession; that the same was bought by one Hayden, but, witness believes, never cultivated. The board reject this claim. (See book No. 2, page 23.)

September 28, 1810.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

Israel Dodge, claiming as an assignee of John Greenwalt, —— arpens of land. (See book No. 2, page 23.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 514.)

January 29, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Greenwalt, jr., by his legal representatives, claiming 640 acres of land situated on Bois-brule creek, Perry county. (See record-book E, page 218; minute-book No. 2, page 23, and No. 4, page 514.)

Claimant produces, in support of said claim, John Greenwalt, the father of said settler, who states that his son John improved a place on Bois-brule creek, in the bottom of the same name, now in Perry county, and State of Missouri, adjoining to a tract of land of Jones Newsom on one side, and John Morgan on the other side; that he settled on said place as early as the winter of 1803 and 1804; that he built a cabin on it, and cleared a piece of ground, and planted fruit trees thereon, previous to the summor of 1804, in which summer he raised corn and all other vegetables usual to be raised. On the ground he had 30 —— cleared. This deponent knows the above facts, because he lived with his son at the same time; that his said son was then more than twenty-five years of age, and doing for himself.

JOHN $\overset{\text{his}}{\times}$ GREENWALT.
mark.

October 25, 1833.

L. F. LINN, *Commissioner.*

John Kennison, being sworn, states that he knows as to the correctness of the above statement of John Greenwalt, and of the house built and improvement made as stated in the above deposition, frequently passing the place in the summer of 1804; the said John Greenwalt, jr., then residing there and improving, and had the same in corn and other things, as stated in the foregoing deposition, and the place is yet known in the neighborhood by the name of John Greenwalt's improvement.

JOHN KENNISON.

October 25, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 488.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

John Greenwalt, jr., claiming 640 acres of land. (See book No. 6, page 488.)

The board remark that the testimony given by Thomas Maddin, before the former board of commissioners, has no relation to this claim, but refers to the claim of John Greenwalt, sr., recorded in book B, page 201, and confirmed by Bates to Clement Hayden, assignee of said Greenwalt, sr. (See Bates's decisions, page 64.)

The board are of opinion that 640 acres of land ought to be granted to the said John Greenwalt, jr., or to his legal representatives, according to possession.

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 305.—*William Thompson, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
305	Wm. Thompson.	640	Settlement right.		E. F. Bond, D. S., Feb. 14, 1806; received for record by A. Soulard, S. G., Feb. 28, 1806. (Survey of 790 acres.)

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Thompson, claiming 790 acres of land, situate in the district of Cape Girardeau, produces record of a plat of survey, dated 14th February, and certified 28th February, 1806. It is the opinion of this board that this claim ought not to be granted. (See book No. 5, page 505.)

January 10, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Thompson, by his legal representatives, claiming 640 acres of land, situate on Hubble's creek, county of Cape Girardeau. (See record-book B, page 303; book No. 5, page 505.)

STATE OF MISSOURI, *County of Cape Girardeau, ss:*

William Williams states that he is aged about 58 or 59; that he moved to, and settled in the district of Cape Girardeau, Upper Louisiana, in 1799; that he was well acquainted with one William Thompson; he knows that the said Thompson had an improvement on the waters of Randle's creek, in said district, in the year 1800 or 1801; the said Thompson had corn growing on said place in the year 1801; and this affiant, from the best of

his recollection, states that the said Thompson occupied said place up to the year 1802. There was something like two or three acres of land cleared on said place, at the time mentioned above.

WILLIAM WILLIAMS.

Sworn to and subscribed, October 16, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 454.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

William Thompson, claiming 648 acres of land. (See book No. 6, page 454.)

The board are of opinion that 640 acres of land ought to be granted to the said William Thompson, or to his legal representatives, to be taken within the survey recorded in book B, page 303. (See book No. 7, page 187.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 306.—*John Murphy, claiming* 550 *arpens.*

To Don Charles Dehault Delassus, *Lieutenant Governor and Commander-in-chief of Upper Louisiana, &c.:*

John Murphy, a Roman Catholic, has the honor to represent to you, that with the permission of the government, he is settled on this side of the Mississippi since several years, having made choice of a piece of land in the domain of his Majesty, in order to make a farm; therefore he supplicates you to have the goodness to grant to him, at the said place, a tract of land corresponding to the number of persons in his family, which consists of himself, his wife, and seven children. The petitioner having the means to improve a farm, and no other views but to live as a submissive cultivator, hopes to obtain the favor which he solicits of your justice.

St. Andre, *November* 18, 1799.

JOHN his × mark MURPHY.

St. Andre, *November* 18, 1799.

Be it forwarded to the lieutenant governor, with the information that the foregoing statement is true, and that the petitioner deserves the favor demanded.

SANTYAGO MACKAY.

St. Louis of Illinois, *November* 25, 1799.

In consequence of the information given by Don Santyago Mackay, commandant of the settlement of St. Andre, by which the number of persons composing the family of the petitioner is proven, the surveyor, Don Antonio Soulard, shall put him in possession of five hundred and fifty arpens of land in superficie, in the place where he asks the same; said quantity corresponding to the number of his family, according to the regulations of the governor general of the province; and this being executed, the party interested shall have to solicit the title of concession in form from the intendant general of the same province, to whom alone belongs, by royal order, the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *October* 18, 1834.—Truly translated from record-book C, pages 80 and 81.

JULIUS DE MUN, *T. B. C.*

Territory of Louisiana, *District of St. Louis:*

I do certify that the above plat represents 550 arpens (or 470 acres 15 poles) and surveyed by James Richardson, deputy surveyor, the 20th of present month, at the request of Josiah Park, by virtue of a Spanish concession granted to John Murphy, who has no other claim of land on record in my office. I have recorded the above in book E, fol. 27, No. 27. At St. Louis, the 24th February, 1806.

ANTOINE SOULARD, *Surveyor General, Territory of Louisiana.*

St. Louis, *October* 18, 1834.—Truly copied from record-book C, page 81.

JULIUS DE MUN, *T. B. C.*

My Dear Mackay: In consequence of the promise I made to one John B. Morfy, under date of 18th March, of this year, the commandant has no objection to grant him the 550 arpens of land which said Morfy asked me. At present the only difficulty is to know the limits of the land he has selected, and whether it really is vacant; after ascertaining the facts, you may make out his petition, together with the information, and his decree will be immediately granted.

This letter has been directed to me on the 10th of September, 1799, by Don Zenon Trudeau, who forgot to sign it.

SANTYAGO MACKAY.

I certify the above letter to be truly translated from record-book C, p. 80.

JULIUS DE MUN, *T. B. C.*

June 16, 1835.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
306	John Murphy,	550	Concession, November 25, 1799.	C. Dehault Delassus.	James Richardson, D. S., February 20, 1806. Certified by Soulard, S. G., February 24, 1806. On Fifi's creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 19, 1808.—The board met. Present: the Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

Josiah Park, assignee of John Murphy, claiming 550 arpens of land, situate on Fifi's creek, district of St. Louis. Produces to the board a concession for the same, from Don Carlos Dehault Delassus, lieutenant governor, to John Murphy, dated 25th November, 1799; also a plat and certificate of survey, dated 20th, and certified 24th of February, 1806; a deed of conveyance from said Murphy and wife to claimant, dated 27th June, 1805; also an official letter from Zenon Trudeau, lieutenant governor, to James Mackay, in which it is stated that as soon as said Murphy shall choose a spot, it shall be granted to him, dated 10th September, 1799.

James Mackay sworn, says that the official letter stated above was received by him near the time it bears date. Laid over for decision. (See minutes, book No. 3, page 305.)

June 20, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Josiah Park, assignee of John Murphy, claiming 550 arpens of land. (See book No. 3, page 305.) It is the opinion of the board that this claim ought not to be confirmed. (See minutes, book No. 4, page 396.)

July 2, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

John Murphy, by his assignee, Josiah Park, claiming 550 arpens of land, on the waters of Fifi's creek, county of St. Louis. (See record-book C, page 80 and following; minutes No. 3, page 305; No. 4, page 396; records of grants in St. Charles and St. Andre, No. 15.)

Hartley Lanham, being duly sworn, says that he has known the said Josiah Park, the present claimant, for upward of thirty years, and that in 1806, on the return of the witness to this country from a journey to Kentucky, the said Josiah Park was inhabiting and improving the above-mentioned tract of land; that he had a stock of horses, cattle, hogs, &c.; that the said tract has been cultivated by, through, and for him, ever since. (See minutes, book No. 6, page 209.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Murphy, claiming 550 arpens of land. (See book No. 6, page 209.)

The board are of opinion that this claim ought to be confirmed to the said John Murphy, or to his legal representatives, according to the survey recorded in book C, page 81. (See book No. 7, page 188.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 307.—*William Morrison, claiming* 750 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Commander-in-chief of Upper Louisiana:*

William Morrison, a Roman Catholic, has the honor to represent to you, that he has come over to this side with the permission of the government, and has made choice of a tract of land on a vacant place; therefore he has the honor to supplicate you to have the goodness to grant to him, at the said place, the quantity of land corresponding to the number of persons in his family, which is composed of himself, his wife, and eleven children. The petitioner having the means necessary to make a plantation, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to obtain the favor which he solicits of your justice.

WM. MORRISON.

ST. ANDRE, *June* 1, 1803.

Be it forwarded to the lieutenant governor, informing him at the same time that the above statement is true, and that the petitioner deserves the favor he solicits.

SANTYAGO MACKAY.

ST. ANDRE, *June* 1, 1803.

ST. LOUIS OF ILLINOIS, *June* 9, 1803.

In consequence of the information given by Don Santyago Mackay, commandant of the settlement of St. Andre, confirming the number of persons composing the family of the petitioner, the surveyor, Don Antonio Soulard, shall put him in possession of seven hundred and fifty arpens of land in superficie, in the place he asks; the said quantity corresponds with the number of his family, according to the regulation of the governor of the said province, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 18, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
307	William Morrison.	750	Concession, June 9, 1803.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

George Washington Morrison, assignee of William Morrison, claiming 750 arpens of land, situate in the district of St. Charles, produces record of a concession from Charles D. Delassus, L. G., dated June 9, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 456.)

July 8, 1834.—The board met, pursuant to adjournment. Present: J. H. Relfe and F. R. Conway, commissioners.

William Morrison, by his legal representatives, claiming 750 arpens of land. (See record-book C, page 470; minute-book No. 5, page 456.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated June 9, 1803.

M. P. Leduc, duly sworn, says that the signature to the said concession is in the proper handwriting of said Carlos Dehault Delassus. (See minute-book No. 7, page 1.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

William Morrison, claiming 750 arpens of land. (See book No. 7, page 1.)

The board are of opinion that this claim ought to be confirmed to the said William Morrison, or to his legal representatives, according to the concession. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 308.—*Solomon Bellen, claiming* 350 *arpens.*

To Don Charles Dehault Delassus, *Lieutenant Governor and Commander-in-chief of Upper Louisiana:*

Solomon Bellen, a Roman Catholic, has the honor to represent that, with the permission of the government, he is going to settle on a tract of land in his Majesty's domain, and on the south side of the Missouri, therefore he supplicates you to have the goodness to grant to him, at the said place, three hundred and fifty arpens of land in superficie. The petitioner, possessing the means necessary to make a farm, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to obtain the favor he solicits of your justice.

St. Andre, *December* 5, 1800.

Be it forwarded to the commander-in-chief, with the information that the above statement is true, and that the petitioner deserves to obtain the favor which he solicits.

St. Andre, *December* 5, 1800. SANTYAGO MACKAY.

St. Louis of Illinois, *December* 11, 1800.

In consequence of the information given by the commandant of St. Andre, Don Santyago Mackay, I do grant to the petitioner the tract of land of three hundred and fifty arpens in superficie, which he solicits, provided it is not to the prejudice of any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the said quantity of land demanded, in the place designated; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone belongs the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded, No. 14.

MACKAY.

St. Louis, *August* 19, 1834.—Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
308	Solomon Bellen.	350	Concession, Dec. 11, 1800.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 16, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

Solomon Bellen, by his legal representatives, claiming 350 arpens of land, situate on river Gravois, in the county of St. Louis. (See record-book E, page 357.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 11th December, 1800.

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus. (See minute-book No. 6, page 530.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Solomon Bellen, claiming 350 arpens of land. (See book No. 6, p. 130.)

The board are of opinion that this claim ought to be confirmed to the said Solomon Bellen, or to his legal representatives, according to the concession. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 309.—*Paschal Detchmendy, claiming* 7,056 *arpens*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of the upper part of the same province:*

Paschal Detchmendy, a Frenchman, residing since several years in St. Genevieve, has the honor to represent to you that, with the aid of the government, he has succeeded in getting in operation the first saw-mill that ever was in the country; which mill has been of the greatest assistance in all the undertakings of individuals; and wishing, more than ever, to turn his industry as much to his advantage as to that of his fellow-citizens, he has in contemplation the establishing of a stock farm, on a large scale, so as to enable him to have, in the said St. Genevieve, a slaughter-house, which will not fail to furnish meat all the year round, at a moderate price; having also the project to establish a tan-yard, when the sale of his cattle shall have procured him a sufficient quantity of hides; he presumes again to hope, in this circumstance, for the protection and assistance of the authorities, in order to obtain the concession of an insulated tract of land suitable to the execution of his undertaking, giving you the assurance that, in case the government was to send troops in this upper part of Louisiana, he would furnish the rations of meat in a way to be relied upon, and at a lower price than anybody else. Therefore, he has the honor to supplicate you to have the goodness to condescend to grant him, in a vacant part of the domain, at his choice, a league (square) of land in superficie, or 7,056 arpens; considering that this same quantity has always been granted, without difficulty, in the posts of Opelousas and Atacapas, to all those who had the means to establish stock farms, and it being well known to you that I can comply with all that is required in such a case; that the Illinois are as susceptible to have such establishments as any other post in this province; the petitioner has the honor to hope that you will be pleased to do justice to the demand of a faithful subject, who is grateful for the bounties which have been heaped upon him, in a country, in the bosom of which he has forgotten his past adversities and misfortunes.

P. DETCHMENDY.

ST. LOUIS, *December* 27, 1799.

ST. LOUIS OF ILLINOIS, *December* 28, 1799.

Whereas, we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in the place designated; and that being executed, he shall make out a plat of his survey, delivering the same to said party with his certificate, in order that it shall serve to him to obtain the concession and title, in form, from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the request of the party interested, in book No. 2, folios 11 and 12.

SOULARD.

Truly translated, St. Louis, February 22, 1834, from book D, page 109, of record in the recorder's office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
309	P. Detchmendy.	7,056	Concession, 28th December, 1799.	C Dehault Delassus.	Unlocated.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Morrison, assignee of Paschal Detchmendy, claiming 7,056 arpens of land, district of St. Genevieve. Produces records of concession from Charles D. Delassus, L. G., dated 28th December, 1799; a transfer from Detchmendy to claimant, dated 29th December, 1806.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 414.)

December 12, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Paschal Detchmendy, by his legal representatives, claiming 7,056 arpens of land. (See book D, page 109; minutes, No. 5, page 414.)

Produces an original petition to Congress; a letter of P. Detchmendy to Soulard, dated 14th February, 1804; also a letter from Thomas Maddin, deputy surveyor, to Antoine Soulard; also testimony of Soulard, taken before F. M. Guyol, justice of the peace, on the 7th day of December, 1818. On the back of Thomas Maddin's letter to Soulard, dated 14th February, 1804, is the following testimony:

Thomas Maddin, being duly sworn, as the law directs, says that the signature to the within letter is in his handwriting, and that the facts stated in said letter are just and true.

THOMAS MADDIN.

Sworn to and subscribed before me, this 11th May, 1833.

L. F. LINN, *Commissioner.*

On the 28th day of October, 1818, before me, Joseph Bogy, one of the justices of the peace of the county of St. Genevieve, in the Missouri Territory, personally appeared Thomas Maddin, esq., of the said county, who being duly sworn, according to law, deposeth and saith that, in the beginning of February, 1804, he, as deputy for Antoine Soulard, the Spanish surveyor general of the upper part of the province of Louisiana, received instructions from the said surveyor to make a survey for Mr. Paschal Detchmendy, of the said now county, then district, of St. Genevieve, of a tract of land, granted to him by the Spanish commandant, of several

thousand arpens, but the exact quantity he does not now recollect; that, in company with the said Paschal Detchmendy, he, the deponent, in consequence of such orders, went to a place now called Bellevue, in the now county of Washington, in the said territory, and in the then district of St. Genevieve, for the purpose of making the said survey; that when they were there, and preparing to make the same, they were met by a number of armed men, at least ten, who, by force, and with threats of personal violence, prevented him from doing so; in consequence of which he was obliged to leave the ground, and desist from his operations. The same armed persons even following them some distance, for fear, as he then thought, and now thinks, that he and the said Detchmendy should return to survey the said tract of land. And the deponent further saith, that the said survey would then have been made, if he had not been opposed in the manner as above mentioned; and that the said survey was so attempted to be made on or about the middle of the said month of February, in the said year, and before the possession of the country was had by the United States. And lastly, the deponent saith that he does not think, nor does he now believe the said survey could at any time thereafter have been made, and that any further attempts to have done so would have been attended with the like danger of personal violence and opposition.

THOMAS MADDIN.

Sworn to and subscribed the day and year within, before me

JOSEPH BOGY, *J. P.*

Sworn to, and signature acknowledged before me, May 11, 1833.

L. F. LINN, *Commissioner.*

John B. Vallé, aged about 70 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with the said Charles Dehault Delassus; that he was the lieutenant governor of the province of Upper Louisiana, in the year 1799, and this deponent further says that he was, and still is well acquainted with the said Paschal Detchmendy, the original claimant; that he was a citizen and resident in the province of Upper Louisiana before and in the year 1799, and that he has continued a citizen and resident ever since, and still is so; that, at the date of the grant aforesaid, the said Paschal Detchmendy was a man of considerable property; that he had a family and slaves; was active and enterprising, having built a mill, and improved other property in the country.

J. B. VALLÉ.

Sworn to and subscribed before me, this 27th May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 378.)

October 8, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

In the case of Paschal Detchmendy, claiming 7,056 arpens of land, (see book No. 6, page 378,) the following testimony was taken by James H. Relfe, commissioner:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims in the State of Missouri, John Stewart, who deposeth and saith that, in the month of November, 1805, he was appointed deputy surveyor, under Antoine Soulard, for all operations to be made in the settlement of Bellevue, which appointment and instructions from James Wilkinson, is herewith exhibited. In obedience to instructions, he called on Mr. Maddin for a report of such claims as had been surveyed by him within the district now assigned to this deponent; in reply to which, a communication was received, dated December 9, 1805, stating Mr. Bates's and Mr. Stodard's (Strother's) were the only claims surveyed by him which lay within the bounds assigned to this deponent. No application was ever made for the survey of the claim of Paschal (now Morrison's) nor does deponent recollect to have heard of the claim until after the expiration of the time allowed for the survey of the private land claims. In executing the surveys of private land claims in Bellevue, deponent made a survey for William Reed, sr., adjoining the land of Moses Bates, which has been confirmed; also a tract for William Reed, jr., adjoining the land of Edward Johnson, which is now before the board of commissioners; also a survey for Joseph Reed, sr., adjoining the land of Robert Reed, which has been confirmed; and a tract for Joseph Reed, jr., adjoining to and south of the land of Joseph Reed, sr., which is now before the board of commissioners for their action, and which will more particularly appear by reference to the plats and field notes returned by deponent to the proper office, in the months of January and February, 1806. Deponent further says, that the said William Reed, sr., William Reed, jr., Joseph Reed, sr., and Joseph Reed, jr, were four different persons, inhabiting and cultivating the four different tracts named, when the surveys were made. Deponent says he removed to Upper Louisiana from the State of Kentucky, in the year 1800, and established himself in Mine à Breton, and has continued to reside in the district of country now called Washington county, ever since. It was his practice to hunt for some distance round the mines, and he believes himself to have been one of the first Americans who discovered the valley of land now called Bellevue, and it was through his information and advice the first settlements were made by the Reeds and others, in the year 1803. For a considerable time after the commencement of the settlements around the mines, it was dangerous for families to live remote from each other, on account of the Indians, who, if they could find a small party of whites, would beat them severely, and rob them of their horses and other property. As late as the year 1808, the Osage Indians made an incursion in Bellevue, and drove off between twenty-five and thirty horses, or nearly all the work-horses in the settlement.

JOHN STEWART.

Sworn to and subscribed before me, this 25th June, 1834.

JAMES H. RELFE, *Commissioner.*

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners, &c., John T. McNeal, who deposeth and saith that, in the year 1797, he arrived in the province of Upper Louisiana, and the following year took up his residence at Mine à Breton; that he was well acquainted with the country now called Bellevue, at the time of its settlement by the Reeds and others. At its first settlement it was called Big lick, but late in the year 1803, deponent understood an old Frenchman, of influence at the mines, gave it the name of Bellevue, which it has retained ever since. And deponent further states he never heard of the claim of Paschal, now attempted to be established by Morrison, until after the settlements and surveys of the lands of the Reeds, Bates, Strothers, and

others; nor until the attempt of Mr. Maddin to survey the claim, when the settlers drove them off, and would not permit the survey to be made, to include their settlements, as the deponent understood.

JOHN McNEAL.

Sworn to and subscribed before me, this 21st day of June, 1834.

JAMES H. RELFE.

(See book No. 7, page 25.)

Letter of Thomas Maddin to A. Soulard.

ST. GENEVIEVE, *February* 14, 1804.

DEAR SIR: I have just returned from surveying at the mines for Mr. Choteau, and the inhabitants of the old mines. The division lines between each person's share, I have not yet run, as I find it necessary to have the whole of the proprietors there at the time of the divisions being made. While in that country, I called on Mr. Auston respecting Doctor Watkins's survey, who seemed to find it not consistent with the interest of the Doctor to lay it on that place, nor does not seem to have any other place in view. I told him there was but eight hundred acres surveyed there; should you want it surveyed there, let me know your intentions respecting it, and will have it done as soon as possible; if not, let me know if the land may be surveyed for others. From the mines I went with Mr. Paschal to survey his concession at Bellevue. On my arrival at Wm. Reed's, I found several armed men there, who, without any provocation, behaved very insolent, and declared themselves and country entirely out of the possession of the Spanish government, and that if I surveyed any land within nine miles of that place, they would break, kill, and slay all before them. I have been many times in the course of the night apprehensive for Mr. Paschal, myself, and compass. I hope you will not think that I tell you through any enmity that I think Mr. Auston is at the head of this business, as he called Thomas Rush out of my company, who says that at that time Mr. Auston proposed to him to join the company at Bellevue; that now was the time for him to save his land, and if they could keep the land from being surveyed, he would engage him his land, with other circumstances too tedious to mention. The French people here in general are very much displeased at the rebellious and ungenerous proceedings of those people, who, I think, if ordered, will be willing to assist in bringing them to punishment, the which, if Mr. Lasource does not order, I do not expect we will be able to survey much more. It seems hard to see this rebellious crew have their intentions fulfilled in that manner, and go unpunished, and am, dear sir, with compliments to Madam Soulard,

Your humble servant,

THOMAS MADDIN.

I have made my complaint to Mr. Vallé, who sends it to the governor.

Mr. ANTHONY SOULARD.

ST. LOUIS, *June* 17, 1835.—The above letter is truly copied from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Paschal Detchmendy, claiming 7,056 arpens of land. (See book No. 6, page 378.)

The board are of opinion that this claim ought to be confirmed to the said Paschal Detchmendy, or to his legal representatives, according to the concession. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 310.—*Baptiste Aumure, claiming* 240 *arpens.*

To Don FRANCIS VALLE, *Captain of Militia, and Civil and Military Commandant of the post at St. Genevieve of Illinois:*

SIR: The undersigned has the honor to represent to you that he wishes to establish a plantation; therefore he humbly prays that you will condescend to grant to him a concession of six arpens in front by forty in depth, on the right bank of the south fork of river Lafourche. In so doing, petitioner shall never cease to pray for the preservation of your days.

his
BAPTISTE × AUMURE.
mark.

ST. GENEVIEVE, *June* 22, 1797.

ST. LOUIS, *November* 13, 1797.

The surveyor of this jurisdiction, Don Antoine Soulard, shall put Mr. Baptiste Aumure in possession of the land demanded in the foregoing petition, and afterward he shall make out a plat and certificate of his survey, the whole to be remitted to us, in order to have it forwarded to the commander-in-chief of the province, for him to determine definitively upon the concession of the said land.

ZENON TRUDEAU.

ST. LOUIS, *August* 19, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
310	Baptiste Aumure, alias Taumure.	240	Concession, 13th November, 1797.	Zenon Trudeau.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Baptiste Taumure, claiming six by forty arpens of land, situate on the river Lafourche, district of St. Genevieve; produces record of a concession from Zenon Trudeau, L. G., dated 13th November, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 507.)

April 8, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Baptiste Aumure, alias Taumure, by his heirs and legal representatives, claiming 240 arpens of land, situate on the south fork of the river Lafourche, county of St. Genevieve. (See book No. 5, page 507; book D, page 42.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated November 13, 1797.

Bernard Pratte, aged about 60 years, being duly sworn, deposes and says that he was personally acquainted with the original grantee, Baptiste Aumure or Taumure; that he was a citizen of, and resident in, the province of Upper Louisiana, at the date of the grant in the year 1797. Witness was also well acquainted with Zenon Trudeau, and knows that he was lieutenant governor of the province of Upper Louisiana, in the year 1797. And witness further knows the handwriting of said Zenon Trudeau, from having seen him write, and knows that the name and signature of the said Zenon Trudeau to the original concession or order of survey, is the proper name and signature, and in the proper handwriting of the said Zenon Trudeau. (See book No. 6, page 514.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Baptist Aumure or Taumure, claiming 240 arpens of land. (See book No 6, page 514.)

The board are of opinion that this claim ought to be confirmed to the said Baptiste Aumure or Taumure, or to his legal representatives, according to the concession. (See book No. 7, page 190.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 311.—*Priscilla Estep, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
311	Priscilla Estep.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 29, 1812.—Priscilla Estep, claiming 800 arpens of land, county of St. Louis, on S. E. side of Big river. Produces notice.

John Wideman, duly sworn, says that he saw claimant at work on this tract in 1802; the year after, saw flax growing on same piece of ground. She lived on this tract in the year 1804; witness saw growing on it in that year. In the year 1803, she had a child certainly, perhaps in 1802. Saw no camp or cabin in 1802. (See recorder's (Bates's) minutes, page 33.)

March 18, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Priscilla Estep, by her legal representatives, claiming 800 arpens of land, situated S. E. side of Big river. (See record-book E, page 356; Bates's minutes, page 33; Bates's decisions, page 30.)

John Stewart, being duly sworn, says that he is in the 73d year of his age; that in the year 1803, he saw claimant living on the land claimed; she had then a cabin and cotton-patch, and some gardening in vegetation; that she came to the country at the same time with her father, James Rogers; that he, witness, first saw them in this country in the year 1801. Witness further says, that he carried cotton to her to spin; that she was an industrious woman, and that she lived and died in the neighborhood of witness. (See book No. 6, page 509.)

July 5, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Priscilla Estep, claiming 800 arpens of land. (See book No. 6, page 509.)

Samuel Harrington, duly sworn, says that the said Priscilla Estep did arrive in this country with her husband, in the year 1801 or 1802, in company with five or six families; that witness afterward saw the said Priscilla Estep several times, and knows she lived on Big river, but never saw her improvement; that said Priscilla had two children, and that she was an industrious, hard-working woman; that about three years after their arrival, her husband abandoned and left her, and went down the Mississippi. (See book No. 6, page 542.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Priscilla Estep, claiming 800 arpens of land. (See book No. 6, page 509.)

The board are of opinion that 640 acres of land ought to be granted to the said Priscilla Estep, or to her legal representatives, according to possession. (See book No. 7, page 190.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 312.—*Adrien Langlois, claiming* 1,500 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

ST. GENEVIEVE, *October* 4, 1799.

SIR: Adrien Langlois has the honor to represent to you that, having emigrated, at the solicitation of Mr. Lassus de Luziere, to this Upper Louisiana, where he has resided a long time with Mr. Lorimier, and with Mr.

Peyroux; and having acquired by his labor and industry a great number of cattle, and sufficient property to establish a farm, he wishes to settle himself in this country; therefore he has recourse to the goodness of this government, praying that you will be pleased to grant to him a tract of land of 1,500 arpens in superficie, to be taken on the Flintstone hill, district of New Bourbon, between the plantation of Mr. Israel Dodge and that of Mr. Lassus de Luziere; favor which the petitioner presumes to expect of your justice.

LANGLOIS.

We, the undersigned, civil and military commandant of the post and district of New Bourbon, do certify to the lieutenant governor of Upper Louisiana, that the statement made in the above petition is sincere, exact, and true. We do particularly attest, as it is asserted by the petitioner that he has been induced by us to emigrate from the United States, and to come to settle in Illinois; and that he has well and honestly conducted himself when he was living with Messrs. Lorimier and Peyroux, as well as with Mr. Menard, whose affairs he has yet the management of, on this side; that he is married, and owns a great many cattle, and with his means he is well able to improve the concession he solicits, which evidently belongs to the King's domain.

Done in New Bourbon, October 7, 1799.

P'RE DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *October* 24, 1799.

In consequence of the information given by the captain of the post of New Bourbon, Don Pr. Lassus de Luziere, by which it appears to me that the petitioner possesses sufficient means to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in the place designated, belonging to the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *September* 9, 1833.

Truly translated from a paper purporting to be a copy of the original concession.

JULIUS DE MUN. *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
312	Adrien Langlois.	1,500	Copy of concession, October 24, 1799.	C. Dehault Delassus.	Near New Bourbon.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Adrien Langlois, claiming 1,500 arpens of land, district of St. Genevieve, produces a notice to the recorder. The concession stated in said notice is not found of record.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 451.)

August 28, 1833.—Board met, pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

Adrien Langlois, by his heirs and legal representatives, claiming 1,500 arpens of land, situate district of St. Genevieve.

The original concession, in this case, is not produced, the same, as is stated, being lost, destroyed, or mislaid, by time and accident; but claimant produces a copy thereof, dated October 24, 1799, by Charles Dehault Delassus; also, a copy of the recommendation of Pierre Delassus de Luziere; also, a plat of survey, from the register's office, to show that the same has been reserved from sale, &c. (For notice in the recorder, see book E, page 238; No. 5, page 451.)

The following testimony was taken before L. F. Linn, esq., one of the commissioners:

STATE OF MISSOURI, *County of St. Genevieve:*

Paschal Detchmendy, aged 71 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with Adrien Langlois; that he was a resident in this country in the year 1796, when he (the deponent) came to the country, and that he continued to reside in the country for many years before and after the country was purchased by the United States; that he never saw the original concession relied on, but that he always understood he had a grant or concession for land within a few miles of the town of St. Genevieve. And he further states, that he saw the said Langlois at work on the said land, which, he understood, had been granted to him; that there was a house and field thereon; and that the same was always claimed by him during his lifetime, and by his representatives ever since.

P. DETCHMENDY.

Sworn to, &c., this 29th day of October, 1832.

L. F. LINN, *Commissioner.*

And also came Bartholomew St. Gemme, aged 58 years, who, being also sworn, as the law directs, deposeth and saith that he has examined the above and foregoing deposition of Paschal Detchmendy, and that he personally knows substantially the same facts.

BARTHOLOMEW ST. GEMME.

Sworn to, &c., this 29th day of October, 1832.

L. F. LINN, *Commissioner.*

(See book No. 6, page 258.)

April 2, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Adrien Langlois, claiming 1,500 arpens of land. (See book No. 6, page 258.)

Claimant produces a paper purporting to be the original concession from Carlos Dehault Delassus, dated 24th October, 1799.

M. P. Leduc, duly sworn, says the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No 7, page 114.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Adrien Langlois, claiming 1,500 arpens of land. (See book No. 6, page 258.)

The board are of opinion that this claim ought to be confirmed to the said Adrien Langlois, or to his legal representatives, according to the concession. (See book No. 7, page 190.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

No. 313.—*Thomas Powers, claiming* 650 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor and Commander-in-chief of Upper Louisiana, &c.:*

ST. ANDRE, *January* 31, 1800.

Thomas Powers, a Roman Catholic, has the honor to represent that he has settled himself on this side (of the Mississippi,) on his Majesty's domain, with the permission of the government; therefore, he supplicates you to grant him the quantity of six hundred and fifty arpens of land in superficie, said quantity being necessary to include water and timber sufficient for a farm. The petitioner having the means to improve a plantation, and having no other views but to live as a cultivator, submissive to the laws, hopes to deserve the favor he solicits of your goodness and justice.

his
THOMAS × POWERS.
mark.

ST. ANDRE, *January* 31, 1800.

Be it forwarded to the commander-in-chief, together with the information that the above statement is true, and that the petitioner deserves the favor he solicits.

SANTYAGO MACKAY.

ST. LOUIS OF ILLINOIS, *February* 9, 1800.

In consequence of the information given by the commandant of St. Andre, Don Santyago Mackay, I do grant to the petitioner the tract of land of six hundred and fifty arpens in superficie, which he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the said quantity of land asked for, in the place indicated; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belong the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *July* 20, 1835.

I certify the above and foregoing to be duly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
313	Thomas Powers.	650	Concession, 9th February, 1800	Carlos Dehault Delassus.	James Mackay, D. S., 22d February, 1806; received for record, 27th February, 1806, by A. Soulard, surveyor general; district of St. Louis, on the river St. John.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Thomas Powers, claiming 650 arpens of land, situate on river St. John, district of St. Louis, produces a record of a petition dated 31st January, 1800, and a concession annexed to the same without date, from Delassus, L. G., for 650 arpens; record of a plat of survey dated 22d February, 1806, certified 27th February, 1806.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 477.)

June 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Thomas Powers, by his legal representatives, claiming 650 arpens of land. (See record-book B, 266; minutes, book No. 5, page 477.)

Produces a paper purporting to be an original concession, (the date of which has been omitted on record,) from Charles Dehault Delassus, dated 9th February, 1800; a plat of survey by James Mackay, D. S., dated 22d February, 1806, and received for record by A. Soulard, surveyor general, 27th February, 1806.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus, and that the signature to the plat of survey is in the proper handwriting of the said Antoine Soulard. (See book No. 7, page 191.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Thomas Powers, claiming 650 arpens of land. (See book No. 7, page 191.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Thomas Powers, or to his legal representatives, according to the concession and survey. (See book No. 7, page 216.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 314.—*Ludwell Bacon, claiming* 1,000 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor and Commander-in-chief of Upper Louisiana, &c.:*

Ludwell Bacon, a Roman Catholic, and father of a family, has the honor to represent that, with the permission of the government, he came over on this side of the Mississippi, where he has selected a tract of land in his Majesty's domain, in the district of St. Louis; therefore, he supplicates you to have the goodness to grant him, at the same place, one thousand arpens of land in superficie, said quantity being necessary for the employment of his slaves and his other means. The encouragement which this beneficent government has always given to industry, induces the petitioner to hope that you will please grant him the favor he solicits of your justice.

LUDWELL BACON.

ST. ANDRE, *December* 6, 1802.

Be it forwarded to the lieutenant-governor, together with the information that the above statement is true, and that the petitioner deserves to obtain the favor he solicits.

SANTYAGO MACKAY.

ST. ANDRE, *December* 6, 1802.

ST. LOUIS OF ILLINOIS, *December* 14, 1802.

In consequence of the information given by the commandant of St. Andre, Don Santyago Mackay, I do grant to the petitioner the tract of land of one thousand arpens in superficie, which he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the said quantity of land asked for, in the place indicated; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered, No. 7.

MACKAY.

ST. LOUIS, *July* 20, 1835.

I certify the above and foregoing to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
314	Ludwell Bacon.	1,000	Concession, 14th December, 1802.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Rufus Eaton and William Russell, assignees of Ludwell Bacon, claiming 1,000 arpens of land, situate on Big Manito creek, district of St. Charles, produce a concession from Delassus, L. G., dated 14th December, 1802; a transfer from Bacon to claimants, dated 27th April, 1807.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 378.)

June 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Ludwell Bacon, by his legal representatives, claiming 1,000 arpens of land. (See record-book E, page 315; book No. 5, page 378; and Bates's decisions, page 91.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 14th December, 1802; a plat of survey signed William Russell, and dated August 18, 1812.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 192.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Ludwell Bacon, claiming 1,000 arpens of land. (See book No. 7, page 192.)

A majority of the board are of opinion that this claim ought to be confirmed to the said Ludwell Bacon, or to his legal representatives, according to the concession. James H. Relfe, commissioner, dissenting. (See book No. 7, page 216.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 315.—*George Pursley, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
315	George Pursley.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 28, 1808.—Board met. Present: Hon. Clement B. Penrose, and Frederick Bates.

William Russell, assignee of George Pursley, claiming 1,100 arpens of land, situate on the waters of Point Labadie creek, district of St. Louis, produces to the board a notice to the recorder, and a deed of transfer from George Pursley to claimant, dated 2d September, 1807.

Aaron Colvin sworn, says that George Pursley, seven years ago, built a cabin on the tract claimed, and commenced clearing some ground, but never finished it; he knows of nothing else being done on the land by or for him, said Pursley.

Ambrose Boles, sworn, says that George Pursley was living on the tract claimed in April, 1803, had a garden fenced in, and something growing in it, when he was driven off by the Indians. For permission to settle, see Mackay's list. Laid over for decision. (See book No. 3, page 336.)

April 16, 1810.—Board met. Present: John B. C. Lucas, and Frederick Bates, commissioners.

William Russell, assignee of George Pursley, claiming 1,100 arpens of land. (See book No. 3, page 336.) The following testimony in the foregoing claim, transcribed from the rough minutes, as perpetuated by the board on the 17th January, 1810:

Peter Pritchett, duly sworn, says that Pursley inhabited and cultivated the land claimed, in the spring of 1803; that he, witness, saw vegetables growing at that time on said land; that on or about the 3d of April, same year, the Indians killed a man by the name of Ridenhour in the same settlement; that the settlement, in consequence of said Ridenhour being killed, broke up. Witness says that George McFall, by permission of said Pursley, inhabited said land in the fall of said year; that Pursley's family, in the year 1803, consisted of his wife and four or five children. Witness says that the inhabitants generally returned to the settlement in the fall of 1803.

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 323.)

St. Louis, December 19, 1813.—William Russell, assignee of George Pursley, claiming 800 arpens of land, said to be on the waters of Point Labadie creek, county of St. Louis, produces deed from Pursley, dated 2d of September, 1807. (Recorded in book D, page 322.)

Thomas Gibson, duly sworn, says that George Pursley raised a house on this tract in 1802, in the fall. In the spring of 1803 he moved on the tract and cultivated it. In that year, 1803, this settlement was broken up by an inroad of the Indians. A small field was in cultivation when the Indians drove him away. McFall, when the danger ceased, went upon this tract under Pursley, by purchase or permission. Thinks it was in the fall following, to wit, fall of 1803. The winter succeeding the term of McFall's taking possession, said McFall inhabited the premises.

John McMickle, duly sworn, says that he was at McFall's on this tract in 1804. Said McFall was making sugar. At that time there was a good cabin inhabited by McFall. There was ground clear and fenced at that time. Said tract has been inhabited and cultivated for six years past, constantly. (See Bates's minutes, page 83.)

June 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

George Pursley, by his legal representatives, claiming 800 arpens of land, situate on Point Labadie creek. (See record-book D, page 323, for notice of 1,100 arpens; book E, for notice for abandoning over 800 arpens; minutes, book No. 3, page 336; No. 4, page 323; Bates's minutes, page 24, where the same is "not granted." See book No. 7, page 192.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

George Pursley, claiming 800 arpens of land. (See book No. 7, page 192.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said George Pursley, or to his legal representatives, according to possession. (See book No. 7, page 217.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 316.—*Ephraim Musick, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
316	Ephraim Musick.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 31, 1812.—Peter Jump and Ephraim Musick, contending claims.

Monday, the 21st of September next, assigned as the day of hearing. Service of a copy hereof on the adverse party ten days previously to the hearing, or publication in the Missouri Gazette for two preceding weeks, will be deemed sufficient notice. (See Bates's minutes, page 1.)

ST. LOUIS, *September* 21, 1812.—Present: Frederick Bates, commissioner.

This being the day set for the hearing testimony in the contending claims of Peter Jump and Ephraim Musick, the said Peter Jump appeared with his witnesses.

Peter Jump, claiming 80 arpens of land on Feefee creek, in district of St. Louis, adjoining the tract purchased by said Jump from Ephraim Musick and one Campbell, by virtue of having actually inhabited and cultivated the same.

Absalom Link, duly sworn, says that it is about five or six years since claimant went on the adjoining lands, which he purchased of Ephraim Musick, and has constantly, since that time, cultivated the land claimed; raised, planted trees, apple, peach, and cherry, and built houses.

Question by Peter Jump. Do you know of Ephraim Musick, or any other person than claimant, having actually settled this tract?

Answer. I know of no other than yourself.

Question by claimant. Where was E. Musick actually residing when he cultivated the land claimed?

Answer. He lived on lands which he is understood to have purchased of Joseph Williams.

Lewis Williams, being duly sworn, says that the land claimed was cultivated in the year 1801, by E. Musick; that said land came into possession of claimant by virtue of a deed from E. Musick, given in 1807, and that claimant has had undisturbed possession thereof ever since; that he has two buildings on said tract, and said land cultivated every year since 1801 to the present day. Corn, grass, orchards, &c., are now growing; that the houses in which he first lived were on the line; some on outside. I never knew an actual settler on the place except claimant.

Question by William Russell, for Musick, to Absalom Link. 1st, How long since Peter Jump came to Louisiana?

Answer. Five or six years.

Question 2, *by Russell.* Who did the first cultivation on tract claimed?

Answer. Does not certainly know; but the land was in E. Musick's possession, and supposes that the first cultivation was either by him or for him.

Question 3. When did E. Musick first come into possession?

Answer. Before 1803, but how long does not know.

Question 4. How long since E. Musick left the possession of said tract?

Answer. Five or six years.

Question 5. Do you or do you not know that E. Musick cultivated said tract before 1803, and till 1806, every year?

Answer. Believes that he did cultivate every year from before 1803, till he left it, probably in 1806.

Question 1—to Lewis Williams.

Answer. Six years this fall.

Question 2. Same answer.

Question 3. Answer. In 1801.

Question 4. Same answer.

Question 5. Do you or do you not know that E. Musick cultivated said tract from 1801 till 1806, every year.

Answer. I believe he did, or had it cultivated.

It is the admission of the parties that E. Musick gave other lands in lieu of the lands in question. At the margin is the following: Not granted—Jump's claim not granted. (See Bates's minutes, pages 1 and 2.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Ephraim Musick, by his legal representatives, claiming 800 arpens of land, situate on the waters of Feefee's creek. (See record-book C, page 319; Bates's minutes, pages 1 and 2; Bates's decisions, page 27. See book No. 7, page—.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Ephraim Musick, claiming 800 arpens of land. (See book No. 7, page 193.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Ephraim Musick, or to his legal representatives, according to possession. (See book No. 7, page 217.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 317.— *Thomas P. Bedford, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
317	Thomas P. Bedford.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *December* 24, 1813.—Thomas P. Bedford's representatives claiming 800 arpens, St. Genevieve, not exceeding seven miles from the town. Thomas Maddin, duly sworn, says that this tract was inhabited and

cultivated by Joseph Frederick before 1800, and afterward by one named Bedford. For several years after Bedford, no person inhabited; it was sold by the commandant to satisfy the debts of Bedford, when Girouard became the purchaser, about 1801 or 1802, since which it is believed to have remained in the possession of Girouard or his representatives. Laporte, who married the widow Girouard, has cultivated for a few of the last years.

At the margin, "Not granted." (See Bates's minutes, page 109.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Thomas P. Bedford, claiming 800 arpens of land, situate about seven miles from St. Genevieve. (See record-book E, page 335; Bates's minutes, page 109; Bates's decisions, page 35. See book No. 7, page 193.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Thomas P. Bedford, claiming 800 arpens of land. (See book No. 7, page 193.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Thomas P. Bedford, or to his legal representatives, according to possession. (See book No. 7, page 217.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 318.—*Joab Line, claiming* 750 *arpens.*

PERMISSION.

Joab Line, formerly an inhabitant of Tennessee, United States of America, has a wife called Jeany, two children, and two young orphans, relations of his said wife; 5 horses, 11 head of horned cattle, 9 hogs, and sundry articles of household furniture and farming utensils. He is a farmer by profession.

I, the undersigned Joab Line, certify that I am ready to take the oath of fidelity to his Catholic Majesty, and to swear that my wife is legitimate; that the cattle and effects above mentioned do belong to us in common, and that we profess the Roman Apostolic and Catholic religion.

JOAB LINE.

NEW BOURBON, *December* 1, 1800.

In consequence of the foregoing declaration, and having received the oath above mentioned, from the said Joab Line, we may receive him among the number of the inhabitants of our district, and do give him leave to establish himself about the north fork of the river St. Francis, and there to make search for a piece of vacant land belonging to the King's domain, and afterward to ask the concession of the intendant of the province, in order to make his plantation.

Done by us, commandant of New Bourbon, on the 6th of December, 1800.

P. DELASSUS DE LUZIERE.

ST. LOUIS, *July* 20, 1835.

Truly translated from record-book B, page 95.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
318	Joab Line.	750	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

September 9, 1806.—Joab Line, claiming under the second section of the act, 400 arpens of land situate on the western fork of the river St. Francis, district of St. Genevieve, produces a permission to settle from Pierre D. de Luziere, dated 6th December, 1800.

Michael Hart, being duly sworn, says that claimant settled a tract of land in the spring of 1801, on the waters of river St. Francis; that the said tract is distant about four miles from said river; that he raised two crops on the same, to wit, in 1801 and 1802, but did not actually inhabit the same; that in the fall of 1802, he sowed a crop which witness believes he did not gather; that in the beginning of the winter of that year he left his house, his wife having eloped from him. Had about sixteen or seventeen arpens under fence; that when absent he still kept on said tract his goods, furniture, and stock, and would often call to see to the same; that he the witness was present when a survey of one Murphy, taken by virtue of a concession, took in said improvement; that claimant objected to the same, threatening to sue him, but all without effect; that when said survey took place, he had a crop of grain in his fields.

James Cunningham, being also duly sworn, says that he saw the above claimant in full possession of said land, in the spring of 1802; that he remained so until the year following, when the survey of said Murphy, by virtue of the aforesaid concession, took in all his improvement, to about three arpens; and also, that his house was surveyed in and taken possession of. He claims no other land in his own name in the Territory, and had, on the 20th December, 1803, a wife.

The board reject this claim. (See book No. 2, page 29.)

May 2, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joab Line, claiming 400 arpens of land. (See book No. 2, page 29.)

The board, on examining the record of this claim in book B, page 95, find the quantity claimed to be one hundred arpens. It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 344.)

ST. LOUIS, *November* 6, 1813.—Joab Line, claiming 750 arpens of land, county of St. Genevieve, on and adjoining waters of Wolf creek.

NOTICE.—John Smith, duly sworn, says he, witness, was on this tract in spring of 1803; saw claimant on the premises. He had a cabin as a dwelling-house, a kitchen, &c. Witness's business there was to bring away a load of corn, which he supposes claimant had raised the year before. Saw at this time wheat growing which had been sowed the fall before; witness also saw a good garden on the premises. At this time saw cornstalks still in the fields. Saw evidences of the cultivation of tobacco also. Also saw a nursery of fruit-trees on this tract. Afterward, during the year 1803, witness occasionally passed this improvement, and generally saw claimant inhabiting the house, and saw that the garden was cultivated, but as the fields lay in an opposite direction from the road, has no particular recollection as to them. (At the margin:) "Not granted. Claim decided by late board. Interference with Murphy." (See Bates's minutes, page 66.)

July 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Joab Line, claiming 750 arpens of land on Wolf creek, St. Genevieve. (See book E, page 341. For notice for 100 arpens, see book B, page 95; commissioners' minutes, book No. 2, page 29; No. 4, page 344; Bates's minutes, page 66; Bates's decisions, page 32. See book No. 7, page 193.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Joab Line, claiming 750 arpens of land. (See book No. 7, page 193.)

The board are unanimously of opinion that 750 arpens of land ought to be granted to the said Joab Line, or to his legal representatives, according to possession. (See book No. 7, page 217.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 319.—*Walter Smoot, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim	By whom granted.	By whom surveyed, date, and situation.
319	Walter Smoot.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *December* 29, 1835.—William Russell, assignee John Donnohue, assignee Walter Smoot, claiming 800 arpens of land, Cape Cinqhommes, in county of St. Genevieve, produces transfers not authenticated.

James McLean, duly sworn, says the first improvement was made on this tract in 1801. Witness saw it again about 15th December, 1803; Walter Smoot was then inhabiting premises. At this time witness also saw corn standing in a field of two or three acres. No cultivation since. Smoot is believed to have removed soon thereafter. Witness did not see this tract for four or five years thereafter, when some fences and peach-trees were remaining. (At the margin:) "Not granted." (See Bates' minutes, page 128.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Walter Smoot, by his legal representatives, claiming 800 arpens of land, county of St. Genevieve. (See record-book F, pages 260 and 261; Bates's minutes, page 128; Bates's decisions, page 21.) (See No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Walter Smoot, claiming 800 arpens of land. (See book No. 7, page 194.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Walter Smoot or to his legal representatives, according to possession. (See book No. 7, page 218.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 320.—*Abraham Randall, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
320	Abraham Randall.	300	Concession to 164 inhabitants, January 30, 1803. List A, No. 52.	Carlos Dehault Delassus.	778 arpens, 29 perches, by ————. February 2, 1806. Received for record by Antonio Soulard, February 13, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 20, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Abraham Randall, claiming 778 arpens, 29 perches, of land, situate on Hubble and Randall's creek, district of

Cape Girardeau, produced to the board, as a special permission to settle, list A, on which claimant is No. 52; a plat of survey dated 2d March, 1805, and certified 13th February, 1806.

The following testimony, in the above claim, taken by Frederick Bates, commissioner, by authority from the board, at Cape Girardeau, May 30, 1808:

Thomas Bull, duly affirmed, says that said land was first improved by the establishment of a cabin by witness' brother-in-law, who abandoned the same in two or three months as public lands. In 1801 or 1802, Peter Bellen took possession of and lived in the said cabin for a short time, who, in 1803, left the same; after which, claimant made a settlement in 1804, repaired the roof of the cabin and planted peach-trees, who has ever since inhabited and cultivated the premises. About seven or eight acres now in cultivation. Claimant has a wife and two children.

The following testimony taken as aforesaid, May 31, 1808:

John Abernathie, duly sworn, says that when Peter Bellen left the premises, in September, 1803, he offered for sale merely his labor on this land, disclaiming all right to the soil, intending to place, or having previously placed, his head-right on or near White-water.

Medad Randall, duly sworn, says Peter Bellen left premises with an intention to keep a stock for witness. Some little time after this, claimant observed to Bellen that he wished to settle on this tract thus abandoned; Bellen replied, that he might do so, for that he, Bellen, had no claim to it; he was welcome. Laid over for decision. (See book No. 3, page 477.)

December 22, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Abraham Randall, claiming 778 arpens, 29 perches, of land. (See book No. 3, page 477.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 235.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Abraham Randall, claiming, by his legal representatives, 778 arpens, 29 perches, of land, situate on Hubble and Randall's creek. (For list A, on which claimant is No. 52 for 300 arpens, see record-book B, page 320. For survey of 778 arpens, 29 perches, see book B, page 333; minutes, book No. 3, page 477; No. 4, page 325. See book No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Abraham Randall, claiming 300 arpens, 0 perches, of land. (See book No. 7, page 194.)

The board are unanimously of opinion that 300 arpens of land ought to be confirmed to the said Abraham Randall, or his legal representatives, according to the concession and list A, on which claimant is No. 52, for 300 arpens. For concession and list A, see Joseph Thompson, jr.'s claim, decision No. 202. (See No. 7, page 218.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 321.—*François Lacombe, claiming* 400 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor, Captain in the stationary regiment of Louisiana, and Commander-in-chief of the western part of Illinois:*

SIR: François Lacombe, inhabitant of Carondelet, has the honor to supplicate you to condescend to grant him a concession for a tract of land of ten arpens in front by forty in depth, situated on river Aux Gravois; the said land to be bounded on the upper side by the line of one Hugh Grim's land, and on the two other sides by the King's domain; favor which he expects of your justice.

The petitioner will observe to you that this land has already been granted to one Macfatte, and the said Macfatte having absconded and abandoned the same, it returns to the King's domain.

FRANCOIS LACOMBE.

ST. LOUIS, *November* 26, 1797.

ST. LOUIS, *November* 26, 1797.

The surveyor of this jurisdiction shall put the petitioner in possession of the land he asks, provided it be vacant, and is not prejudicial to any person, in order that, after the survey is made, he may solicit the concession from the commander general.

ZENON TRUDEAU.

ST. LOUIS, *October* 7, 1803.

We, special surveyor of this Upper Louisiana, do certify that, at the time when the land of Mr. Pre. Didier was surveyed, Mr. François Lacombe had not given us any knowledge of the title he obtained by the above decree.

SOULARD.

ST. LOUIS, *October* 8, 1803.

Having seen the above certificate, and whereas the party interested has delayed until now to have a survey made for the land granted to him by my predecessor, it cannot hereafter be surveyed, unless said party shall content himself of vacant parts of the domain, without any possibility in him to alter anything to surveys already made.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *July* 20, 1835.

I certify the above and foregoing to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
321	François Lacombe.	400	Concession, November 26, 1797. Order of survey, October 8, 1803.	Zenon Trudeau, Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *October* 6, 1813.—Charles Sanguinet, claiming 400 arpens of land as assignee of François Lacombe (on vacant lands), produces notice; also concession from Zenon Trudeau, lieutenant governor, dated November 26, 1797; copy of a deed from Lacombe to claimant, dated December 7, 1808.

Antoine Soulard, being duly sworn, says that he knows perfectly well that Zenon Trudeau, lieutenant governor, gave this concession at the time it bears date.

Gregoire Sarpy, duly sworn, says that witness, some years before the cession of this country to the United States, put his own papers generally into the hands of Antoine Soulard. When he received them afterward, the papers appertaining to this claim are supposed to have been misplaced among them, as they were for a long time mislaid, and afterward found among them (this deponent's papers.) Lacombe was an inhabitant of this county for twenty-six years. (At the margin:) "Not confirmed." (See Bates's minutes, page 61.)

June 25, 1835.—F. R. Conway, esq. appeared, pursuant to adjournment.

François Lacombe, by his legal representatives, claiming 400 arpens of land, situated on river Gravois. (See record-book F, page 143; Bates's minutes, page 61; Bates's decisions, page 32.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated November 26, 1797.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Zenon Trudeau. (See book No. 7, page 198.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

François Lacombe, claiming 400 arpens of land. (See book No. 7, page 198.)

The board are unanimously of opinion that this claim ought to be confirmed to the said François Lacombe, or to his legal representatives, according to the order of survey by Charles Dehault Delassus. (See book No. 7, page 218.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 322.—*Jean Harvin, claiming* 600 *arpens.*

Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jean Harvin has the honor to represent to you that, having resided since several years in this province, he would wish to make a settlement in the same; therefore he has recourse to the goodness of this government, praying that you will please grant him a tract of land of six hundred arpens in superficie, to be taken on the vacant lands on the King's domain, in the place which will appear to him most suitable to his interest. The petitioner presumes to expect this favor of your justice.

JEAN his × mark. HARVIN.

ST. GENEVIEVE, *September* 8, 1800.

We, the undersigned, captain, civil and military commandant of the post of New Bourbon of Illinois, do certify and attest to Don Carlos Dehault Delassus, lieutenant colonel in the armies of his Catholic Majesty, and lieutenant governor of Upper Louisiana, that Mr. Harvin, who presents the foregoing petition, is worthy, under all points of view, to obtain the concession of six hundred arpens of land which he solicits, in a vacant place of the King's domain; the said Harvin having a great number of cattle, and means sufficient to settle and improve his farm, and being a very honest man and a good farmer.

Done in New Bourbon, September 12, 1800.

PRE. DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *September* 22, 1800.

In consequence of the information given by the captain of the post of New Bourbon, Don Pedro Delassus de Luziere, by which it appears that the petitioner has more than the means necessary to obtain the concession he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity (of land) he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *July* 18, 1835.—I certify the above and foregoing to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
322	Jean Harvin.	600	Concession, September 22, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 30, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

Jean Harvin, by his legal representatives, claiming 600 arpens of land, situate in Bois-brule bottom, district of St. Genevieve. (See book of record E, page 226.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated September 22, 1800.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus.

Françoise Dany, duly sworn, says that she is upward of 59 years of age; that in the year 1803 she was on the tract claimed; that in said year she saw on said place a dwelling-house and several outbuildings, wherein said Harvin lived with his family, composed of himself, his wife, and four children; that Harvin had a field, but witness does not recollect how many arpens were then enclosed. There was a good garden, and said Harvin had a good stock of horses and cattle. (See book No. 7, page 200.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Jean Harvin, claiming 600 arpens of land. (See book No. 7, page 200.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Jean Harvin, or to his legal representatives, according to the concession. (See book No. 7, page 218.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 323.—*Alexis Maurice, claiming* 400 *arpens.*

Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana, &c.:*

Sir: Alexis Maurice, residing in this Upper Louisiana since several years, has the honor to represent to you that he would wish to establish himself therein; therefore he has recourse to the goodness of this government, praying that you would be pleased to grant him a tract of land of four hundred arpens in superficie, to be taken on the vacant lands of his Majesty, in the place which will appear most suitable to the interest of your petitioner, who presumes to expect this favor of your justice.

ALEXIS his × mark. MAURICE.

St. Genevieve, *May* 5, 1800.

We, the undersigned, captain, civil and military commandant of the post and district of New Bourbon of Illinois, do certify to Don Charles Dehault Delassus, lieutenant governor of Upper Louisiana, that Mr. Alexis Maurice, who has presented the foregoing petition, is a very good man, an excellent mechanic and farmer, and worthy, under all points of view, to obtain from the government the concession of 400 arpens of land he asks for, in a vacant place of the King's domain, and that he is able, with his means and cattle, to improve the same.

Done in New Bourbon, 12th May, 1800.

PRE. DELASSUS DE LUZIERE.

St. Louis of Illinois, *May* 24, 1800.

In consequence of the information given by the captain of the post of New Bourbon, Don Pedro Delassus de Luziere, and it appearing to me that the petitioner has more than the means necessary to obtain the concession he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat delivering the same to said party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *July* 18, 1835.

I certify the above and foregoing to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
323	Alexis Maurice.	400	Concession, May 24, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Menard, assignee of Alexis Maurice, claiming 400 arpens of land, situate district of St. Genevieve, produces notice to the recorder. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 460.)

June 30, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

Alexis Maurice, claiming 400 arpens of land, situate Bois-brule, district of St. Genevieve. (See book No. 5, page 460; record-book E, page 266.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 24, 1800. M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 201.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Alexis Maurice, claiming 400 arpens of land. (See book No. 7, page 201.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Alexis Maurice, or to his legal representatives, according to the concession. (See book No. 7, page 218.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 324.—*Joseph Belcour, claiming* 400 *arpens.*

Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

ST. GENEVIEVE, *March* 9, 1800.

SIR: Joseph Belcour has the honor to represent to you that, having resided since several years in this country, he would wish to settle in the same, and make an establishment; therefore he has recourse to the goodness of this government, praying that you be pleased to grant him a tract of land of four hundred arpens in superficie, to be taken upon the vacant lands of the King's domain, in the place which will appear most convenient and most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

his
JOSEPH × BELCOUR.
mark.

We, the undersigned, civil and military commandant of the post of New Bourbon, of Illinois, do certify to the lieutenant governor of Upper Louisiana, that the petitioner is a perfectly honest man, a good workman, who has cattle and means sufficient to well stock and improve the farm of 400 arpens of land, for which he solicits a concession in a vacant place of the King's domain.

Done in New Bourbon, March 12, 1800.

PR. DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *March* 18, 1800.

In consequence of the information given by the captain of the post of New Bourbon, Don Pr. Delassus de Luziere, by which it appears that the petitioner has more than the means necessary to obtain the concession he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the King's domain; and this being executed, he shall make out a plat of his survey, delivering the same to the party, together with his certificate, in order to serve him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *July* 16, 1835.

I certify the above and foregoing to be truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
324	Joseph Belcour.	400	Concession, March 18, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 1, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Belcour, claiming 400 arpens of land, situate district of St. Genevieve, by concession (as is alleged in his notice) from Don Carlos Dehault Delassus, lieutenant governor, dated March 18, 1800.

Archibald Huddleston, sworn, says that about nine or ten years ago, he saw claimant working on the place claimed at two different times, near a cabin in which he saw claimant's clothes; that the said land was cultivated for the four following years. Laid over for decision. (See book No. 3, page 387.)

July 12, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Belcour, claiming 400 arpens of land. (See book No. 3, page 387.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 481.)

June 30, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

Joseph Belcour, claiming 400 arpens of land, situate Bois-brulé, district of St. Genevieve. (See record-book E, page 226; Commissioners' minutes, book No. 3, page 387; No. 4, page 481.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated March 18, 1800. M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 201.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Joseph Belcour, claiming 400 arpens of land. (See book No. 7, page 201.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Joseph Belcour, or to his legal representatives, according to the concession. (See book No. 7, page 219.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 325.—*Henry O'Hara, claiming* 1,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
325	Henry O'Hara.	1,000	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 2, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Henry O'Hara, by his legal representatives, claiming 1,000 arpens, situate on Grand Glaize, district of St. Louis. (See record-book D, page 166.)

Claimant refers to commissioners' minutes, book No. 4, page 148, for testimony of Antoine Vachard, dit Lardoise, in the case of Charles Vallé, claiming 320 arpens, to wit:

August 2, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Henry O'Hara, the heirs and representatives of, claiming 320 arpens of land, situate in Grand Glaize, district of St. Louis, as assignee of Louis Robert, who was assignee of Charles Vallé, produces, &c.

Antoine Vachard, dit Lardoise, duly sworn, says that about 22 years ago, he saw Louis Robert residing on the land claimed; that said Louis Robert built a small cabin, made a small improvement, and resided there a short time; that when Louis Robert first went on the land, there was a small cabin already built, and a small improvement, which witness understood to have been made by Charles Vallé. Witness lived a neighbor to Henry O'Hara, who inhabited and cultivated a tract of land adjoining this claim, and also cultivated on this claim; that O'Hara was settled there before deponent went to live there as a neighbor, and said O'Hara continued to inhabit and cultivate, as before stated, all the time deponent lived there, which was about six years. The two tracts of land were separated by a small run coming from two springs near the Mississippi. Witness left said neigborhood about 21 years ago. Witness, O'Hara, and other neighbors abandoned their lands because the Indians were troublesome, and killing some of them. Says that he went to reside in said settlement about 26 years ago. On witness being asked whether Louis Robert left the settlement at the time he, witness, went to reside there, answers that he believes he did in the following year, but the time has been so long he does not remember dates. There were no other settlers but witness, Little Billy, and Henry O'Hara. (See book No. 4, page 148.)

July 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Henry O'Hara, claiming 1,000 arpens of land. (See book No. 7, page —.)

Baptiste Dominé, duly sworn, says, that he is 86 years of age; that during the Spanish government, under either Manuel Perez or Zenon Trudeau, witness saw the said O'Hara living on a tract of land situate between the river Joachim and the Little Rock, on the Mississippi. Claimant had on said piece of land a dwelling-house, out-houses, a field, and a fine orchard.

Charles Vachard, duly sworn, says that he is about 63 years of age; that, during the Spanish government, he saw claimant on a piece of land situated on the Mississippi, about one mile and a half below the Joachim; that he had a large field, in which he raised corn, wheat, &c.; also had a fine orchard. Witness's brother lived near O'Hara's improvement, and witness was often on said O'Hara's plantation; the said O'Hara had a large family, and that he was driven away from his place by the Indians. Witness further says that he cannot state exactly how long said O'Hara remained on said land, but when witness went to reside with his brother, O'Hara had settled his place several years before, and witness remained seven or eight years with his said brother, during which time said O'Hara continued to inhabit and cultivate said place.

Pierre Chouteau, sr., duly sworn, says that, in the year 1778 or 1779, as he was coming from St. Genevieve in a boat, he was obliged, on account of the ice drifting in the Mississippi, to unload his boat, and put his goods in one Charles Vallé's house; that Henry O'Hara had a plantation adjoining that of said Vallé. Witness knew said O'Hara for many years, having transacted business with him during the time O'Hara remained on said place, which was at least for ten consecutive years. Witness further says that, after the attack of the Indians on the settlements, in the year 1780, all the settlers were called in by the lieutenant governor, and said O'Hara among the rest; that said Henry O'Hara, sometime afterward, sold his plantation, which was situated below the Little Rock, near the Grand Glaize. Witness does not recollect whether it was ever cultivated afterward. (See book No. 7, page 210.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Henry O'Hara, claiming 1,000 arpens of land. (See book No. 7, page 210.)

The board are unanimously of opinion that 1,000 arpens of land ought to be granted to the said O'Hara, or to his legal representatives, according to possession. (See book No. 7, page 222.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 326.—*Gabriel Cerré claiming* 400 *arpens.*

To the BARON DE CARONDELET, *Governor General of Louisiana, &c.:*

Gabriel Cerré, a merchant of this town, has the honor to represent that, having, since a long time, heard it mentioned that there was a lead mine on the right bank of Marameck river, at about sixty leagues from its mouth, the petitioner made all the exertion in his power to discover the same. An American residing in this country, offered to show him the said mine for the sum of $200; for which sum he would abandon to the petitioner and his heirs all his pretensions to the said discovery. To these conditions the petitioner legally consented, and having gone on the spot to examine whether such mine existed, he actually found some indications, which determined him to pay, according to his promise, the sum agreed upon, to the said American, although it is yet uncertain that the said mine can defray the petitioner of his disbursement and the works he intends to have done, which would become absolutely onerous to him if any one was permitted to work on said place. Therefore, the supplicant humbly prays your excellency to grant him a concession for the said mine, of 20 arpens in front by 20 arpens in depth, taking for centre the said discovered mine, in order for him to work, make the necessary establishments, and maintain the number of cattle required for the working of the same; favor which he hopes to obtain of your goodness.

CERRÉ.

ST. LOUIS, *March* 29, 1796.

I am satisfied that the lead mine above solicited belongs to his Majesty's domain, and that the granting of it is not prejudicial to any person; on the contrary, its being worked by Don Gabriel Cerré, who is industrious, and who owns a number of slaves, and employs many hired white men, will be very advantageous to our settlements.

ZENON TRUDEAU.

NEW-ORLEANS, *April* 25, 1796.

The surveyor, Don Antonio Soulard, shall locate, and put the party in possession of, the 20 arpens of land in front, by the depth of 20, including in the centre the lead mine which has been discovered, which may be worked by said party exclusively, provided it is vacant and does not cause any prejudice to the adjoining neighbors, he having to maintain the roads necessary for the public intercourse and transit. Under which considerations the operations of survey shall be made out, and remitted to me, in order to provide the interested with the corresponding title in form.

EL BARON DE CARONDELET.

NEW-ORLEANS, *April* 25, 1796.

I send back to you, with a favorable decree, the memorial of Don Gabriel Cerré, merchant and inhabitant of St. Louis, in which he solicits a concession for a lead mine discovered lately at 60 leagues from the mouth of the river Marameck, and which you sent me, together with your official letter, No. 246.

May God preserve you many years.

EL BARON DE CARONDELET.

SR. DON ZENON TRUDEAU.

Don Antonio Soulard, Surveyor General of Upper Louisiana:

I do certify that, on the 25th of January, of this present year, (by virtue of the annexed decree of his excellency, the governor general of these provinces, the Baron de Carondelet, dated April 25, 1796,) I went on the land of Don Gabriel Cerré, in order to survey the same according to his demand of 400 arpens in superficie; this measurement was made in presence of the interested, by virtue of the power he gave me to that effect, with the perch of Paris, of 18 feet in length, conformably with the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ E., as appears from the foregoing figurative plat. This land is situated on the left bank of the river Marameck, and at about 75 miles, more or less, from this town of St. Louis, and is bounded on the E. N. E., N. N. W., and S. S. E., by vacant lands of the royal domain, and on the W. S. W. by the left bank of the river Marameck. In testimony whereof, I do give these presents, together with the preceding figurative plat, on which are noted the dimensions, and the natural and artificial boundaries which surround said land.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *January* 28, 1800.

ST. LOUIS, *July* 22, 1835.

I certify the above and foregoing to be truly translated from book A, page 246, of record in the recorder's office.

JULIUS DE MUN, *T. B.C.*

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
326	Gabriel Cerré.	400	Concession, April 25, 1796.	Baron de Carondelet.	Antonio Soulard, S. G. January 25, 1800; certified by same, January 28, 1800. On the left bank of the Marameck, about 75 miles from St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 21, 1805.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esquires.

In the case of James Richardson, claiming under a concession from Zenon Trudeau, for 400 arpens of land, including a lead mine, under the date of April 25, 1796, granted to one Gabriel Cerré for certain considerations therein mentioned, which said concession is confirmed to the said Gabriel Cerré by the Baron de Carondelet.

In support of his claim, the said James Richardson produced the said concession, so confirmed as aforesaid, together with a certificate of survey for said 400 arpens, dated January 28, 1800, and a bill of sale of said 400 arpens of land, under the date of October 20, 1802, executed by Anthony Soulard to the said James Richardson; an act of partition of the property of the above-named Gabriel Cerré, dated June 19, 1802, was also produced, whereby it appears the said 400 arpens of land had fallen to the portion of the s id Anthony Soulard, as heir to the estate of the above-named Gabriel.

Whereupon the board confirms to the said James Richardson his said 400 arpens, as per the concession and certificate of survey aforesaid. (See commissioners' minutes, book No. 1, page 12.)

December 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Clement B. Penrose, commissioner, retired from the board in consequence of his having become interested in this claim since the decision of the former board.

James Richardson, claiming under Gabriel Cerré, 400 arpens of land. Produces a petition signed Gabriel Cerré, directed to Baron de Carondelet, governor general, praying for a concession for 400 arpens of land, including a mine; an information from Zenon Trudeau, L. G., dated March 29, 1796; an official letter from Baron de Carondelet to Zenon Trudeau, L. G., dated April 25, 1796; a concession from Baron de Carondelet, governor general, for the same, dated April 25, 1796; a plat of survey of the same, dated January 25, 1800, certified January 28, 1800; an extract of an act of partition of the estate of Gabriel Cerré, by which it appears that the said 400 arpens of land fell to the share of Antoine Soulard, in right of his wife, as heir of Catharine Giard, deceased, in her lifetime the wife of Gabriel Cerré.

Frederick Bates, commissioner, forbears giving an opinion. It is the opinion of John B. C. Lucas, commissioner, that this claim ought not to be confirmed. (See book No. 5, page 522.)

July 2, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Gabriel Cerré, by his legal representatives, claiming 400 arpens of land, situate on the Marameck. (See record-book A, page 246; Minutes, book No. 1, page 12; No. 5, page 522. See book No. 7, page 203.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

The board are unanimously of opinion that this claim ought to be confirmed to the said Gabriel Cerré, or to his legal representatives, according to the concession. (See book No. 7, page 222.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 327.—*Robert McCay, claiming* 320 *arpens.*

NEW ORLEANS, *April* 27, 1802.

Sor. Intendant General:

Don Roberto McCay, captain of militia in the post of New Madrid, with due respect to your lordship, represents that, wishing to establish a cowpen in the district of Cape Girardeau, he hopes of your lordship's goodness, that you will condescend to grant him, in said place, one thousand arpens of land, on which he may form such an establishment; for which favor he will be forever grateful for your lordship's beneficence and justice.

ROBERTO McCAY.

Be it laid before the fiscal.

NEW ORLEANS, *April* 28, 1802.

El Sor. Don Juan Ventura Morales, principal accountant of the army, intendant per interim of the royal treasury of the provinces of Louisiana and Western Florida, has decided on the above, and put his flourish to it, (lo rubrico,) together with the assessor general.

CARLOS XIMENES.

NEW ORLEANS.

On the same day, I gave notice of the above to Don Roberto McCay, to which I certify.

XIMENES.

On the said day, I made it known to, and laid it before, the sor. fiscal of the royal treasury, to which I certify.

XIMENES.

NEW ORLEANS, *May* 5, 1802.

The fiscal of the royal treasury, after taking cognizance of the petition of the captain of militia, Don Roberto McCay, who asks a concession of one thousand arpens of land at Cape Girardeau, for the purpose of establishing a cowpen thereon, says that he is of opinion that the tribunal can notify the commandant of said district to give the said quantity of land belonging to the royal domain, provided it is not prejudicial to the surrounding neighbors, and that after the plat and corresponding certificate of survey is made out by the special surveyor of those settlements, the said documents be returned to this intendancy in order to deliver to the petitioner the title in form, conformably to what is stipulated in the regulation made on these matters.

GILBERTO LEONARD.

(Auto:) Be the decree made.

NEW ORLEANS, *May* 6, 1802.

El Sor. Don Juan Ventura Morales, principal accountant of the army, intendant *per interim* of the royal treasury of these provinces of Louisiana and Western Florida, has given his decision on the above, and put his flourish to it (lo rubrico), together with the assessor general.

CARLOS XIMENES.

NEW-ORLEANS.

On the same day, I gave notice of it to Don Roberto McCay, to which I certify.

XIMENES.

On the said day, I communicated the same to the fiscal of the royal treasury, to which I certify.

XIMENES.

Having taking congnizance of the foregoing, considering that on account of the distance, the petitioner cannot present the necessary documents, according to the regulation; and whereas, by the same, no more than eight arpens in front, by forty in depth, ought to be granted to him, he shall be made acquainted with it, and if he is satisfied with said quantity, this decree, certified, be delivered to him, in order that, presenting the same to the sub-delegate, he shall order, after giving notice to the adjoining neighbors, the survey and plat to be made, and sent here for the purpose of making the corresponding title.

For the asesoria, ten reals.

JUAN VENTURA MORALES.
MANL. SERRANO, *Attorney.*

NEW ORLEANS, *May* 7, 1802.

El Sor. Don Juan Ventura Morales, principal accountant of the army, intendant per interim of these provinces of Louisiana and Western Florida, and sub-delegate of the superintendency general, gave his decree, and signed it in accordance with the attorney, Don Manuel Serrano, assessor general of this intendancy.

CARLOS XIMENES.

RECORDER'S OFFICE, *St. Louis, July* 26, 1835.

I certify the above and foregoing to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted	By whom surveyed, date, and situation.
327	Robert McCay.	320	Order of survey, 7th May, 1802.	Juan Ventura Morales.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 3, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Robert McCay, claiming 320 arpens of land, situate in the district of Cape Girardeau, produces to the board a concession from Juan Ventura Morales, intendant general, dated May, 1802. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 17.)

June 24, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Robert McCay, by his legal representatives, claiming 320 arpens of land, in the district of Cape Girardeau. (See record-book E, page 125; book No. 5, page 17; Bates's decisions, page 10, where the same is "not confirmed.")

Produces a paper purporting to be an original order of survey, signed by Juan Ventura Morales, acting intendant, Manuel Serrano, assessor general, dated May 7, 1802.

The following testimony was taken on the 28th of May and the 15th of October, 1833, before L. F. Linn, esq., then one of the commissioners:

STATE OF MISSOURI, *County of Cape Girardeau:*

Joseph Bogy, aged about 51 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with Juan Ventura Morales, who was intendant, per interim, in 1802, at New Orleans: that he has often seen him write, and that the signature of the said Morales to the concession or grant appended to the original petition of the said McCay, is the proper name and signature, and in the proper handwriting of the said Juan Ventura Morales. Deponent was also well acquainted with Manuel Serrano, who was the counsellor, attorney, or legal adviser, under the Spanish government, in 1802, and that the signature to the grant aforesaid is the proper name and signature, and in the proper handwriting of the said Manuel Serrano. And this deponent further says that he knew Robert McCay, the original grantee; that he was an officer under the Spanish government, but the exact year he does not remember.

JOSEPH BOGY.

Sworn to and subscribed before me, this 28th day of May, 1833.

L. F. LINN, *Commissioner.*

John Friend, a witness, aged fifty-two years, being duly sworn, as the law directs, deposeth and saith, that he came to this country (then the province of Upper Louisiana) in the year 1799, in the fall of that year; that he became acquainted in that year with Robert McCay, who was then a citizen and resident in New Madrid; that said Robert McCay has, from the year 1799 to the present time, remained and continued a citizen and resident of the country, and still is so.

his
JOHN × FRIEND.
mark.

Sworn to and subscribed before me, this 15th day of October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 197.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Robert McCay, claiming 320 arpens of land. (See book No. 7, page 197.)

The board are unanimously of opinion that 320 arpens of land ought to be confirmed to the said Robert McCay, or to his legal representatives, according to the order of survey. (See No. 7, page 223.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 328.—*Joseph Mottard, claiming* 1,340 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Colonel in the royal armies, and Lieutenant Governor of Upper Louisiana:*

ST. LOUIS, *January* 20, 1804.

Calvin Adams, an inhabitant of this town of St. Louis of Illinois, in the most legal manner, and with the respect due to you, represents that, on the 7th of November, 1800, he purchased of Mr. Patrick Lee about seven arpens of land, situated at the place called Le Cul de Sac; said tract formerly belonging to Mr. Joseph Mottard. As the said land has not been surveyed, the petitioner implores your justice that you will condescend to order the surveyor of this Upper Louisiana to survey the same, and make out a figurative plat for the satisfaction of your petitioner, who hopes to deserve this favor of you; whose life may the Almighty preserve many years.

CALVIN ADAMS.

ST. LOUIS OF ILLINOIS, *January* 20, 1804.

Be it transmitted to Don Antonio Soulard, in order that he executes the same.

DELASSUS.

ST. LOUIS, *September*, 3, 1834.—Truly translated from record-book B, page 480.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
328	Joseph Mottard.	1,340	Settlement right.		James Mackay, D. S., 16th November, 1805. Recorded by Soulard, surveyor general, 16th January, 1806. Cul de Sac, Grande Prairie.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

September 9, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas and James L. Donaldson, esq.

Calvin Adams, assignee of Patrick Lee, who was assignee of Joseph Mottard, claiming, under the 2d section of the act, 1,340 arpens of land, situate on Mill creek, district of St. Louis, produces a survey of the same, dated 16th of November, 1805; a deed of transfer, executed before commandant, by Joseph Mottard to said Patrick Lee, dated the 7th November, 1800; and another deed of transfer, executed also before the commandant, by said Patrick Lee to claimant, dated the 22d August, 1803.

Auguste Chouteau, being duly sworn, says that the said Joseph Mottard had no family; that the said tract of land was settled about twelve years ago by one Cotard, for said Mottard; that the same was actually inhabited and cultivated until the year 1800; that it was well improved; said Mottard had on the same a house and outhouses. The board reject this claim for want of actual inhabitation and cultivation, on the 20th day of December, 1803. (See minutes, book No. 1, page 524.)

October 25, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates.

Calvin Adams, assignee of Patrick Lee, assignee of Joseph Mottard, claiming 1,340 arpens of land, situate on Mill creek, district of St. Louis. David Musick produces a deed of conveyance from said Adams and wife to him, dated 22d January, 1808; said deed on file. Laid over for decision. (See No. 3, page 323.)

June 25, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Calvin Adams, assignee of Patrick Lee, assignee of Joseph Mottard, claiming 1,340 arpens of land. (See book No. 1, page 524; No. 3, page 323.) It is the opinion of the board that this claim ought not to be granted. On comparing the plats of survey, this land appears to be within the tract claimed as the common of St. Louis. (See book No. 4, page 405.)

July 8, 1833.—F. L. Linn, esq, appeared, pursuant to adjournment.

Joseph Mottard, by Calvin Adams' legal representatives in the name of said Adams, and as assignee of Patrick Lee, who was assignee of Joseph Mottard, claiming 1,340 arpens of land, on Mill creek, near the city of St. Louis. (See record-book B, page 480; Minutes, No. 1, page 524; No. 3, page 323, and No. 4, page 405.)

Produces a paper purporting to be a translation of a concession, sworn to and subscribed by Peter Provenchere.

Louis Dubreuil, being duly sworn, says that forty years ago there was, to his knowledge, people working under Mottard on said piece of land; that he, several times, wrote accounts for his father, for produce which his said father had bought from said plantation; that Mottard had there some cattle; that said place was occupied

for a long time by one Cotard, under Mottard; and deponent often went on said place to see said Cotard; and that said place continued to be occupied by or under Mottard till his death, which happened a short time prior to the change of government.

Peter Chouteau, sr., duly sworn, says that 42 or 43 years ago, Joseph Mottard was cultivating said land, and had one Cotard on said place as his agent; that said land was cultivated till Mottard's death; that after his death a mulatto man lived on said place; that at Mottard's death said tract was sold, and, deponent thinks, was bought by Patrick Lee; that Mottard cultivated said land for 10 or 12 consecutive years, by himself or through him. Deponent further says that the said tract did not interfere with the commons.

Alexander Bellissime, being duly sworn, says that he has been in this country these 45 years; that when he arrived in this country, the said Mottard was inhabiting and cultivating said tract of land; that deponent often went on said place to see said Mottard, who had there an orchard bearing fine apples; and that the place continued to be cultivated by or under Mottard, till very near the time of the taking of possession of the country by the American government. (See book No. 6, page 216.)

July 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment. In the case of Joseph Mottard, claiming 1,340 arpens of land. (See book No. 6, page 216.)

Pascal L. Cerré, duly sworn, says that he knew Mottard's plantation from the year 1787 to 1791, and from 1794 till the change of government; that said plantation, as cultivated by or under said Mottard, was, to his perfect knowledge, outside of the St. Louis common.

Michel Marli, duly sworn, says that he is 56 years of age; that he knew Mottard's plantation for 40 years; that the fences of the common went to Mottard's field and thence run toward Riviere des Perres, leaving said Mottard's farm ouside of the said common. Witness further says that he rented said plantation for two years, from Calvin Adams; this was about 15 years ago. Witness does not know of any other improvement made in that neighborhood.

Charles Vachard, being duly sworn, says that he has known Mottard's plantation for a great many years; that he, witness, cultivated the same for two or three years; that it was outside of the common, and he can yet show where the fence of the common was laid, leaving said plantation entirely outside of said common. Witness never knew of any other improvement in that vicinity. (See book No. 7, page 213.)

August 20, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Joseph Mottard, claiming 1,340 arpens of land. (See book No. 6, page 217; No. 7, page 213.)

The board are unanimously of opinion that 280 arpens of land (it being the quantity ordered to be surveyed by the lieutenant governor) ought to be confirmed to the said Joseph Mottard, or to his legal representatives, according to the said order of survey. (See book No. 7, page 224.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 329.—*Curtis Morris, claiming* 746 *arpens,* 75 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
329	Curtis Morris.	746 75 per.	Settlement right.		John Stewart, D. S., January 6, 1806. Received for record February 26, 1806, by A. Soulard, S. G.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 27, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

Curtis Morris, claiming, as aforesaid (under the 2d section of the act), 746 arpens, 75 perches, of land, situate in Bellevue settlement, produces a survey of the same, taken January 22, and certified February 27, 1806.

Benjamin Crow, being duly sworn, says that the claimant improved the said tract of land in the year 1804, built a house on the same, raised a crop in 1805, and had, December 20, 1803, a wife.

The board reject this claim. (See No. 1, page 376.)

September 1, 1810.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Curtis Morris, claiming 746 arpens, 75 perches, of land. (See book No. 1, page 376.) Produces to the board a certificate of permission to settle; on file.

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 483.)

December 16, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Curtis Morris, by his legal representatives, claiming 746 arpens, 75 perches, of land, situated in Bellevue settlement. (See record-book B, page 227; Minutes, book No. 1, page 376; No. 4, page 482.)

STATE OF MISSOURI, *ss:*

The State of Missouri to any two justices of the peace within and for the county of Washington, greeting:

Know ye, that, in confidence of your prudence and fidelity, I do require, and authorize, and command you to cause to come before you, James Bear, John Swan, J. T. McNeal and Mary McNeal his wife, Joseph McMaurtry, Samuel Bridge, and Bernard Rogan, and each of them examine upon their respective corporeal oath, to be by you, or one of you, administered, touching their knowledge of anything that may relate to the cultivation, inhabitation, and claiming of the southwest quarter of section No. 18, township No. 35, in range No. 2 east of the said 5th principal meridian, by Thomas Morrow and William Inge, and of William Hinge, prior to the twelfth day of April, 1814; and also to the cultivation, inhabitation, and claiming of the said land by Curtis Morris, in

order to perpetuate the remembrance of the said facts, on behalf of William Hudspeth, under Airs Hudspeth. And having reduced to writing, in the English language, or the language of the deponents, the depositions so by you taken as aforesaid, you send the same, certified by you, sealed up and directed, together with this writ, to the clerk of the circuit court of Washington county, wherein the said lands are said to be situated, with all convenient speed.

Given under my hand and seal, in Washington county, this 25th day of June, A. D. 1827.

WILL. C. CARR. [L. S.]

COUNTY OF WASHINGTON:

Be it remembered that, in pursuance of a commission from the honorable William C. Carr, judge of the third district in the state of Missouri, directed to two justices of the peace, in the county and state aforesaid, and agreeably to an advertisement in the *Missouri Republican*, by William Hudspeth and Airs Hudspeth, we, the undersigned, William Hinkson and Andrew Goforth, two justices of the peace, in the county aforesaid, have met at the house of Andrew Goforth, esq., in the township of Bellevue, on the 9th day of October, A. D. 1827, and proceeded to take the depositions of witnesses as named in the aforesaid commission, touching their knowledge of the facts as contained in the aforesaid commission, and proceeded to take the depositions of witnesses, as follows, to wit:

James Bear, of lawful age, being produced and sworn according to law, upon his corporeal oath deposeth and saith:

Question by A. W. Hudspeth, agent for William and Airs Hudspeth. Did you know of Thomas Morrow and William Inge inhabiting and cultivating on the S. W. quarter section, No. 18, in township No. 35, N., range 3, E. of the 5th principal meridian; and also at the same time a part of the S. E. quarter section No. 13, township No. 35, N., range 2, E. of the 5th principal meridian?

Answer by deponent. I was knowing to Thomas Morrow settling on the S. E. quarter section, No. 13, (agreeably to the surveying,) in township 35, N., range 2, E. of the 5th principal meridian. There was a piece of ground cleared on the same, part of which improvement is included in the S. W. quarter of section No. 18, township 35, N., range 3, E. of the 5th principal meridian.

Question by same. In what year did Thomas Morrow settle there?

Answer by deponent. As well as I recollect, it was in the fall of 1811 or 1812.

Question by same. Did you ever hear Thomas Morrow say that William Inge was his partner?

Answer by deponent. I did.

Question by same. Did you know of any ground being cultivated, in 1812 or 1813, on one or both of the above-named quarter sections?

Answer by deponent. Yes; there was corn raised on the improvement that was included on both of the above-named quarter sections.

Question by same. Who did the labor that raised that corn?

Answer by deponent. I do not know.

Question by same. Do you know of Jacob Mahon working for Thomas Morrow and William Inge, on said improvement, in 1812 or 1813?

Answer by deponent. I saw Jacob Mahan working with Thomas Morrow at the distillery on that place.

Question by same. Did you understand from Thomas Morrow or William Inge that the aforesaid improvement belonged to them?

Answer by deponent. I do not recollect.

Question by same. Did you know who claimed and occupied the improvement in the spring of 1814?

Answer by deponent. I do not recollect.

JAMES BEAR.

Sworn and subscribed before us, on the 10th day of October, 1827, at the place and within the hours first aforesaid.

A. GOFORTH, WM. HINKSON, } *Justices of the Peace.*

Joseph McMurtry, of lawful age, being produced and sworn according to law, upon his corporeal oath deposeth and saith:

Question by A. W. Hudspeth. In what year did Curtis Morris settle and improve the place whereon Daniel Phelps now lives?

Answer by deponent. In 1805, Curtis Morris married, and the next morning he started, as he said, to fix a house where Daniel Phelps now lives, to live in; further, I do not know whether Curtis Morris had any improvement on that place before that time or not.

Question by same. Did you know of Walter Crow cultivating the land now in question in 1803 or 1804?

Answer by deponent. I was there in 1803 and saw an improvement, and Walter Crow told me that he made an improvement there.

Question by Timothy Phelps. Do you know who claimed the place in 1804?

Answer by deponent. I do not recollect.

And further this deponent saith not.

JOSEPH McMURTRY.

Sworn to and subscribed before us, on the 10th day of October, 1827, at the place and between the hours first aforesaid.

G. GOFORTH, WM. HINKSON, } *Justices of the Peace.*

Sworn to, and signature acknowledged, May 9th, 1833.

L. F. LINN, *Commissioner.*

John T. McNeal, of lawful age, being produced, and after being duly sworn according to law, upon his corporeal oath deposeth and saith:

Question by A. W. Hudspeth. Do you know when Curtis Morris first settled on, and inhabited and cultivated the place whereon Daniel Phelps and Timothy Phelps now live?

Answer by deponent. I do not know.

Question by same. Were you acquainted with Curtis Morris in the year 1804?

Answer by deponent. Yes, I was.

Question by same. Where did Curtis Morris make his home in the summer of 1804?

Answer by deponent. In the forepart of the summer he made his home at William Ashbrook's.

Question by same. Did you ever hear Curtis Morris say that he raised a crop on Ananias McCay's plantation, or in that neighborhood, in the [omission] of 1804?

Answer by deponent. I am not certain.

Question by same. How far do you think William Ashbrook lived, in the summer of 1804, from the place in question?

Answer by deponent. I suppose it to be about six miles.

Question by same. In what year and month did Curtis Morris marry?

Answer by deponent. Agreeably to my recollection, about the last of January, 1805.

Question by Timothy Phelps. When did you assist Curtis Morris to build a cabin on the place in question?

Answer by deponent. In February or March, 1804.

Question by A. W. Hudspeth. Was the cabin made ready for the reception of a family, and in what situation was the cabin prepared in 1804?

Answer by deponent. It was raised to the eave-bearers the day I assisted, and I do not recollect that I was on the place any more in that year.

Question by Timothy Phelps. Where was the place in question situated, and by whose claims was it bounded?

Answer by deponent. It was situated on the south side of Cedar creek, and bounded by Benjamin Strother's claim on the north, by Walter Crow's on the west, by Benjamin Crow's on the southwest, and by Bernard Ragin's on the south.

Question by Timothy Phelps. Did you understand by Curtis Morris that he claimed that improvement, at the time you helped him to build the cabin?

Answer by deponent. Yes, I did.

Question by A. W. Hudspeth. Did you know of Curtis Morris making any other improvement on the place in question, in the year 1804, except the part of cabin aforesaid?

Answer by deponent. I do not.

And furthermore this deponent saith not. JOHN T. McNEAL.

Sworn and subscribed to, before us, on the 11th day of October, at the place and between the hours first aforesaid.

A. GOFORTH, WM. HINKSON, } *Justices of the Peace.*

Sworn to, and signature acknowledged, May 9, 1833.

L. F. LINN, *Commissioner.*

[Here follows the certificate of the two justices of the peace, A. Goforth and William Hinkson, dated 12th October, 1827, and also the certificate of John Jones, clerk of the circuit court, and ex-officio recorder, dated 3d November, 1827.]

THE STATE OF MISSOURI, *County of Wayne:*

Deposition of witness examined on the 4th day of October, in the year of our Lord 1827, between the hours of 8 o'clock in the forenoon and 7 o'clock in the afternoon of that day, in the township of Kelly, at the dwelling-house of Joseph Pain in the county aforesaid, in pursuance of an order from the Hon. William C. Carr, judge of the third judicial district, to any two justices of the peace in the county of Wayne. Ordered, that the deposition of Jacob Mahan be taken to perpetuate the remembrance of facts on the part, and in behalf of William Hudspeth and Airs Hudspeth, relating to the improving, cultivating, and inhabiting of an improvement lying and being on the waters of Cedar creek, in Bellevue township, in the county of Washington, and State of Missouri, now claimed by the aforesaid W. Hudspeth and A. Hudspeth as a pre-emption right. And now, at this day, Jacob Mahan, of lawful age, being produced, sworn, and examined, deposeth and saith as follows;

Question by A. Hudspeth. Were you ever employed by Thomas Morrow and William Inge to work and improve a tract of land in Bellevue township, in the county of Washington and State of Missouri?

Answer by Jacob Mahan. I was employed by Thomas Morrow, and I considered Thomas Morrow and William Inge in partnership, and I was employed to work on and build a still-house on the said improvement, lying and being near the forks of Saline and Cedar creeks.

Second question. In what year, and how long were you employed by Thomas Morrow?

Answer. I began to work with him the last week in November, 1812, and continued with him five months, and assisted him in planting corn in the month of May following, in the same place.

Question. Did you consider Morrow and Inge in co-partnership at the time you were employed by Morrow?

Answer. I did, for they both frequently told me they were in co-partnership.

Question. Do you know who succeeded Morrow and Inge on the aforesaid improvement?

Answer. Yes, in the year, 1814, the third week in February, I was employed by Inge to go out and take possession of the improvement for him, and carry on the work for him, and I continued for him one month to attend the still-house, and raised a crop of corn for myself the following season, but considered the land to belong to Inge.

Question. Did Inge pay you for your services done in the years 1812 and 1813?

Answer. Yes, he agreed to pay me all, and some time afterward he paid me part, and denied the partnership, and refused to pay me the balance after Morrow left the country.

Question. Did you understand that Morrow intended to return to this country when he went away?

Answer. When I parted with Morrow he told me he would come back.

Question. Did you understand what became of Morrow?

Answer. I did not.

Question. Do you know if Inge and Morrow built a mill on Cedar creek?

Answer. Yes, in the time of my work for Morrow, a few days before my time was out, Morrow commenced building a mill on Cedar creek, and from that time till I came out to take possession for Inge, the mill was grinding.

Question. Do you know the section this improvement is on, or who joins it, and who occupied the improvement last, and how far was the improvement from the said mill?

Answer. I do not know the sectional lines, but it laid near south of Benjamin Strother's confirmation claim, and east of Daniel Phelps' claim, and east of the great road leading from Mine à Breton through Bellevue; and when I was at the place last, I saw an old man there, who was called Hudspeth, and told me he lived there. The improvement was about twenty-five rods from the mill, on Cedar creek.

Question by Timothy Phelps. Since Morrow left the country, did you not frequently hear Inge deny the partnership between him and Morrow?

Answer. Yes, I did.

Question. Did you not make a demand of upward of $100 for services rendered and corn made use of on that place, in consequence of Wm. Inge denying the partnership between him and Morrow?

Answer. Yes, I did.

Question. Did not Morrow leave this country with the express declaration of going to the Spanish country in February, 1814?

Answer. Yes, he did.

And further, this deponent saith not. Given under my hand, this 14th day of October, in the year of our Lord 1827.

JACOB MAHAN. [L. S.]

[Here follows the certificate of the two justices, Isaac Kelly and Joseph Pain, same date as above, and also the certificate of John Jones, clerk of the circuit court, and *ex-officio* recorder, dated November 5, 1827.]

The following testimony was taken before L. F. Linn, commissioner:

Nancy Gregg, of lawful age, being first duly sworn, deposeth and saith that she was acquainted with Curtis Morris before his marriage. Curtis Morris married the sister of this deponent, and during the courtship the acquaintance with him was formed. At that time, this affiant does believe the house or place of residence of said Curtis Norris was at William Ashbrook's, and this deponent never has understood that Curtis Morris changed his place of residence until after he was married to the sister of affiant, as aforesaid. Curtis Morris, after he was married, removed to a place about two miles distant from deponent's father's place of residence, which is the same now claimed by heirs of Daniel Phelps as Curtis Morris's settlement right, situated in Bellevue township, Washington county.

NANCY GREGG.

May 9, 1833. L. F. LINN, *Commissioner.*

John T. McNeal, of lawful age, being first sworn, according to law, to give evidence in this behalf, deposeth and saith that, in the year 1811 or 1812, Thomas Morrow was in possession of an improvement in Bellevue, on the south side of Cedar creek; it was near a mill that was owned by said Morrow; this mill broke, and Morrow built another dam, and removed the mill upon land that was considered as public. Morrow continued in the occupancy of the said improvement until, this deponent believes, in the year 1813, when William Inge purchased out Thomas Morrow, and continued in the occupancy thereof, until Samuel Morrison purchased said mill and improvement. There was also a distillery on the improvement. This deponent knows positively that there was cultivation on said improvement, to wit, corn and potatoes, in the year 1813, and does believe that the same was inhabited as well as cultivated in the year 1812.

JOHN T. McNEAL.
L. F. LINN, *Commissioner.*

John Stuart, of lawful age, being produced and sworn, deposeth and saith that he, this affiant, was a surveyor by lawful appointment, and that, agreeably to his authority, he surveyed, in 1806, in the month of January or February, 638 acres and 56 poles of land for Curtis Morris, who then lived on the place where Timothy Phelps now lives, claimed by the heirs of Daniel Phelps and Curtis Morris; at that time there was a small turnip-patch, or improvement like a turnip-patch, at that place, and Walter Crow and Curtis Morris agreed to divide, and did divide, the said truck-patch between them, and then Curtis Morris agreed, and made his beginning at or near the spring where the said Timothy now makes use of for family use, running north, 65 east, 2 poles; thence north, 26 poles; thence north, 65 east, 120 poles; thence south, 70 east, 60 poles; thence north, 70 east, 140 poles; thence east, 100 poles; thence south, 217 poles; thence around to the beginning, agreeably to a plat hereunto annexed, bounded by Robert Reed, Bernard Rogan, Benjamin Crow, and Walter Crow. This original survey left a piece of vacant land up and down Cedar creek, situated in the southeast quarter of section No. 13 in t. 35 north, r. 2 east, on which the mill now owned by A. W. Hudspeth, and the seat that is said to be where Morrow and Inge did build a mill is situated; and the forge seat, with a part of the improvement of the said Hudspeth, as the representative of the said Morrow and Inge, and Inge individually, is situated on the then vacant part of the southwest fractional part of section No. 18, in t. 35 N., in range 3 east of the 5th principal meridian, in the county of Washington, in Bellevue township. The strip of vacant land was about 48 poles wide; the whole of which vacant land, original survey, will more fully appear by reference to the plat hereunto annexed. This deponent further says that he does not intend to say that the turnip-patch, above spoken of, was the only improvement on the land, for there were undoubtedly other improvements on the land, and corn had been raised on the land.

JOHN STEWART.

Sworn to and subscribed, May 14, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 385.)

October 8, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

In the case of Curtis Morris, claiming 746 arpens, 75 perches, of land. (See book No. 6, page 385.) The following additional testimony was taken by James H. Relfe, commissioner, on the 5th July, 1834:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims, John Paul, who deposes and says, he is 67 years of age, or about that, and came to Mine à Breton, in the district of St. Genevieve, province of Upper Louisiana, in the year 1802, and continued to reside there until,

in the month of March, in the year 1804, when he removed to Bellevue, in the same district and province. Deponent says he became acquainted with Curtis Morris in the year 1803 or 1804, in Mine à Breton, but at which period deponent is unwilling to say, but it was in the fall of the year. Said Morris resided with William Ashbrook, and continued to live with him until the end of the year 1804, and until he was married to Polly Crow, which he believes was in the latter end of the year 1804, or beginning of 1805. Witness continued to reside in Bellevue for two crop seasons, and never knew of any other Curtis Morris than the one first named, and resided about half a mile from Mr. Ashbrook's, with whom Curtis Morris resided, when he, deponent, moved to Bellevue.

JOHN PAUL.

Sworn and subscribed before me, this 5th day of July, 1834.

JAMES H. RELFE, *Commissioner.*

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims, Martha Paul, who deposes and says she is 63 years of age, and answers to the following interrogatories:

Question 1. Where did you reside in the year 1802 and 1803?

Answer. In Mine à Breton, district of St. Genevieve, province of Louisiana.

Question 2. Where did you reside in 1804?

Answer. In Bellevue, in the same district and province, on Big River.

Question 3. Did you know Curtis Morris in 1804?

Answer. I did know him; he came to the country and resided with William Ashbrook, and, to the best of my knowledge, resided with him that summer and fall. Deponent saw said Morris working with William Ashbrook, ploughing corn in that year. Witness resided between half a mile and a mile from the residence of said Ashbrook; and said Curtis Morris continued to reside with Ashbrook until after his marriage, to the best of her recollection, to Polly Crow, daughter of Benjamin Crow.

Question 4. How long did you continue to reside in Bellevue, and did you know of any other man named Curtis Morris in that neighborhood, during your residence?

Answer. I resided three years in Bellevue, and never knew but the one man named Curtis Morris.

her
MARTHA × PAUL.
mark.

Sworn to and subscribed before me, this 5th of July, 1834.

JAMES H. RELFE.

(See book No. 7, page 12.)

The following testimony in this case was sworn to, and signatures acknowledged, before L. F. Linn, commissioner:

STATE OF MISSOURI, *Washington county:*

Be it remembered, that on this 10th day of January, 1832, the following persons appeared before me, Henry Shurlds, a justice of the peace in and for said county:

Martin Ruggles, aged 57 years and upward, being duly sworn, deposeth and saith that he was at the place in now Washington county, commonly called and known, as he believes, as the claim of Curtis Morris, some time in the month of August or September, 1804, at which time he saw a cabin or log-house, about 12 or 14 feet square, at said place, and saw corn growing at the same time and place, supposed to be two or three acres; the corn then appeared to be full grown; there was no person at the cabin at the time, and it had the appearance of being inhabited, and the same has been inhabited and cultivated ever since.

MARTIN RUGGLES.

Subscribed and sworn to the day and year aforesaid.

HENRY SHURLDS, *J. P.*

Sworn to and signature acknowledged before me, this 7th day of May, 1833.

L. F. LINN, *Commissioner.*

John T. McNeal, aged 68 years and upward, being duly sworn, deposeth and saith that he assisted Curtis Morris in raising a cabin or log-house, on the claim of said Morris, in the month of February of first of March, 1804, which claim is situated in what is now called Washington county, aforesaid; that he saw Morris living on the same, in the summer of the same year, and dined with him, he, Morris, having cooked dinner for them. There was, at the time the cabin was built, an enclosure at the same place, of an acre, perhaps, or upward, and a Mr. Reed went to the enclosure, and brought from thence some turnips, of which witness partook. He saw cornstalks, he thinks, standing in the same enclosure, but from the length of time, he cannot be entirely certain, and the place has been inhabited and cultivated ever since.

JOHN T. McNEAL.

Subscribed and sworn to by John T. McNeal, who is personally known to me, the day and year first aforesaid.

HENRY SHURLDS, *J. P.*

Sworn to, and signature of John T. McNeal acknowledged before me, this 7th day of May, 1833.

L. F. LINN, *Commissioner.*

James Johnson, aged 43 years and upward, being duly sworn, deposeth and saith that in July or August, 1804, he saw a small piece of ground cleared on the claim commonly called the claim of Curtis Morris, on which there was at the time corn growing, and he believes the same has been inhabited and cultivated ever since.

JAMES JOHNSON.

Subscribed and sworn to, the day and year first aforesaid.

HENRY SHURLDS, *J. P.*

Sworn to, and signature of James Johnson acknowledged before me, this 7th day of May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 23.)

April 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

In the case of Curtis Morris, claiming 746 arpens, 75 perches, of land. (See book No. 6, page 385.) The following testimony was taken before James H. Relfe, commissioner:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the final adjustment of land claims in Missouri, John T. McNeal, who testifies and says, in explanation of testimony heretofore taken on the claim of Curtis Morris to land in the county aforesaid, he wishes to be understood, when having said "that Robert Reed or Mr. Reed went into the lot or field, or turnip-patch, and brought in some turnips of which he, deponent, partook," that said Reed brought the turnips from the hole where they had been put for preservation through the winter; that the turnips had been gathered from the piece of ground in which they were buried; and there still was to be seen at that time, viz., in February or March, 1804, turnips growing in said enclosure, which had all the appearance, and I have no hesitation in saying, had been raised from cultivation the fall previous, on the said piece of ground, and which said land has continued in the possession and cultivation of the said Curtis Morris and his representatives to this day.

JOHN T. McNEAL.

Sworn to and subscribed, this 9th of January, 1835.

JAMES H. RELFE, *Commissioner.*

(No. 7, page 131.)

October 23, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

In the case of Curtis Morris, claiming 746 arpens, 75 perches, of land. (See book No. 6, page 385.) The board are of opinion that justice to the claimants requires that an order should be made to take the deposition of Walter Crow and others residing in the Territory of Arkansas, and that the party to whom said order shall be made shall give notice to the other, of the time and place of taking the same; which said depositions shall be sealed, certified, and returned to the board, in pursuance of the law in such cases, on or before the 9th day of July next. (See book No. 7, page 46.)

STATE OF MISSOURI, *County of St. Louis:*

CITY OF ST. LOUIS, *Commissioners' office, November* 18, 1834.—In pursuance of the annexed order and resolution of the board of commissioners, bearing date the 23d of October, 1834, any two justices of the peace, within and for the county of Hempstead, in the Territory of Arkansas, are hereby commissioned and empowered to cause to come before them, at such time and place as they may think convenient, Walter Crow and others, and them examine, *de bene esse*, touching their knowledge of the cultivation, possession, and improvement of the land claimed by Daniel Phelps, assignee of Curtis Morris; which said examination of such witnesses shall be taken upon oath or affirmation, and the same reduced to writing, and returned to this board, annexed to the above order and commission for taking the same. Given under our hands and seals, this the day and year first above written.

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

The justices who may take the testimony in pursuance of the within order, will please to forward it by mail, directed to the recorder of land titles, St. Louis, Missouri. It is required of Mr. Hudspeth or Mr. Phelps to advance the amount of charge for postage and any fees that may accrue.

JAMES H. RELFE, *Commissioner of Private Land Claims.*

July 2, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

The following testimony, in Curtis Morris' claim, was received by mail:

TERRITORY OF ARKANSAS, *Hempstead County, ss.:*

Depositions of witnesses produced, sworn and examined, on the 12th day of June, 1835, between the hours of eight o'clock in the forenoon and six in the afternoon of that day, in the clerk's office, in the town of Washington, county of Hempstead, Territory of Arkansas, before Birkett D. Jett and Henry Dixon, two justices of the peace within and for the county aforesaid, in pursuance of an order of the honorable board of commissioners appointed for the final adjustment of private land claims in Missouri, passed on the 23d day of October, 1834, authorizing the claimants for the land claimed by Curtis Morris or his legal representatives, to take the deposition of Walter Crow and others, residing in the Territory of Arkansas, it appearing to us that the notice had been given to the adverse claimant, agreeably to the order of the board:

Walter Crow, of lawful age, being first duly sworn, deposeth and saith:

Question by James McLaughlin, agent for A. W. Hudspeth. Do you know Curtis Morris' s settlement right in Bellevue, Washington county, State of Missouri?

Answer. I do.

Question by same. When was it made?

Answer. In the year 1804.

Question by same. When was it inhabited and cultivated by Morris?

Answer. In the year 1805 he moved on it and cultivated it.

Question by same. Do you or do you not know, from information obtained from Curtis Morris, whether he improved and settled said place for himself or another?

Answer. I heard Curtis Morris say, some time after he settled on the place aforesaid, that he settled it for himself, although it had been said he settled it for James Austin.

Question by same. Have you knowledge when he first claimed in his own name?

Answer. I have not.

Question by same. When did he finish his cabin fit for the reception of his family?

Answer. He removed into his cabin early in the year 1805, perhaps in the month of January or February.

Question by same. Did Walter Crow have an improvement in 1804, at the spring where Curtis Morris settled, and did he cultivate it in that year, hold his land by it, and take it within his lines when confirmed, and did he sell it to Daniel Phelps?

Answer. He had an improvement in 1804, but did not cultivate it in that year, and did hold his land by it. When his land was confirmed, and lines run, they left out a part of his own improvement, and took in a part of said Morris's improvement. He sold a part of said land to Daniel Phelps, and that part included his original improvement.

Question by same. Did Curtis Morris cultivate or inhabit it before his marriage?

Answer. I do not know.

Question by same. Were you frequently at that place in the year 1804?

Answer. I do not recollect being on the place but once in that year, and then saw Morris there carrying on work and building a house.

Question by same. Did the original lines of Curtis Morris take in the improvement and mill made by Thomas Morrow and William Inge, and Jacob Mahan, for Inge, and now claimed by A. W. Hudspeth, on Cedar creek, in Bellevue, aforesaid?

Answer. I do not know.

Question by same. Where did Curtis Morris make his home in 1804?

Answer. I do not certainly know, but am impressed with the belief that it was with William Ashbrook, about five miles from the improvement aforesaid.

Question by the justices. Do you know of Curtis Morris, or any one for him, having performed any labor on the land mentioned, prior to the 20th of December, 1803?

Answer. I do not.

And further this deponent saith not. WALTER CROW.

Subscribed and sworn to before the undersigned, two justices of the peace within and for the county of Hempstead, Arkansas Territory, at the place, and on the day, and between the hours aforesaid. Given under our hands and seals this 12th day of June, A. D., 1835.

HENRY DIXON, *J. P.*
BIRKETT D. JETT, *J. P.*

James L. McLaughlin, being of lawful age, and first duly sworn, deposeth and saith:

Question. Do you know the land settled by Curtis Morris, and now claimed by the representatives of Daniel Phelps, in Bellevue, Washington county, State of Missouri?

Answer. I do.

Question. When did said Morris first settle, inhabit, and cultivate the same; and what do you know about it?

Answer. In the forepart of 1804, I saw said Morris working on the aforesaid land, building a cabin, which he then raised about as high as a man's shoulders, which cabin he finished, I think, early in 1805. I frequently passed in 1804, and said unfinished cabin is all I recollect seeing until 1805. Mr. Morris married, I think, the 9th of January, 1805, and soon after removed to said cabin, and cultivated it in that year.

Question. Do you know of Curtis Morris, or any person for him, having performed any labor upon the land mentioned, prior to the 20th day of December, 1803?

Answer. I do not.

And further this deponent saith not, being no further interrogated.

JAMES L. McLAUGHLIN.

Subscribed and sworn to before the undersigned, two justices of the peace within and for the county of Hempstead, Arkansas Territory, at the place, and on the day, and between the hours aforesaid.

Given under our hands and seals, this 12th day of June, A. D. 1835.

HENRY DIXON, *J. P.*
BIRKETT D. JETT, *J. P.*

THE UNITED STATES OF AMERICA, *Territory of Arkansas, County of Hempstead, ss.:*

I, James W. Finley, deputy clerk for Allen M. Oakley, clerk of the Hempstead county court, do hereby certify that Henry Dixon and Birkett D. Jett, whose names are affixed to the foregoing depositions, are duly commissioned, and acting justices of the peace in and for the county and territory aforesaid, and that, as such, due faith and credit is and ought to be given to all their official acts.

In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of said county, at Washington, this 12th day of June, 1835, and of the independence of the United States the 59th.

JAMES W. FINLEY, *Deputy for Allen M. Oakley, Clerk.*

(See No. 7, page 203.)

July 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

In the case of Curtis Morris, claiming, &c., (see book No. 6, page 385,) the following testimony was taken before James H. Relfe, commissioner:

STATE OF MISSOURI, *Washington county:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims, Elijah Gragg, who, on his oath, deposeth and saith that, in about the year 1816 or 1817, he was conversing with Curtis Morris on the subject of his land claim in Bellevue, and asked him why he sold his land so cheap. He replied, he never thought it would be confirmed, as it was not settled in time. As well as deponent recollects, Phelps gave three hundred dollars for the claim.

ELIJAH GRAGG.

Sworn to and subscribed, this 6th of July, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 215.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Curtis Morris, claiming 746 arpens and 75 perches of land. (See book No. 6, page 385; No. 7, pages 12, 26, 46, 131, 203, and 215.)

The board are unanimously of opinion that 746 arpens and 75 perches of land ought to be granted to the said Curtis Morris, or to his legal representatives, according to the survey executed by John Stewart, on the 6th of January, 1806, and recorded in book B, page 227, in the recorder's office. (See book No. 7, page 225.)

F. H. MARTIN,
F. R. CONWAY.

No. 330.—*John L. Pettit, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
330	John L. Pettit.	640	Settlement right.		On waters of St. Francis, county of Madison.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 30, 1833.—F. R. Conway, appeared, pursuant to adjournment.

John L. Pettit, claiming 640 acres of land, situate on the waters of St. Francis river, county of Madison. (See record-book F, page 13; Bates's decisions, page 97.)

STATE OF MISSOURI, *County of Madison:*

John Clements, aged about 53 years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with the original claimant, who, he believes, first came to this country in the year 1801, and was sent back by his father to Kentucky to transact his business; that the witness also knows the land claimed, and knows that the father of the said John L. Pettit, together with a negro boy of the said claimant, for the use and benefit of the said John, settled on, improved, and cultivated the said land in the years 1803 and 1804; there was a house built on the land, and in the year 1804, there was fenced in, cleared, and actually cultivated in corn and other things, about eight or ten acres; the father of said John informed this witness that this building, improvement, and cultivation, was for the said John, his son, as he had sent his son back to the State of Kentucky to wind up his business there; and that the negro boy, who was then at work, was the property of the said John. Witness also knows that the said John returned to this country and still resides here, and that the land claimed has been actually inhabited and cultivated ever since. Witness also worked on the land and hewed house logs, and understood from the father, who was, he understood, acting as agent for the claimant, that the logs, house, and improvements, were for the use and benefit of the claimant, he being absent on business as aforesaid.

his
JOHN × CLEMENTS.
mark.

Sworn to and subscribed before me, this 22d October, 1833.

L. F. LINN, *Commissioner.*

Also came John Reaves, a witness, aged about seventy-three years, who, being also duly sworn, deposeth and saith that he was well acquainted with the original claimant; that he came to this country, then the province of Upper Louisiana, in the year 1801 or 1802. Witness also knows the land claimed, and knows that the same was actually settled on in the year 1803; there was then a house and other buildings on the land at that time, and the house, he believes, is still standing, being cedar timber; that Benjamin Pettit, the father of claimant, lived on the land in 1803, and raised a crop thereon; there were some eight or ten acres under fence, cleared and in actual cultivation, and the same land was still inhabited and cultivated in 1804, and further improvements made. Witness also knows, from the information of Benjamin Pettit, the father, that this was the claim of John Pettit, and said he was laboring and fixing the place for and under John L. Pettit, his son, whom he had sent back to Kentucky to finish and wind up his business there, and that in this way they had exchanged work; witness knows that the claim was filed for John L. Pettit in his name, by his father, for witness was present and paid the fees for recording; that some time afterward John L. Pettit returned to this country, and has remained herein to the present time, and is still a citizen, and that the said tract of land has been from time to time inhabited and cultivated ever since, and still is. Witness also knows that while the father was at work on the place for John, that the negro man of John was also there at work on the place.

his
JOHN × REAVES.
mark.

Sworn to and subscribed before me, this 23d October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 425.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

John L. Pettit, claiming 640 acres of land. (See book No. 6, page 425.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said John L. Pettit or to his legal representatives, according to possession. (See book No. 7, page 225.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 331.—*Peggy Jones, now Peggy Carter, claiming* 640 *acres.*

No	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
331	Peggy Jones, now Peggy Carter.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 8, 1834.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

Peggy Jones, now Peggy Carter, claiming 640 acres of land, situate on Grand Glaize.

Pascal L. Cerré, duly sworn, says that when the former board of commissioners was sitting, the said Peggy Jones came to St. Louis to file her claim before said board; that he, witness, went with said claimant to give testimony in her behalf; that after she had filed her claim, witness was sworn and gave his testimony; that claimant being required to give more testimony, she went back to her settlement for witnesses, but having met with an accident, (a fall from her horse,) she was prevented from coming back for a long while; that Clement B. Penrose, one of the commissioners, meeting the witness some time afterward, asked him the reason why the said Peggy Jones had not come back with her witnesses. Deponent further says that, prior to the change of government, he was several times on the land claimed, and saw cabins, and a field under cultivation; claimant had also horses and cattle; that said Peggy Jones lived there with her husband and children; that said place lies south of Little-Rock creek, west of Samuel Wilson's tract, and bounded east by the Sulphur spring, at the distance of about twenty miles from St. Louis; that said place was much exposed to incursions of the Osage Indians. (See book No. 7, page 4.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Peggy Jones, now Peggy Carter, claiming 640 acres of land. (See book No. 7, page 4.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Peggy Jones, now Peggy Carter, or to her legal representatives, according to possession. (See book No. 7, page 226.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 332.—*William Janes, claiming* 620 *arpens,* 27 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
332	William Janes.	620 27 p.	Settlement right.		John Stewart, D. S., February 20, 1806. Received for record by A. Soulard, S. G., February 27, 1806. Bellevue settlement.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 27, 1808.—Board met, on application of a claimant. Present: the Hon. John B. C. Lucas and Clement B. Penrose.

William Janes, claiming 620 arpens, 27 perches, of land, district of St. Genevieve, Bellevue settlement, produces to the board a plat of survey, dated February 20, 1806, certified to be received for record, February 27, 1806, by Antoine Soulard.

Elisha Baker, sworn, says that in 1805, claimant had a cabin on the land, and has inhabited and cultivated the same ever since; raised a crop in 1805. Laid over for decision. (See No. 3, page 214.)

June 6, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Janes, claiming 620 arpens, and 27 perches, of land. (See book No. 3, page 214.)

It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 368.)

May 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and James H. Relfe, commissioners.

William Janes, by his legal representatives, claiming 640 acres of land in Bellevue settlement. (See record-book B, page 235; book No. 3, page 214; No. 4, page 368.)

The following testimony was taken in Washington county, by L. F. Linn, esq., in May, 1833:

STATE OF MISSOURI, *County of Washington:*

John T. McNeal, aged about 70 years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with William Janes, the original claimant; that he improved the tract of land claimed in the year 1803, and continued on the same in 1804. Witness saw a cabin on said land in 1804, and in the winter of 1804 and '5, he was on the place, and saw the cornstalks standing there, which must have been the cornstalks of the crop of 1804. There were several acres under fence, and witness believes said Janes continued to live on said land till the year 1807, when he left the country.

JOHN T. McNEAL.

Sworn and subscribed, May 6, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 150.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

William Janes, claiming 620 arpens, and 27 perches, of land. (See book No. 7, page 150.)

The board are unanimously of opinion that 620 arpens, and 27 perches, of land, ought to be granted to the said William Janes, or to his legal representatives, according to possession and survey. (See No. 7, page 226.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 333.—*Alexander Colman, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
333	Alexander Colman.	800	Settlement right.		Old Mines.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *November* 28, 1812.—Alexander Colman, claiming 800 arpens of land, old Mines, district of St. Genevieve.

Bernard Colman, duly sworn, says that said tract was inhabited and cultivated in 1803, and continually to this day. Single man in 1803. (See Bates's minutes, page 18.)

April 10, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Alexander Colman, claiming 800 arpens, at the Old Mines. (See record-book F, page 391; Bates's minutes, page 18. See No. 7, page 124.)

August 22, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Alexander Colman, claiming 800 arpens of land. (See book No. 7, page 124.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Alexander Colman, or to his legal representatives, but not to interfere with the Old Mine concessions. (See book No. 7, page 227.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 334.—*J. B. Vallé, claiming* 20,000 *arpens.*

To Don Zenon Trudeau, *Lieutenant Governor of the western part of Illinois:*

The undersigned, John Baptiste Vallé, supplicates you very humbly, and has the honor to represent that, having a numerous family, and wishing to provide for their maintenance, being owner of a prodigious number of cattle of all kinds, he desires to have lands in proportion, not only for agricultural purposes, but also for pasturage; therefore, the petitioner has recourse to your authority, sir, praying you will please grant him, in full property, a concession for twenty thousand arpens of land in superficie, to be taken in a vacant place of his Majesty's domain. This favor the petitioner hopes to receive from the generosity of the government which you represent, and he shall not cease to pray for the preservation of your precious life.

J. B. VALLÉ.

St. Genevieve, *February* 15, 1797.

Don Zenon Trudeau, *Lieutenant Governor of the western part of Illinois:*

The surveyor, Don Antonio Soulard, shall survey, in favor of the interested, the twenty thousand arpens of land in superficie, which he solicits, in the place above mentioned, and (le entregara proceso verbal de su apeo) he shall deliver to him a plat and certificate of his survey, in order that, together with this decree, it will serve him as a title for his property, until the corresponding title in form be delivered to him by the general government.

ZENON TRUDEAU.

St. Louis, *February* 19, 1797.

Recorder's Office, *St. Louis, May* 4, 1835.

I certify the above and foregoing to be a true translation from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
334	Jean B. Vallé.	20,000	Concession, Feb. 19, 1797.	Zenon Trudeau.	

EVIDENCES WITH REFERENCE TO MINUTES AND RECORDS.

April 24, 1835.—Board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

John Baptiste Vallé, claiming 20,000 arpens of land, by virtue of a concession from Zenon Trudeau. (See record-book E, page 199.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated February 19, 1797.

The following testimony was taken by James H. Relfe, commissioner, in St. Genevieve:

Bartholomew St. Gemme, aged about sixty years, being duly sworn, deposeth and saith that he was well acquainted with Zenon Trudeau; that he was lieutenant governor of Upper Louisiana, in the year 1797, at the

date of the concession. He further says that he is acquainted with the handwriting of the said Zenon Trudeau; that he has often seen him write, and that the signature to the said concession is in the proper handwriting of the said Zenon Trudeau. This witness further says that he well knows the said John B. Vallé, the claimant; that he was, long before the date of the grant, and after the date of the grant, a citizen and resident in the then province of Upper Louisiana, and that he has continued a citizen and resident ever since; and the said Vallé, at the date of the grant, was the father of a family large and numerous; that he had a large quantity of slaves, and a very large stock of horses, cattle, and other animals; that his family and connections were large and respectable; that he acted as the commandant of the post, and was held in high estimation and repute by the Spanish government.

BARTHOLOMEW ST. GEMME.

Sworn to and subscribed, April 22, 1835, before

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 129.)

August 22, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

John B. Vallé, claiming 20,000 arpens of land. (See book No. 7, page 129.)

The board are unanimously of opinion that this claim ought to be confirmed to the said John B. Vallé, or to his legal representatives, according to the concession. (See book No. 7, page 227.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 335.—*James Brown, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
335	James Brown.	640	Settlement right.		John Stewart, D. S., February 8, 1806. Received for record by Soulard, S. G., February 27, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 27, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, esquire.

James Brown, claiming, under the second section of the act of Congress, 748 arpens, 68 perches, of land, situate in Bellevue, district of St. Genevieve, produces a survey of the same, dated the 8th, and certified 27th February, 1806.

Elisha Baker, being duly sworn, says that he, the witness, was on the said tract of land early in the year 1804; that the same was then actually inhabited, and bore the marks of its having been cultivated the year before; and, further, that it has been actually inhabited and cultivated to this day. Had, on the 20th day of December, 1803, a wife and child.

The board reject this claim. (See minutes, No. 1, page 376.)

September 1, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Brown, claiming 748 arpens, 68 perches, of land. (See book No. 1, page 376.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 482.)

December 7, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Brown, by his heirs and legal representatives, claiming 640 acres of land in Bellevue settlement, county of Washington. (See book No. 1, page 376; No. 4, page 482; record-book B, page 349.)

STATE OF MISSOURI, *County of Washington:*

John T. McNeal, aged about 70 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with James Brown, the original claimant; that he came to this country in 1803; that he also knows the land claimed, and that the claimant settled on it in the spring of the year 1804; that he built a house and made an improvement in 1804; and, he believes, had a garden that year, and there were several acres cleared that year; that the same James Brown continued to inhabit and cultivate the same some two or three years, and then sold to George Smurls; Smurls then took possession, and continued thereon till he sold to John Stewart, who then took the same into possession, and continued on the same till he sold to Rudolf Hoverstick, and that the said Hoverstick continued on the same till he sold to Samuel Hunter, who went on the premises, and remained thereon till he died; that said James Brown, when he settled on the place, had a wife and one child.

JOHN T. McNEAL.

Sworn to and subscribed before the commissioner, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

And also came John Stewart, a witness, aged 64 years, who, being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with James Brown, the original claimant; that he first saw him in 1803; he had a wife and one or two children; that he first saw him on the land claimed in the fall of 1804; that he had raised a crop there in that year; he had a house on the land at the time, and some cleared land, some few acres; and, he thinks, the next year he traded off the land; then witness surveyed the land in the year 1806, made a plat of survey, and returned the same to the proper officer for record, and that the recording fees were paid.

JOHN STEWART.

Sworn to and subscribed before me, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

John Stewart, being further sworn, deposeth and saith that James Brown and his wife resided at Squire Boher's at the time he, James Brown, was building and making his improvement before he moved, and this was in the year 1804 that he was building and improving on the land; then Brown moved on the land in 1804.

JOHN STEWART.
L. F. LINN, *Commissioner.*

(See No. 6, page 369.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

In the case of James Brown, claiming 640 acres of land, (see book No. 6, page 369,) the following testimony was taken before James H. Relfe, commissioner:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims in Missouri, William Davis, sr., who deposeth and saith that, in the fall of the year 1809, witness, with James Brown and others, were on Black-river hunting-land, when James Brown informed witness that he, said Brown, had been employed by Joseph Bear, or Barr, to build a cabin on a tract of land in Bellevue, held by said Barr as assignee of —— Cordor, and, after having built the cabin, he moved into it, and kept possession of the land, until it was confirmed to Barr; believing he had as much right as Barr had to it, while in possession of the land, he sold the west half of the tract to one Saul Hewitt, the same which Samuel Hunter possessed at the time of his death. Deponent says he knows it to be the same land which has been confirmed to the legal representatives of —— Corder, who are now in possession of the same, one King now living in the cabin which Brown informed witness he built.

his
WILLIAM × DAVIS.
mark.

Sworn to, this 18th December, 1834.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 132.)

July 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

The following testimony was taken before James H. Relfe, commissioner, in Washington county:

Zachariah Goforth deposeth and saith that he came in the settlement of Bellevue, in the county of Washington, in the Territory of Missouri, in the month of March, 1804; that, in the month of July or August following, a certain James Brown came to the neighborhood, and established himself in a camp about three miles west of the present village of Caledonia, where deponent's father lived; that the said Brown lived in this camp some short time, and then erected a small cabin. Deponent has no recollection of any cultivation on said place, as made by claimant, Brown, that fall. As well as deponent recollects, the next season, viz., in 1805, Brown built a cabin for Joseph Barr, and, when it was finished, moved into it. This is the same improvement which was confirmed to John Corder's representatives. About the time Brown moved into the cabin built on Corder's place, he sold the cabin he first built to one Saul or Solomon Hewitt.

Z. GOFORTH.

Sworn to and subscribed, this 30th June, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 214.)

August 22, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

James Brown, claiming 640 acres of land. (See book No. 6, page 369; No. 7, pages 132 and 214.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said James Brown, or to his legal representatives, according to the survey. (See book No. 7, page 227.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 336.—*Louis Giguiere, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Giguiere has the honor to represent to you that he would wish to form an establishment in the upper part of this province, where he has been residing for some time; having a family, he has recourse to your goodness, praying you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the manner which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

his
LOUIS × GIGUIERE.
mark.

ST. LOUIS, *June* 11, 1800.

Decree.

ST. LOUIS OF ILLINOIS, *June* 13, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of (his) survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 27, 1833.

Truly translated from a copy certified by Antonio Soulard, surveyor general of the Territory of Louisiana, under date of February 26, 1806.

Record of concession, book No. 2, page 67 and 68.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
336	Louis Giguiere.	800	Concession, June 13, 1800.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Peter Lord, assignee of Lewis Giguiere, claiming 800 arpens of land, situate in Richwood, district of St. Genevieve. Produces record of a concession from C. D. Delassus, lieutenant governor, dated June 13, 1800; record of a plat of survey certified by Soulard, March 15, 1808; record of a transfer from Giguiere to Lord, dated January 12, 1805; record of a transfer from Lord to claimant, dated July 18, 1806. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, p. 438.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Lewis Giguiere, by L. Labeaume's representatives, claiming 800 arpens of land. (See book D, page 298; Minutes No. 5, page 438; Spanish record of concession, No. 2, page 67.) Produces a paper purporting to be a certified copy of a concession granted to said Giguiere by Charles D. Delassus, dated June 13, 1800, and certified by Antoine Soulard; also, deed from Giguiere to Peter Lord, dated January 12, 1805; also, deed from said Lord to Labeaume, dated July 18, 1806.

M. P. Leduc, duly sworn, says that the certificate and signature affixed to it are in the proper handwriting of said Antoine Soulard, as registered in book No. 2, pages 67 and 68 of record in the office of recorder of land titles.

Albert Tyson, duly sworn, says that he had once in his possession three concessions, among which was the original of the above-mentioned copy; that on his way from Cold Water to this place, his pocket-book, containing the three concessions aforesaid, was lost. Witness further says that, in 1806, he went on said land, and it was then inhabited and cultivated, and has been so ever since, having now between 40 and 50 acres under cultivation. (See book No. 6, page 140.)

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Louis Giguiere, claiming 800 arpens of land. (See book No. 6, page 140.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Louis Giguiere, or to his legal representatives, according to the concession. (See book No. 7, page 243.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 337.—*F. M. Benoit, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: F. M. Benoit has the honor of representing to you that, having resided in this province since a long time, he wishes to settle himself and form an establishment in the same; therefore, he has recourse to the kindness of this government, praying you to be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall appear most advantageous and most convenient to the interest of your petitioner; who presumes to expect this favor of your justice.

F. M. BENOIT.

ST. LOUIS, *August* 12, 1800.

ST. LOUIS OF ILLINOIS, *August* 14, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the lands he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

Registered at the request of the interested. (Book No. 2, folios 31 and 32, No. 22.)

SOULARD.

ST. LOUIS, *April* 29, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
337	F. M Benoit.	800	Concession, Aug. 14, 1800.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Louis Labeaume, assignee of François M. Benoit, claiming 800 arpens of land, situate in Richwood, district of St. Genevieve, produces a concession from Charles D. Delassus, Lieutenant Governor, dated August 14, 1800. Plat of survey signed John Feney, certified by Ant. Soulard, March 15, 1808; a transfer from Benoit to Labeaume, dated March 5, 1805, from Labeaume to claimant, dated September 19, 1807. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 381.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

François M. Benoit, by L. Labeaume's legal representative, claiming 800 arpens of land. (See book D; Minutes, No. 5, page 381.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated August 14, 1800; also, a deed from said Benoit to Labeaume, dated March 5, 1805.

M. P. Leduc, duly sworn, says that the signature to the said concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 140.)

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

F. M. Benoit, claiming 800 arpens of land. (See book No. 6, page 140.)

The board are unanimously of opinion that this claim ought to be confirmed to the said F. M. Benoit or to his legal representatives, according to the concession. (See book No. 7, page 243.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 338.—*Israel Dodge, claiming* 1,000 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of the upper part of the same province:*

Israel Dodge, an ancient inhabitant of the country, has the honor to represent to you that he had obtained leave of Monsieur le Chevalier de Bourbon, in consequence of the verbal permission given by your predecessor, Don Zenon Trudeau, to select, on the domain, a tract of vacant lands suitable to his views; for that purpose he took the necessary steps, and discovered, more than one year ago, the tract of land represented in the above figurative plat. He hopes, therefore, that you will be pleased to grant to him, in full property, the quantity of 1,000 arpens of land in superficie, to be taken in the same manner as described in his figurative plat, and at the place designated, as follows: In a bottom situated between the fork of the St. Francis, called Gaboré's fork, and the fork called *Des Loups* (Wolves' fork), in such a way as to include a spring which discharges a part of its waters in a branch which empties into Wolves' fork; at the said above-mentioned spring there is a tree, commonly called by Americans *dogwood*, and marked I. D. The said land is situated at about two and a half or three miles north of the Hunter's path, which crosses Wolves' fork and the Gaboré river, at about twenty-five miles W. S. W. of the post of New Bourbon.

The petitioner expects of your justice, in case you are pleased to grant his demand, that you will condescend to empower him to give to his lines any other directions than those designated in the above figurative plat, should it be judged more advantageous to his interest, considering that the directions demanded are the result of a mere guess-work, subject to many errors.

The petitioner, full of confidence in your justice, and in the generosity of the government, to which he has always given proofs of his fidelity, hopes that you will be pleased to do justice to his demand, in a manner favorable to the accomplishment of his views.

NEW BOURBON, *October* 15, 1799. ISRAEL DODGE.

We, the undersigned, commandant of the post of New Bourbon of Illinois, do certify to Don Charles Dehault Delassus, lieutenant colonel, attached to the stationary regiment of Louisiana, and lieutenant governor of the upper part of the said colony of Louisiana, that the statement made in the foregoing petition is very exact, sincere, and true; we do certify, besides, that the petitioner is one of the most honest inhabitants of our post, who has often signalized his zeal for the King's service, and that of the colony; in short, we do attest that the said petitioner has erected, at a very great expense, several establishments, such as mills, breweries, distilleries, and others, which are of the most precious utility to the inhabitants of this section of the country; and that under these several heads he is worthy, in all points of view, to obtain the concession which he solicits.

Done at New Bourbon, October 20, 1799. PIERRE DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *October* 25, 1799.

Cognizance being taken of the statement made in the foregoing petition, as also of the information of the commandant of the post of New Bourbon, the captain of militia, Don Pedro Delassus de Luziere, considering the numerous family of the petitioner, and that he is one of the first Americans who settled in this country, and that he has more than the means and number of hands (population) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in the place designated. The alterations solicited in the directions (of the lines) described in the figurative plat, may be effected, because in either way it cannot be prejudicial to any one who holds a title of prior date than this one; and this being executed, he shall make out a plat, delivering the same to said party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

I notify the party interested, that I have cause to believe that the tract of land mentioned in his petition is already settled; this might lead into difficulties which it would be better to avoid, by asking of the lieutenant governor the permission to take the same quantity of land in any vacant part of the domain.

ST. LOUIS, *December* 15, 1799. SOULARD.

ST. LOUIS OF ILLINOIS, *December* 16, 1799.

In consequence of the above information, we authorize the party interested to take the same quantity of land in any other vacant part of the domain, to which the surveyor of this Upper Louisiana, Don Antonio Soulard, shall have to conform himself.

DELASSUS.

Truly translated from book E, pages 220 and 221, of record in the recorder's office.

JULIUS DE MUN, *T. B. C.*

ST. LOUIS, *February* 20, 1834.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date and situation.
338	Israel Dodge.	1,000	Concession, October 25, 1799.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Israel Dodge, by his legal representatives, claiming 1,000 arpens of land, produces record of a concession from Carlos Dehault Delassus, dated 25th October, 1799. (See record-book E, page 220. See book No. 6, page 366.)

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R Conway, J. H. Relfe, and F. H. Martin, commissioners.

The board are unanimously of opinion that this claim ought to be confirmed to the said Israel Dodge, or to his legal representatives, according to the concession. (See book No. 7, page 243.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 339.—*Walter Fenwick, claiming* 10,000 *arpens.*

To the Lieutenant Governor of Upper Louisiana:

Walter Fenwick has the honor to represent that, having come over to this side of Illinois with the consent and recommendation of the governor-general, the Baron de Carondelet, in order to make an extensive establishment; therefore he has visited the country and found a vacant tract at the place commonly called La Mine a la Motte, at the distance of about fifteen leagues from the village of St. Genevieve, said place belonging to his majesty's domain, and being fit for cultivation, and at the same time advantageous for the purpose of raising cattle, which are very much needed in the country, and the petitioner being able to draw from the United States all kind of cattle, it might become, in a little while, profitable to him and advantageous to the whole colony. For this consideration, and that of being a new settler, who has become encouraged by the generous offers of government, and his projects requiring an extensive tract of land, as well for cultivation as to establish a stock farm, the petitioner supplicates you very humbly to grant to him, in full property, *ten* thousand arpens of land in superficie, at the said place of Mine a la Motte. In doing which, he shall never cease to pray for your happiness and prosperity.

ST. GENEVIEVE, *August* 14, 1796.

WALTER FENWICK.

ST. LOUIS, *August* 23, 1796.

The surveyor, Don Antonio Soulard, shall survey, in favor of the party interested, the ten thousand arpens of land which he solicits in the said place of Mine a la Motte, and he shall deliver to him a plat and certificate of survey, in order that, together with the present decree, they shall serve as a title to his property until the corresponding title be made out by the general government, in which he shall have to apply for greater formality.

ZENON TRUDEAU.

September 2, 1833.—Truly translated.

JULIUS DE MUN, *T. B. C.*

NOTE.—In the tenth line from the bottom, on the other side, the word *ten* was originally written *huit* (eight) and afterward altered into *dix* (ten.)

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
339	Walter Fenwick.	10,000	Concession, August 23, 1796.	Zenon Trudeau.	Mine a la Motte, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Walter Fenwick, claiming 10,000 arpens of land, situated near Mine a la Motte, district of St. Genevieve, produces record of a concession from Zenon Trudeau, L. G., dated the 23d August, 1796.

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, No. 5, page 422.)

August 24, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Walter Fenwick, by his legal representatives, claiming 10,000 arpens of land, situated near Mine a la Motte. (See book No. 5, page 422; records, book D, pages 41 and 43.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated August 23, 1796.

The following testimony was taken before L. F. Linn, esq., one of the commissioners:

STATE OF MISSOURI, *County of St. Genevieve:*

John Baptiste Vallé, sr., being duly sworn as the law directs, deposeth and saith that he is about 72 years of age; that he was well acquainted with Zenon Trudeau; that he was the lieutenant governor of the province of Upper Louisiana in the year 1796; and this deponent further states that he is well acquainted with the name, signature, and handwriting of the said Zenon Trudeau; that he has often seen him write, and that the name, signature, and handwriting, to the said concession from Zenon Trudeau, to said Walter Fenwick, for the quantity of 10,000 arpens of land, dated the 23d day of August, in the year 1796, is the proper name, signature, and handwriting of the said Zenon Trudeau. And the deponent further says that he was well acquainted, personally, with Walter Fenwick, the grantee: that the said Walter Fenwick was, at the date of the grant, a citizen and resident in the then province of Upper Louisiana, and had been for some time before; and that the said Fenwick continued to be a citizen and resident until the time of his death, which the deponent believes was some time in the year 1811 or '12; and that the signature to the petition is in the proper handwriting of the said Walter Fenwick. Sworn to and subscribed before me, L. F. Linn, one of the commissioners appointed to investigate and report on land claims in Missouri, this 4th day of May, 1833.

J. BAPTISTE VALLÉ.

(See book No. 6, page 251.) L. F. LINN, *Commissioner.*

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Walter Fenwick, claiming 10,000 arpens of land. (See book No. 6, page 251.)

The board are unanimously of opinion that the above claim is destitute of merit, an alteration being apparent in the original concession on file, as noted in the translation of said concession; the word *huit* (eight) in the original having been altered into *dix* (ten). (See book No. 7, page 68.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Walter Fenwick, claiming 10,000 arpens of land. (See book No. 6, page 251; No. 7, page 68.)

On motion, the board agreed to reconsider the decision made on this claim, on the 17th of November, 1834, and, on a re-examination of the original concession, find that the alteration above spoken of is *not* made in the concession, but in the petition; and the words "*diez mil arpanes*" (ten thousand arpens) in the concession, are fairly written, it is believed, in the proper handwriting of the lieutenant governor, Zenon Trudeau, and that the alteration in the *petition* must have been made anterior to the granting of the concession.

The board, therefore, rescind their former decision in this case, and are unanimously of opinion that this claim of 10,000 arpens of land ought to be confirmed to the said Walter Fenwick, or to his legal representatives, according to the concession. (See book No. 7, page 244.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 340.—*Peter Burns, sr., claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
340	Peter Burns, sr.	640	Settlement right.		On the waters of St. Francis river, county of Madison.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 27, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Peter Burns, sr., by his legal representatives, claiming 640 acres of land, situate on the waters of St. Francis river, county of Madison. (See record-book F, page 53; Bates's decisions, page 102.)

STATE OF MISSOURI, *County of Madison:*

John Mathews, a witness, aged about 62 years, being duly sworn as the law directs, deposeth and saith, that he was well acquainted with Peter Burns, sr.; that this witness came to this country in the year 1800; that Peter Burns, sr., came to this country, then the province of Upper Louisiana, in the year 1804; that he settled on the tract of land in the summer of 1804; that he had a house on the land, and lived in it with his family, which was a wife and some seven or eight children; that he saw some land open on the place, and that there was something growing thereon, but whether corn, potatoes, or turnips, he does not recollect; that there was a small field of two or three arpens opened at the time, and he is sure some cultivation was done in the year 1804; that said

Peter Burns, sr., remained on the place several years, and then was scared or run off by the Osage Indians, who drove them into the settlements, where the family remained; that the Indians did, at that time, frighten the people, and committed several depredations on the waters of the St. Francis, and forced the people for safety to come into the settlements.

JOHN MATHEWS.

Sworn to and subscribed before me, this 31st of May, 1833.

L. F. LINN, *Commissioner.*

Also came John Clements, a witness, aged 53 years, who being duly sworn as the law directs, deposeth and saith, that he was well acquainted with the original claimant; that he came to this country in the year 1803, to the best of his recollection, or early in the year 1804; witness also knows the land claimed, and that shortly afterward he settled on the land, built a house, fenced in and cleared several acres of land, and cultivated the same in corn, tobacco, cotton, vegetables, and common garden; and that the land has been generally inhabited and cultivated ever since the settlement was begun, shortly after he came to the country.

JOHN his × mark. CLEMENTS.

Sworn and subscribed, this 21st of October, 1833.

L. F. LINN, *Commissioner.*

Also came Thompson Crawford, a witness, aged about 47 years, who being duly sworn as the law directs, deposeth and saith, that he was well acquainted with the original claimant; that he came to this country in the spring of 1804; witness also knows the land claimed, and knows that the claimant inhabited, improved, and cultivated the same in the year 1804; that he built a house thereon, and lived on the same, and that the land has been actually inhabited and cultivated ever since.

THOMPSON CRAWFORD.

Sworn to and subscribed, this 22d of October, 1833.

L. F. LINN, *Commissioner.*

And also came John Reaves, a witness, aged about 73 years, who, being duly sworn, deposeth and saith that he knew the original claimant, who came in this country, he believes, in 1802; that the claimant was here in 1803, and then witness became acquainted with him, from which time witness and claimant lived neighbors. Witness also knows the land claimed, and that the claimant settled on the same early in the spring of 1804, having built a house, and moved into the same on the land in the winter of 1803 and 1804; and that in 1804 he cleared, fenced in, and cultivated several acres in corn and other things necessary for a family. In the summer or spring of 1804, the Osage Indians made a break on the settlement and drove off the settlers, particularly the women, and in the fall claimant returned and gathered his crop, and the said tract of land has been, from time to time, inhabited and cultivated ever since.

JOHN his × mark. REAVES.

Sworn to and subscribed before me, this 23d of October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 416.)

September 19, 1833.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Peter Burns, sr., claiming 640 acres of land. (See book No. 6, page 416.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Peter Burns, sr., or to his legal representatives, according to possession. (See book No. 7, page 245.)

JAMES H. RELFE,
F. H. MARTIN,
F. R. CONWAY.

No. 341.—*William Reed, jr., claiming* 727 *arpens.*

No.	Name of original claimant.	Arpens,	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
341	William Reed, Jr.	727	Settlement right.		John Stewart, D. S., February 26, 1806; received for record by Soulard, S. G., February 27, 1806, in Bellevue, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 26, 1806.—The board met, pursuant to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, esquires.

William Reed, jr., claiming 727 arpens of land, situate at Bellevue, district of St. Genevieve, produces survey of the same, taken the 26th, and certified 27th February, 1806.

John Lewis, being duly sworn, says that he always understood from the neighbors of the claimant, that he

had obtained a permission to settle from some persons authorized to grant the same; that he arrived in the country in November, 1803, settled said land in 1804, worked on the same occasionally, living then with his father-in-law; and further, that he was a single man, and of the age of 21 years and upward.

The board rejected this claim. (See No. 1, page 369.)

December 3, 1807.—The board met, agreeably to adjournment. Present: Hon. J. B. C. Lucas, C. B. Penrose, and Frederick Bates.

William Reed, jr., claiming 727 arpens of land, situate in Bellevue, district of St. Genevieve, produces a survey of the same, dated as above.

William Murphy, being duly sworn, says that he was present when old William Reed obtained permission to settle himself, and friends, and connections, on vacant land, from Mr. De Luziere, late commandant of New Bourbon, in 1798 or 1799; and that witness always understood that said William Reed was brother's son of said William Reed, sr.

Joseph Reed, being duly sworn, says that claimant built a cabin on said tract in 1804, and moved in the same in 1805, and lived in it ever since.

John Lewis, being also sworn, says that claimant raised a crop on said tract in 1806 or 1807. Laid over for decision. (See book No. 3, page 125.)

April 20, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Reed, jr., claiming 727 arpens of land. (See book No. 1, page 369; No. 3, page 125.) It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 335.)

November 30, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Reed, jr., claiming 727 arpens of land. (See record-book B, page 454; book No. 1, page 369; No. 3, page 125; and No. 4, page 336.)

The following testimony was taken before L. F. Linn, commissioner:

STATE OF MISSOURI, *County of Washington:*

Be it remembered that, on the 10th day of January, 1832, before me, Henry Shurlds, a justice of the peace within and for said county, the following persons appeared:

John T. McNaill, aged 68 years and upward, being duly sworn, deposeth and saith that, some time in the fall of the year 1804, he called at Jacob Job's, who was then living with his family on what was called William Reed, junior's claim, in now Washington county aforesaid; that he was living in a cabin, and had a crop of corn growing, and he understood from said Reed that Job was living there by his (Reed's) consent. In 1805, Job moved off, and Reed moved into the same place, and continued there until 1815 or 1816, as well as he remembers; and the place has been inhabited and cultivated ever since.

JOHN T. McNAILL.

Subscribed and sworn to by John T. McNaill, who is personally known to me.

HENRY SHURLDS, *J. P.*

Sworn to, and signature acknowledged, May 6th, 1833.

L. F. LINN, *Commissioner.*

POTOSI, WASHINGTON COUNTY, *May* 6, 1833.

Personally appeared before L. F. Linn, commissioner, Mr. John Stewart, deputy-surveyor, under General Wilkinson, who, after being duly sworn, deposes and says, that he surveyed this tract of land for William Reed, jr., in the year 1806; that there was a good cabin and corn-crib on said place; there was corn in the crib, a field cleared, and there was reason, from appearances, to believe said place was in cultivation for two crops.

JOHN STEWART.

Sworn to and subscribed on the day above written.

L. F. LINN, *Commissioner.*

(No. 6, page 351.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

William Reed, jr., claiming 727 arpens of land. (See book No. 6, page 350.)

The board are unanimously of opinion that 727 arpens of land ought to be granted to the said William Reed, jr., or to his legal representatives, according to possession and survey. (See No. 7, page 245.)

JAMES H. RELFE,
F. H. MARTIN,
F. R. CONWAY.

No. 342.—*William Davis, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
342	William Davis.	640	Settlement right.		John Stewart, D. S., 18th February, 1806. Survey of 338 arpens. Received for record by A. Soulard, S. G., 27th February, 1806. In Bellevue settlement.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 13, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

William Davis, claiming 338 arpens of land and 7 perches, situate in Bellevue, district of St. Genevieve, produces a notice to recorder; a plat of survey, dated 18th February, 1806, certified 27th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (No. 5, page 404.)

December 13, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Davis, by his legal representatives, claiming 640 acres of land, (originally filed for a less quantity,) situate in Bellevue settlement, county of Washington. (See record-book B, page 453; Minutes, No. 5, page 404.)

STATE OF MISSOURI, *County of Washington:*

John Stewart, being duly sworn, deposeth and saith that he was called on by John Little, who claimed under the same William Davis, to survey the tract of land here claimed, which he said was granted to said Davis by the Spanish government, and that this deponent surveyed the same in January or February, 1806, and returned the plat of survey to the proper officer, and the recording fees were paid; that when he surveyed the same there was a good improvement on the same, and some houses, and that the house and improvements had the appearance of being some two or more years old.

JOHN STEWART.

Sworn to and subscribed before me, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

And also came John T. McNeal, a witness, aged about 70 years, who, being duly sworn, deposeth and saith that he is acquainted with the tract of land claimed; that in the year 1805 he saw one John Little on the same, in the spring of the year: that the house and improvements had the appearance of having been made the year before. Said Little told this witness that he had purchased the land of a man of the name of Davis, who, he said, had procured a Spanish right for the same, and that he knows said Little continued on the same land for several years, and raised several crops.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 9th of May, 1833.

L. F. LINN, *Commissioner.*

And also came Uriah Hull, a witness, aged about 56 years, who, being duly sworn, deposeth and saith that he knew John Little; that he, Little, was on this tract of land in the summer of 1804; that he raised a crop on the land that year; that there was a cabin on the land, in which he lived; that he had a wife and several children.

URIAH HULL.

Sworn to and subscribed before me, this 10th day of May, 1833.

L. F. LINN, *Commissioner.*

(See minutes, book No. 6, page 381.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

William Davis, claiming 338 arpens and 7 perches of land. (See book No. 6, page 381, where this claim is entered for 640 acres.)

The board are unanimously of opinion that 338 arpens and 7 perches of land ought to be granted to the said William Davis, or to his legal representatives, according to possession and survey. (See book No. 7, page 245.)

JAMES H. RELFE,
F. H. MARTIN,
F. R. CONWAY.

No. 343.—*Thompson Crawford, claiming* 600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
343	Thompson Crawford.	600	Settlement right.		On the waters of St. Francis river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 28, 1813.—Thompson Crawford, claiming 600 arpens of land, on waters of river St. Francis, county of St. Genevieve.

Joshua Edwards, duly sworn, says claimant came out to St. Francis settlement, in May, 1803, and lived that year with his father, (being sick,) and has been in that settlement ever since, except occasional short absences. (See recorder's minutes, page 117.)

December 28, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Thompson Crawford, claiming 640 acres of land, situate on the waters of the St. Francis, county of Madison. (See record-book F, page 91; recorder's minutes, page 117; Bates's decisions, page 36.)

STATE OF MISSOURI, *County of Madison:*

John Mathews, aged about 62 years, being duly sworn as the law directs, deposeth and saith that he is well acquainted with the claimant, Thompson Crawford; that he has known him from the year 1803, early in

the spring of that year; that he was then grown up, and, this witness believes, was working for himself; that this witness, about that time, hired him to work for him; that he believes the claimant lived at his father's, and this land claimed lies adjoining the lands then occupied by his father; that shortly afterward the claimant settled on this land claimed, built a house, and commenced to improve and cultivate the same, and has continued to improve, inhabit, and cultivate the same ever since, and still resides thereon.

JOHN MATHEWS.

Sworn to and subscribed before me, this 31st day of May, 1833.

F. L. LINN, *Commissioner.*

Also came Samuel Campbell, a witness, aged about 68 years, who, being duly sworn, deposeth and saith that he was well acquainted with the original claimant; that he came to this country, then the province of Upper Louisiana, in the spring of the year 1803; witness also knows the land claimed, and further knows that the claimant settled on, inhabited, improved, and cultivated the same in the year 1804; that the land settled on, improved, and cultivated, was about one mile from his father's, where his father then lived; and this witness believes it was the same land now claimed; and that he knows the land was inhabited, improved, and cultivated by the claimant till within some eight years since, when witness went off from this place, but the same may have been continually inhabited, improved, and cultivated, during even those eight years, for all the witness knows, as he was absent.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 21st October, 1833.

L. F. LINN, *Commissioner.*

(See No. 6, page 425.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Thompson Crawford, claiming 600 arpens of land. (See book No. 6, page 423, where this claim is entered for 640 acres.)

The board are unanimously of opinion that 600 arpens of land ought to be granted to the said Thompson Crawford, or to his legal representatives, according to possession. (See book No. 7, page 245.)

JAMES H. RELFE,
F. H. MARTIN,
F. R. CONWAY.

No. 344.—*Dawalt Critz, claiming* 200 *acres and* 53 *poles.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
344	Dawalt Critz.	200 53 poles.	Settlement right.		Plat signed B. Cousin; countersigned Antonio Soulard, S. G.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

January 3, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Dawalt Critz, by his legal representatives, claiming 640 acres of land. (See record-book B, page 292.)

STATE OF MISSOURI, *County of Cape Girardeau:*

George F. Bollinger, aged about 60 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with the said Dawalt Critz, the original claimant; that the claimant came to this country, then the province of Upper Louisiana, now State of Missouri, in the year 1802; that he was a cripple, and unable to go about much; that Daniel Bollinger applied to, and obtained permission or grant from Louis Lorimier, Spanish commandant of the district, for him to settle; that said Critz selected the land claimed, which the witness also knows; that the land was actually cultivated in the year 1804, and had the same surveyed, and has been actually cultivated ever since; that valuable improvements were made on the same, such as a good dwelling-house, out-houses, barn, stables, and orchards.

GEORGE F. BOLLINGER.

Sworn to and subscribed, October 19, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 441.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Dawalt Critz, claiming 200 acres and 53 poles of land. (See book No. 6, page 441, where this claim is entered for 640 acres.)

The board are unanimously of opinion that 200 acres and 53 poles of land ought to be granted to the said Dawalt Critz, or to his legal representatives, according to the survey recorded in book B, page 292. (See book No. 7, page 246.)

JAMES H. RELFE,
F. H. MARTIN,
F. R. CONWAY.

No. 345.—*Pierre Tornat dit Lajoie, claiming* 600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
345	Pierre Tornat dit Lajoie.	600	Settlement right.		On the Marameck.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 26, 1833.—Board met, pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Pierre Tornat dit Lajoie, by his legal representatives, claiming 600 arpens of land, situate on the Marameck, by settlement right. (See book F, page 137; Bates's decisions, page 104.)

Produces in evidence a sworn certificate of James Mackay, sworn to and subscribed before Jeremiah Connor, a justice of the peace; also a certificate of Francis Roy, dated August 23, 1819, sworn before F. M. Guyol, a justice of the peace. (See minutes, No. 6, page 189.)

Francis Roy's certificate. Before me, F. M. Guyol, a justice of the peace for the county of St. Louis, appeared personally Francis Roy, of the village of Carondelet, county of St. Louis, Missouri Territory, and made oath on the holy evangelist, that the plantation in Lejoie's bottom, on the north side of the Marameck, and in said Missouri Territory, and claimed as a settlement right by Mary Ann Chatillon Tornat, widow and representatives of Peter Tornat or Turnat dit Lajoie, deceased, has been inhabited and cultivated by and for the said Peter Tornat or Turnat, about twenty years ago, to my knowledge, and is still inhabited and cultivated by the said widow Mary Ann and her children.

his
FRANCIS × ROY.
mark.

Sworn to and subscribed before me, this 23d day of August, 1819.

F. M. GUYOL, *J. P.*

Mackay's certificate. Before me, Jeremiah Connor, esq., a justice of the peace for the county and township of St. Louis, came and appeared personally James Mackay, of Carondelet county, and township aforesaid, who made oath on the holy evangelist, that the plantation in Lajoie's bottom, on the north side of the Marameck river, in the county of St. Louis, and Territory of Missouri, claimed as a settlement right by Marie Ann Chatillon Tornat dit Lajoie, widow of Peter or Pierre Tornat dit Lajoie, or Lacheway, deceased, has been inhabited and cultivated by and for the said Peter Tornat dit Lajoie, some years prior to the year 1803, and that year also, and is still in actual habitation and cultivation by the said Maria Ann and her children; and that said Peter, nor his said widow, ever got any grant for land from the Spanish government, except a verbal permission to settle on said plantation; and that this is the real state of the above said claim, to the best of his knowledge.

JAMES MACKAY.

Sworn to and subscribed before me, the 25th October, 1819.
(See book No. 6, page 189.)

JEREMIAH CONNOR, *J. P.*

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Pierre Tornat dit Lajoie, claiming 600 arpens of land. (See book No. 6, page 189.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 185.)

JAMES H. RELFE,
F. R. CONWAY.

July 7, 1835.—In the case of Pierre Tornat, claiming 600 arpens of land. (See book No. 6, page 189.)

David Fine, duly sworn, says that he is about 71 years of age; that he came to this country in 1802, and settled a place in 1803, about three miles from the land claimed; that in 1804 he went on the tract claimed, and there saw two men, Giguiere and Baudouin, working on said land; they lived in a cabin which appeared to be an old one. Witness further says there was an enclosure of two or three arpens, and as well as he can recollect, there were some fruit-trees planted, and some of them are yet standing; that said Lajoie moved on said place, he thinks, in 1806, and lived there till his death; that after Lejoie's death his widow left the place for about one year, and having married one St. John, came back to said place, and lived there till the said St. John's death, which happened about ten or eleven years ago. Witness believes there must be now under cultivation about 40 or 45 acres.

Pascal L. Cerré, duly sworn, says that, several years before the change of government, under Mr. Delassus, he saw Giguiere and Baudouin living in a camp made with clapboards, and working on said piece of land for and under Pierre Tornat dit Lajoie, who had hired them by the year; that said two men had, before the cession to the United States, a small field of three or four arpens, in which they raised corn and tobacco, and had apple-trees planted; that said Lajoie moved to said place with his family in 1806 or 1807, and continued to inhabit and cultivate the same until his death. Witness further says, that said Lajoie was an excellent and very industrious farmer; that this land is situated on the north side of the Marameck, about two miles below John Boli's ferry, opposite the little Saline, and bounded on one side by the river Marameck, and on the other by Mrs. Boli's line. Lajoie's house was about twenty-five arpens from the banks of the river. (See book No. 7, page 208.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

Pierre Tornat dit Lajoie, claiming 600 arpens of land. (See book No. 6, page 189; No. 7, page 208.)

The board rescind their former decision on this claim, (see book No. 7, page 185;) further testimony in behalf of said claim having been given since said decision.

The board are unanimously of opinion that six hundred arpens of land ought to be granted to the said Pierre Tornat dit Lajoie, or to his legal representatives, according to possession. (See book No. 7, page 246.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

REPORTS

Of the Board of Commissioners at St. Louis, under the act of the 9th of July, 1832, and the act supplementary thereto, in relation to the claims to lands in the State of Missouri, upon claims No. 1 to No. 152, inclusive (except No. 20), in the Second Class.

Class 2. No. 1.—*Louis Lorimier, claiming* 1,000 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Colonel in the armies of his Catholic Majesty, Lieutenant Governor and Commander-in-chief of Upper Louisiana, &c.:*

The undersigned has the honor to represent to you that, intending to build a saw-mill on a creek which runs through his concession at Cape Girardeau, and the mill-seat being situated so near his lower line that a grantee contiguous to him on that side might easily make the water flow back to his mill, and thereby cause him considerable injury; he has also the honor to observe to you that, when his land was surveyed, it was found, in running the lines conformably to his demand, (granted by a decree,) that the improvements of several inhabitants whose concessions were of a later date, were included in the said survey, and the petitioner, in order not to put them to any inconvenience, had the directions of the lines altered, depriving himself in this way of more than a thousand arpens of the best land, to take in exchange stony lands, unfit for cultivation. In compensation of this sacrifice, and, besides, in order to secure the peaceable enjoyment of his intended mill, the petitioner prays you, sir, to grant to him the tract of vacant lands which is situated to the south of and adjoining his concession, and containing twenty arpens in front on the river, extending in depth to the concession of Mr. E. Robertson. The petitioner shall never cease to pray for the preservation of your days and your prosperity.

CAPE GIRARDEAU, *July* 10, 1800. L. LORIMIER.

The petitioner shall have recourse to the intendant of these provinces, whom we inform that the petitioner, on account of his usefulness and the zeal he has shown in the royal service before and since he is commandant of the post of Cape Girardeau, besides being an excellent husbandman, appears to us to be worthy of the favor which he solicits; and further, that his project of building a mill shall be of the greatest utility to the public. His lordship will determine as he thinks fit.

ST. LOUIS, *July* 31, 1800.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *May* 31, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
1	Louis Lorimier.	1,000	Recommendation to the Intendant, 31st July, 1800.	Carlos Dehault Delassus.	Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 25, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 1,000 arpens of land; produces to the board a petition to Don Carlos Dehault Delassus, lieutenant governor, and a recommendation from said Delassus to the intendant, dated 31st July, 1800. Laid over for decision. (See book No. 4, page 74.)

March 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Lorimier, claiming 1,000 arpens of land. (See book No. 4, page 74.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 302.)

March 16, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Louis Lorimier, sr., by his legal representatives, claiming 1,000 arpens of land by way of extension of a former concession. (See book E, pages 22 and 23; Minutes, No. 4, pages 74 and 302.) Produces a document signed Charles D. Delassus, dated 31st July, 1800.

Pierre Menard, duly sworn, says that the signature to said document is in the handwriting of Carlos Dehault Delassus, and the signature to the petition is in the handwriting of Louis Lorimier, sr. (See book No. 6, page 128.)

November 11, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

In the case of Louis Lorimier, claiming 1,000 arpens of land. (See page 128, No. 6.)

Pierre Menard, duly sworn, says that he was well acquainted with the said Louis Lorimier; that he dealt largely with him; witness believes that in 1803 or 1804, said Lorimier began to build a saw and grist mill; that, if some one had possessed the land below his mill, he might easily have rendered said mill useless, by backing the water; that the whole tract claimed was subject to overflowing. (No. 6, page 317.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Louis Lorimier, claiming 1,000 arpens of land. (See book No. 6, page 128.)

The board cannot take cognizance of this claim, there being no concession, warrant, or order of survey. (See book No. 7, page 67.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 2.—*Louis Coyteux, claiming 400 arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel in the armies of his Catholic Majesty, and Lieutenant Governor of Upper Louisiana:*

Louis Coyteux, jr., very humbly supplicates, and has the honor to represent to you, that, desiring to make and improve a plantation, he would wish that you would grant to him, for that purpose, the quantity of 400 arpens of land in superficie, to be taken in a vacant place of the domain. The petitioner,, being born a subject of his Catholic Majesty, hopes to obtain this favor; in so doing, he shall never cease to pray for the conservation of your days.

Done at New Bourbon, October 5, 1799.

his
LOUIS × COYTEUX.
mark.

CAMILLE DELASSUS, witness to the mark.

We, the undersigned, commandant of the post of New Bourbon, do certify to the lieutenant governor of Upper Louisiana that the petitioner is worthy to obtain the concession which he asks, as much on account of the important services his father has rendered in his capacity of commissary of police for the district of Bois-brulé, as because the said petitioner has no other way of supporting himself but that of farming.

Done at New Bourbon, October 10, 1799.

P'RE DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *October* 18, 1799.

In consequence of the information given by the commandant of the post of New Bourbon, Captain Don P're Delassus de Luziere, and considering that the petitioner is the son of one of the old inhabitants of this country, and that he possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not to the prejudice of any other person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the King's domains; and this being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom corresponds the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

No. 17.—Deposited the title of concession of a piece of land granted to Louis Coyteux, jr., registered under the number 17.

ST. LOUIS, *July* 24, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
2	Louis Coyteux, jr.	400	Concession, 18th October, 1799.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 5, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Louis Coyteux, jr., by his legal representatives, claiming 400 arpens of land, produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th October, 1799, with a recommendation from Pierre Delassus de Luziere, commandant of New Bourbon, dated 8th October, 1799; the whole headed by a petition from said Coyteux.

By the recommendation, it appears that the commandant of New Bourbon recommends the said Coyteux as worthy to obtain the grant which he asks for, as well on account of the signal services of his father, in the capacity of commissioner of police of the canton of Bois-brulé, as because the suppliant has no other means of subsistence but that of a cultivator. Also, the following endorsement is found on the back of the title-papers: No. 17. *Dépôt des titres de concession d'une terre accordée au Sieur Louis Coyteux fils, enregistrés sous le No.* 17. (The title of concession for a piece of land granted to Louis Coyteux, jr., has been deposited and registered under No. 17.) Also, *Rejected for want of a plat of survey.*

J. L. DONALDSON, *Recorder, St. Louis.*

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus; that the signature to the recommendation is in the proper handwriting of Pierre Delassus de Luziere, commandant of New Bourbon; that the signature to the endorsement, by J. L. Donaldson, is in the proper handwriting of said Donaldson, then recorder of land-titles in St. Louis. Deponent further says that it appears, by said endorsement, that the said Donaldson rejected the recording of said claim for want of a plat of survey. (See book No. 6, page 210.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Louis Coyteux, claiming 400 arpens of land. (See book No. 6, page 210.)

The board cannot take cognizance of this claim, there being no registry of the same. (See book No. 7, page 67.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 3.—*François Coyteux, jr., claiming* 400 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Calonel in the armies of his Catholic Majesty, and Licutenant Governor of Upper Louisiana:*

François Coyteux, jr., humbly supplicates, and has the honor to represent that, being desirous of making a plantation, he would wish that you would grant to him, for that purpose, the quantity of four hundred arpens of land, to be taken in a vacant part of the domain. The petitioner hopes to obtain this favor, being born a subject of his Catholic Majesty.

In so doing, he shall never cease to pray for the preservation of your days.

Done at New Bourbon, October 5, 1799.

his
FRANCOIS × COYTEUX, fils.
mark.

CAMILLE DELASSUS, witness of the mark.

We, the undersigned, commandant of the post of New Bourbon, do certify to the lieutenant governor of Upper Louisiana, that the petitioner is worthy to obtain the concession which he solicits, as well on account of the eminent services of his father in the capacity of commissary of the police for the canton of Bois-Brulé, as that the said petitioner does not know or exercise any other profession for his support but that of a farmer.

Done at New Bourbon, October 10, 1799.

P'RE DELASSUS DE LUZIERE.

ST. LOUIS OF ILLINOIS, *October* 18, 1799.

In consequence of the information given by the commandant of the post of New Bourbon, Captain P're Delassus de Luziere, and considering that the petitioner is the son of one of the ancient inhabitants of this country, and that he possesses sufficient means to improve the land he solicits, I do grant to him and his heirs the land which he solicits, provided it is not to the prejudice of anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the King's domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the title and concession in form from the intendant general, to whom belongs the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 19, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
3	François Coyteux, jr.	400	Concession, 18th October, 1799.	Carlos Dehault Delassus.	Unlocated.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 8, 1834.—The board met, pursuant to adjournment. Present: J. H. Relfe, F. R. Conway, commissioners.

François Coyteux, jr., by his legal representatives, claiming 400 arpens of land, produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th October, 1799. (On the back of said concession the following was written: "Rejected for want of a plat of survey. J. L. Donaldson. Rec. St. Louis.")

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 5.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

François Coyteux, jr., claiming 400 arpens of land. (See book No. 7, page 5.)

The board cannot take cognizance of this claim, there being no registry of the same. (See book No. 7, page 67.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 4.—*Hippolite Bolon, claiming* 720 *arpens.*

Don CARLOS DEHAULT DELASSUS, *Colonel in the armies of his Catholic Majesty, and formerly Lieutenant Governor of Upper Louisiana:*

We do certify to all those whom it may concern that, in the year 1799, we required Mr. Hippolite Bolon to come forthwith to this place to fix his residence, in order to fulfil the functions of interpreter to the Indian nations; that he came, and has lived in this place all the time that our command lasted, until the delivery of this province to France.

In testimony whereof, we have signed the present certificate, in St. Louis of Illinois, October 23, 1804.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *September* 9, 1833. Truly translated.

JULIUS DE MUN.

Hippolite Bolon, claiming 720 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
4	Hippolite Bolon.	720	Settlement right.		Bois-Brulé, on the Mississippi, 682 acres, by John Hawkins, D. S, February 15, 1806. Received for record by Soulard, S. G., February 27, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 24, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates.

Israel Dodge, assignee of Hippolite Bolon, claiming 682 acres of land, situate Bois Brulé, district of St. Genevieve, produces to the board a plat of survey, dated February 15, 1806, certified to be received for record February 27, 1806; also the sale of a concession, provided it shall be found in the archives of the post of St. Genevieve, for 18 acres in front by 40 in depth. Sale dated April 25, 1805.

Alexander McConshow, sworn, says that ten years ago he rented from Hippolite Bolon a sugar camp, on the tract claimed, and worked it for four or five years.

Joseph Tucker, sworn, says that in 1799 he saw said Bolon in a camp on the tract claimed. Laid over for decision. (See book No. 3, page 320.)

June 22, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Israel Dodge, assignee of Hippolite Bolon, claiming 682 acres of land. (See book No. 3, page 320.)

It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 402.)

August 29, 1833.—The board met, pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

Hippolite Bolon, by his legal representatives, Israel Dodge and Rufus Easton, claiming 18 arpens of land in front by 40 arpens in depth, situated at Bois-Brulé, adjoining the land of Mr. Patterson. (See book C, page 492; Minutes, No. 3, page 320; No. 4, page 402.)

Produces a notice to the recorder, dated July 17, 1807; also a certificate of the late lieutenant governor, Charles Dehault Delassus. (See No. 6, page 260.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, J. S. Mayfield, commissioners.

Hippolite Bolon, claiming 720 arpens of land. (See book No. 6, page 260.)

The board are unanimously of opinion that this claim ought not to be granted, the said Hippolite Bolon having a concession of record in book A, page 94, in the recorder's office. (See book No. 7, page 68.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 5.—*Louis Desnoyers, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
5	Louis Desnoyers.	800	Settlement right.		On the little Marameck.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 4, 1813.—Louis Desnoyer's legal representatives, claiming 800 arpens of land, on little Marameck, county of St. Louis. (See notice, record-book F, page 96.)

Louis Courtois, duly sworn, says that, about twenty-eight years ago, Louis Desnoyers inhabited and cultivated this tract of land for about two or three consecutive years; Louis Desnoyers had then a wife and two children. (See recorder's minutes, page 40.)

On the margin the following is written: "Not granted."

August 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Louis Desnoyers, by his legal representatives, claiming 800 arpens of land. (See book F, page 96; Recorder's minutes, page 40.)

Laurent Reed, duly sworn, says that Louis Desnoyers cultivated said land about forty years ago, and continued to inhabit and cultivate the said tract of land for about five or six years consecutively, when he was plundered and driven away by the Indians. (See book No. 6, page 242.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Louis Desnoyers, claiming 800 arpens of land. (See book No. 6, page 242.)

The board are unanimously of opinion that this claim ought not to be granted, the said Louis Desnoyers having had a concession, recorded in book C, page 438, in the recorder's office. (See book No. 7, page 68.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 6.—*Regis Loisel, claiming* 44,800 *arpens.*

To Mr. CHARLES DEHAULT DELASSUS, *Lieutenant Colonel of the stationary regiment of Louisiana, and Lieutenant Governor of Upper Louisiana, &c.:*

SIR: Regis Loisel has the honor to submit that, having made considerable sacrifices in the Upper Missouri Company, in aiding to the discoveries of Indian nations in that quarter, in order to increase commerce hereafter, as also to inculcate to those different nations favorable sentiments toward the government, and have them devoted to the service of his Majesty, so as to be able to put a stop to the contraband trade of foreigners who, scattering themselves among those Indians, employ all imaginable means to make them adopt principles contrary to the attachment they owe to the government. The petitioner has also furnished, with zeal, presents, in order to gain the friendship of those different nations, for the purpose to disabuse them of the errors insinuated to them, and to obtain a free passage through their lands and durable peace. The petitioner, intending to continue on his own account the commerce which his partners have abandoned in that quarter, hopes that you will be pleased to grant to him, for the convenience of his trade, permission to form an establishment in Upper Missouri, where he will build a fort, about seven leagues higher up than the great bend (grand detour), distant about four hundred leagues from this town, and which shall be situated on the said Missouri, between the river known under the name of Rivière du vieux Anglais (river of the old Englishman), which empties itself in the said Missouri, on the right side of it, in descending the stream, and lower down than Cedar island, and the river known under the name of Rivière de la Côte de Medecine (river of the medicine bluff), which is on the left side, in descending the stream, and higher up than Cedar island; which island is at equal distance from each of the two rivers above named. That place being the most convenient for his operations, as well in the Upper as in the Lower Missouri, and it being indispensable to secure to himself the timber in an indisputable manner, he is obliged to have recourse to your goodness, praying that you will be pleased to grant to him a title of concession in full property for him, his heirs or assigns, for the extent of land situated along the banks of the said Missouri, and comprised between the river called the Old Englishman's, and the one called the Medicine bluff, here above mentioned, by the depth of one league in the interior, on each side of the Missouri, and including the island known by the name of Cedar island, as also other small timbered islands. In granting his demand, he shall never cease to render thanks to your goodness.

REGIS LOISEL.

ST. LOUIS OF ILLINOIS, *March* 20, 1800.

ST. LOUIS OF ILLINOIS, *March* 25, 1800.

Whereas it is notorious that the petitioner has made great losses, when in the company he mentions, and as he continues his voyages of discoveries conformably to the desire of the government, which are the cause of great expenses to him; and it being necessary for the commerce of peltries with the Indians, that forts should be constructed among those remote nations, as much to impress them with respect, as to have places of deposit for the goods and other articles which merchants carry to them, and particularly for those of the petitioner: for these reasons I do grant to him and his successors the land which he solicits, in the same place where he asks, provided it is not to the prejudice of anybody; and the said land being very far from this post, he is not obliged to have it surveyed at present; but, however, he must apply to the intendant general, in order to obtain the title in form from said intendant, because to him belongs, by order of his Majesty, the granting of all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

At the request of Mr. James Clamorgan, I do certify to have copied the part of the course of the river Missouri, comprised in the above plat, from a chart of the said river which I have in my possession, and to have drawn the plat of the land granted to Mr. Regis Loisel, deceased, by the lieutenant governor, Don Charles Dehault Delassus, under date of March 25, 1800, as near as possible conformable to the tenor of said title. The said land extends, on its front, 4¾ French leagues of 30 to the degree, or thereabouts, and on its depth, 5½ of those same leagues, which will give a total superficie of upward of 26 leagues; of which quantity, deducting about half for the course of the river Missouri, it reduces the superficie of the said land to about 14 leagues. The said grant is situated at about 1,200 miles from the mouth of the said river, and between the 107th and 106th degrees of the longitude of London, and 44 degrees of latitude. In testimony whereof, I have delivered the present (plat) to the party interested, to serve to him to prove his claim, where needed.

ANTOINE SOULARD, *Surveyor General in Territory of Louisiana.*

ST. LOUIS, *November* 20, 1805.

July 27, 1833. Truly translated. JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
6	Regis Loisel.	44,800	Concession, March 25, 1800.	Charles Dehault Delassus.	On the Missouri, about 1,200 miles from its mouth.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 22, 1806.—The board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson.

The same (Jacques Clamorgan), assignee of Regis Loisel, claiming a tract of land or island on the Missouri. Produces a concession for the same from Charles D. Delassus, dated March 25, 1800, and a figurative plan of the same, dated November 20, 1805.

Antoine Tabeau, being duly sworn, says that the said land is situate up the Missouri; that, in the year

1802, he, the witness, went up the said river with the said Regis Loisel, who built a four-bastion fort of cedar, the whole at his own expense, and without any assistance from government; that the year following, to wit, in 1803, they again went up together, when the said Loisel ascended with witness about sixty-five leagues higher up; made a garden and large field; and further that he, the witness, never heard of said Loisel having a concession for the land.

Auguste Chouteau, being also duly sworn, says that the aforesaid fort was begun in 1800.

The board reject this claim, and require further proof. (See book No. 1, page 484.)

September 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques Clamorgan, assignee of Regis Loisel, claiming 151,162 arpens and 85 perches of land. (See book No. 1, p. 484.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, p. 500.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Regis Loisel, by Jacques Clamorgan's representatives, claiming 44,800 arpens of land, situate at Cedar Island, on the Missouri. (See record book C, page 172; Minutes, No. 1, page 484; No. 4, page 500.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated March 25, 1800; also, a plat certified by Antoine Soulard, and dated November 20, 1805; also, a copy of an adjudication of the said land to Jacques Clamorgan, certified by M. P. Leduc, the 7th of October, 1805; also, the affidavit of Antoine Tabeau and Pierre Dorion, taken before Charles Gratiot, judge of the court of common pleas.

M. P. Leduc, being duly sworn, says that the signature to the decree of concession is in the proper handwriting of Carlos Dehault Delassus; that the signature to said plat and certificate is in the proper handwriting of Antoine Soulard; and that the signature to the adjudication is in the deponent's own handwriting. (See book No. 6, page 222.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Regis Loisel, claiming 44,800 arpens of land. (See book No. 6, page 222.)

The board do not take cognizance of this claim, it being out of their jurisdiction. (See book No. 7, page 68.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 7.—*Leo Fenwick, claiming* 500 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor of the western part of Illinois, and commandant of St. Louis:*

Leo Fenwick, from the State of Kentucky, professing the Roman Catholic religion, has the honor to represent to you, that having determined to come and settle himself in this country, he supplicates you to be willing to grant to him a concession of 500 arpens of land in superficie, situated between the river à la Pomme (Apple river), and the river à la Viand, alias the river of Cape St. Côme. The said Leo Fenwick pledging himself to build on and cultivate the same, in the time prescribed by the ordinance, and to conform himself to the laws and constitution of the kingdom, as a good, faithful, and loyal subject.

LEO FENWICK.

NEW BOURBON, *May* 26, 1797.

ST. LOUIS, *June* 10, 1797.

The surveyor, Don Antonio Soulard, shall put this party in possession of the 500 arpens of land which he solicits, and the plat and certificate of survey being made out, he shall deliver them to him, in order to enable him to solicit the concession from the governor general of this province, whom I shall inform that the petitioner is a son of Joseph Fenwick, C. A. and R., whom his lordship has recommended, in order that lands should be granted to him, to his family, and to the settlers whom he should bring to establish themselves in this part of Illinois.

ZENON TRUDEAU.

ST. LOUIS, *September* 2, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
7	Leo Fenwick.	500	Concession, June 10, 1797.	Z. Trudeau.	On the Mississippi, between Apple Creek and Cape St. Côme Creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Leo Fenwick, claiming 500 arpens of land, situated as aforesaid, produces record of a concession from Zenon Trudeau, L. G., dated 10th June, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 423.)

August 26, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Leo Fenwick, claiming 500 arpens of land, situated between the waters of Apple creek and Cape St. Côme. (See book No. 5, page 423; Records, book D, page 44.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated 10th of June, 1797.

The following testimony was taken before L. F. Linn. esq., one of the commissioners:

John B. Vallé, senior, aged about 72 years, who, being first duly sworn as the law directs, deposeth and saith, that said Zenon Trudeau was the lieutenant governor in the then province of Upper Louisiana, in the year

1797; that this deponent was well acquainted with his name, signature, and handwriting, having frequently seen him write, and that the name, signature, and handwriting, to the concession from him to Leo Fenwick, dated the 10th of June, 1797, for 500 arpens of land, is the proper handwriting, name, and signature, of the said Zenon Trudeau. And this deponent further saith that he was and is well acquainted with the said Leo Fenwick, the grantee, and that he was, at the date of the grant, a citizen and resident in the then province of Upper Louisiana, and that he has continued a citizen and resident ever since, and is still so (except when on a visit or for the purposes of education.)

Sworn to and subscribed before me, L. F. Linn, one of the commissioners for the settlement of land claims in Missouri, this 4th day of May, 1833.

J. B. VALLÉ.

(See No. 6, page 254.)

L. F. LINN, *Commissioner.*

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Leo Fenwick, claiming 500 arpens of land. (See book No. 6, page 254.)

The board are unanimously of opinion that this claim is destitute of merit, an alteration being apparent in the original concession on file, as noted in the traslation of said concession; the name of river *à Brazeau* having been altered into that of river *à la Viande*, alias St. Côme, thus increasing the distance, for location of grant, several miles. (See book No. 7, page 68.)

JAMES S. MAYFIELD,
F. R. CONWAY,
JAMES H. RELFE.

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Leo Fenwick, claiming 500 arpens of land. (See book No. 6, page 254.)

On request of the agent for claimant, the board agreed to reconsider this claim, and after a thorough re-examination, are unanimously of opinion to adhere to the decision taken on this claim in book No. 7, page 68, and add, as a further reason, that the conditions have not been complied with. (See book No. 7, page 247.)

F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 8.—*Ezekiel Fenwick, claiming* 500 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor of the western part of Illinois, Commandant of St. Louis:*

Ezekiel Fenwick, a citizen of the State of Kentucky, professing the Roman Catholic religion, has the honor to represent to you that, having determined to come over to this side to establish himself, he supplicates you to be willing to grant him a concession of 500 arpens of land in superficie, situated between Apple river and river à la Viande, alias river St. Côme, engaging himself, the said Fenwick, to cultivate and build in the time prescribed by the ordinance, and to conform himself to the laws, customs, and constitution of the kingdom, as a good, loyal, and faithful subject.

NEW BOURBON, *May* 26, 1797. EZEKIEL FENWICK.

ST. LOUIS, *June* 10, 1797.

The surveyor, Don Antonio Soulard, shall put the petitioner in possession of the 500 arpens of land which he solicits; and, after having made out a plat and certificate of the survey, he shall deliver it to said petitioner, in order to enable him to solicit the concession from the governor general, whom I shall inform that the petitioner is a son of Joseph Fenwick, the same whom his lordship has recommended, in order that land should be procured to him, his family, and to the C. A. and Roman settlers whom he would bring to settle in this part of Illinois.

ZENON TRUDEAU.

ST. LOUIS, *August* 13, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
8	Ezekiel Fenwick.	500	Concession, June 10, 1797.	Zenon Trudeau.	Between Apple creek and river St. Côme.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Ezekiel Fenwick, claiming 500 arpens of land, situate as aforesaid, (Apple creek, district of St. Genevieve,) produces record of a concession from Zenon Trudeau, lieutenant governor, dated 10th June, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 422.)

November 15, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

Ezekiel Fenwick, claiming 500 arpens of land, situated between Apple creek and river St. Côme. (See record-book D, page 44; Minutes, No. 5, page 422.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated 10th June, 1797.

M. P. Leduc, duly sworn, says that the signature to the said concession is in the proper handwriting of the said Zenon Trudeau. (See book No. 6, page 339.)

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Ezekiel Fenwick, claiming 500 arpens of land. (See book No. 6, page 339.)

The board are unanimously of opinion that this claim is destitute of merit, an alteration being apparent in the original concession on file, as noted in the translation of said concession, the name of river *à Brazeau* having been altered into that of river *à la Viande*, alias St. Côme; thus increasing the distance, for location of grant, several miles. (See book No. 7, page 69.)

JAMES S. MAYFIELD,
F. R. CONWAY,
JAMES H. RELFE.

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Ezekiel Fenwick, claiming 500 arpens of land. (See book No. 6, page 339.)

On request of the agent for claimant, the board agreed to reconsider this claim, and, after a thorough re-examination, are unanimously of opinion to adhere to the decision taken on this claim in book No. 7, page 69, and add as a further reason, that the conditions have not been complied with. (See book No. 7, page 247.)

F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 9.—*James Fenwick, claiming* 500 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor of the western part of Illinois, and Commandant of St. Louis:*

James Fenwick, from the State of Kentucky, professing the Roman Catholic religion, has the honor of representing to you that, having determined to come and settle himself in this country, he supplicates you to be willing to grant to him a concession of 500 arpens of land in superficie, situated between the river La Pomme (Apple river) and the river *à la Viande*, alias river St. Côme, the said James Fenwick pledging himself to cultivate and build on the same, in the time prescribed by the ordinance, and to conform himself to the laws and constitution of the kingdom, as a good, loyal, and faithful subject.

JAMES FENWICK.

NEW BOURBON, *May* 26, 1797.

ST. LOUIS, *June* 10, 1797.

The surveyor, Don Antonio Soulard, shall put the party in possession of the 500 arpens of land which he solicits, and the plat and certificate of survey being made out, he shall deliver them to him in order to enable him to solicit the concession from the governor general of the province, who is hereby informed that the petitioner is a son of Joseph Fenwick, whom his lordship has recommended in order that lands in this western part of Illinois should be granted to him, his family, and to the C. A. and R. settlers whom he should bring with him.

ZENON TRUDEAU.

ST. LOUIS, *August* 2, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
9	James Fenwick.	500	Concession, June 10, 1797.	Zenon Trudeau.	On the Mississippi, between Apple creek and Cape St. Côme creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Fenwick, claiming 500 arpens of land, situate as aforesaid. Produces record of concession from Zenon Trudeau, L. G., dated 10th June, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 423.)

August 24, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, and F. R. Conway, commissioners.

James Fenwick, claiming 500 arpens of land, situated on the Mississippi, between Apple creek and Cape St. Côme creek, adjoining the land confirmed to George A. Hamilton. (See book No. 5, page 423; records, book D, page 44.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated June 10, 1797. No plat of survey is produced, but claimant states that the same was duly surveyed, and the plat returned to the proper office.

The following testimony was taken before L. F. Linn, esq., one of the commissioners:

STATE OF MISSOURI, *County of St. Genevieve:*

William James, aged 56 years, being duly sworn, deposeth and saith, that he is well acquainted with the claimant, James Fenwick, otherwise called James J. Fenwick, from his infancy; that the said James came to this country in the year 1797, and that he resided in this country and in the neighborhood of the land claimed ever since, that the tract of land claimed was settled on by Joseph Fenwick, father of the claimant, in the year

1800 or 1801, and that the said James lived with his father on the land at the time; that houses were built, fields cleared and fenced on the same, and that the said tract of land has been actually improved, inhabited, and cultivated ever since, and now is improved, inhabited, and cultivated.

Sworn and subscribed before me, L. F. Linn, one of the commissioners, &c., this 26th day of October, 1832.

WILLIAM JAMES.
L. F. LINN.

John Baptiste Vallé, sr., aged about 72 years, being duly sworn as the law directs, deposeth and saith that he is well acquainted with Zenon Trudeau, late lieutenant governor of Upper Louisiana; that he was lieutenant governor in the year 1797. This deponent further states, that he was and is well acquainted with the name, signature, and handwriting of the said Zenon Trudeau; that he has frequently seen him write; and that the name and signature to the concession from said Zenon Trudeau to the said James Fenwick, for 500 arpens of land, dated the 10th day of June, 1797, is the proper name and in the proper handwriting of the said Zenon Trudeau. And the deponent further says that he was well acquainted with Joseph Fenwick, the father of the grantee, and also with James Fenwick, the grantee; that they were citizens and residents in the province of Upper Lousiana, at the date of the grant, and that the said James (and his father till his death) have continued citizens and residents ever since.

Sworn to and subscribed before me, L. F. Linn, one of the commissioners, &c., this 4th day of May, 1833.

JOHN BAPTISTE VALLÉ.
L. F. LINN, *Commissioner.*

November 17, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

James Fenwick, claiming 500 arpens of land. (See book No. 6, page 252.)

The board are unanimously of opinion that this claim is destitute of merit, an alteration being apparent in the original concession on file, as noted in the translation of said concession; the name of river *à Brazeau* having been altered into that of river *à la Viande*, alias St. Côme, thus increasing the distance, for location of grant, several miles. (See book No. 7, page 69.)

JAMES S. MAYFIELD,
F. R. CONWAY,
JAMES H. RELFE.

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James Fenwick, claiming 500 arpens of land. (See book No. 6, page 252.)

On request of the agent for claimant the board agree to reconsider this claim, and, after a thorough re-examination, are unanimously of opinion to adhere to the decision taken on this claim in book No. 7, page 69, and add, as a further reason, that the conditions have not been complied with.

F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 10.—*Philip Bollinger, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
10	Philip Bollinger.	640	Settlement right.		On Whitewater, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 1, 1809.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Philip Bollinger, claiming 300 arpens of land, situate on Crooked creek, waters of Whitewater, district of Cape Girardeau, produces to the board as a special permission to settle, list A, on which claimant is No. 99. Laid over for decision. (See No. 4, page 33.)

February 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and F. Bates, commissioners.

Philip Bollinger, claiming 300 arpens of land. (See book No. 4, page 32.) It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 279.)

January 2, 1834.—F. R. Conway, esq., appeared, according to adjournment.

Philip Bollinger, by his legal representatives, claiming 640 acres of land, situate on Whitewater, county of Cape Girardeau. (See minutes, book No. 4, page 33 and 279; book B, page 293.)

Adam Statler, about 66 years of age, and William Bollinger, about 56 years of age, being duly sworn, deposeth and saith that, in the latter part of 1799, they emigrated to the then district of Cape Girardeau, Upper Louisiana, now county of Cape Girardeau, State of Missouri, where they have remained ever since; that at the same time with these affiants, the said Philip Bollinger emigrated to said district; that said Philip Bollinger, in the beginning of the year 1800, by the permission of the then Spanish commandant at that place, settled upon and actually inhabited a tract of land on the waters of Whitewater, in said district, and being so inhabitant and settled upon said land, said Philip Bollinger, in the said year 1800, cleared, growed, improved, and cultivated the ground on said tract of land, by fencing and raising corn thereon, and vegetables necessary for family use, and continued settled upon as an inhabitant of said tract of land (dwelling-houses and other buildings being erected thereon) during the years 1801, 1802, and 1803, to raise corn and the necessary

vegetables for family use; that the said Philip Bollinger has, from the year first above named, continued to reside in the said Louisiana and Missouri, aforesaid.

his
ADAM × STATLER.
mark.

his
WILLIAM × BOLLINGER.
mark.

Sworn to and subscribed, October 16, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 438.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Philip Bollinger, claiming 640 acres of land. (See book No. 6, page 438.)

The board are unanimously of opinion that this claim ought not to be granted, the said Philip Bollinger having had a confirmation under a concession. (See commissioner's certificate, No. 227. See book No. 7, page 70.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 11.—*Daniel Bollinger, sr., claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
11	D. Bollinger, sr.	640	Settlement right.		James Boyd, D. S., signed B. Cousin, and countersigned Ant. Soulard.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 1, 1809.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Daniel Bollinger, sr., claiming 372 arpens of land, situated on the Whitewater, district of Cape Girardeau, produces to the board, as a special permission to settle, list A, on which claimant is No. 161, a plat of survey of the same, signed B. Cousin, and countersigned 27th February, 1806, by Antoine Soulard, surveyor general. Laid over for decision. (See book No. 4, page 32.)

February 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Daniel Bollinger, sr., claiming 372 arpens of land. (See book No. 4, page 32.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 279.)

January 1, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Daniel Bollinger, sr., by his legal representatives, claiming 640 acres of land, situated on Whitewater, county of Cape Girardeau. (See book No. 4, pages 32 and 279; Record-book B, page 279.)

Matthias Bollinger, being duly sworn, deposeth and saith that he, Matthias Bollinger, is aged about 64 years; that he emigrated in the year 1799, and came to the then district of Cape Girardeau, Upper Louisiana, now county of Cape Girardeau, State of Missouri, where he has ever since resided; that at the same time Daniel Bollinger, sr., came to said district with this affiant; that said Daniel Bollinger, in the year 1800, by permission of the then Spanish commandant at that place, with his family, settled upon and inhabited a tract of land on Whitewater, in said district, and being so inhabited and settled upon said land, he, said Daniel Bollinger, in said year 1800, cleared, improved, fenced, and cultivated the ground on said tract of land, planted, growed, and raised corn thereon, with the vegetables necessary for family use, and erected dwelling-houses and other buildings necessary for his family on said land; that the said Daniel Bollinger continued to inhabit and cultivate said tract of land, raising corn, grains, &c. thereon annually and each year on said tract of land, in the several years from said year 1800, and 1801, '2, '3 '4, and until 1808, and that said Daniel Bollinger still resides in this State.

MATTHIAS BOLLINGER.

Sworn and subscribed, October 17, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 435.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Daniel Bollinger, claiming 640 acres of land. (See book No. 6, page 435.)

The board are unanimously of opinion that this claim ought not to be granted, the said Daniel Bollinger, sr., having had a confirmation under a concession. (See commissioner's certificate, No. 316; No. 7, book 7, p. 70.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 12.—*Paul Deguire, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
12	Paul Deguire.	640	Settlement right.		On the waters of St. Francis river, co. of Madison.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

March 26, 1813.—Paul Deguire, claiming 800 arpens of land, between east fork of St. Francis river and Castor creek, county of St. Genevieve.

Gabriel Nicol, duly sworn, says that claimant had a sugar camp on this tract in 1804, and has made sugar every year to this time; built a cabin in 1804, and has inhabited it while he made sugar in subsequent years.

April 3, 1813.—Joseph Lafleur, sworn, says that claimant inhabited and cultivated this tract from and in the year 1803 to this time. (See recorder's minutes, page 41.)

December 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Paul Deguire, by his legal representatives, claiming 640 acres of land, situated on the waters of St. Francis river, county of Madison. (See recorder's minutes, page 41; Bates's decisions, page 30; Record-book F, page 95.)

STATE OF MISSOURI, *County of Madison:*

Nicholas Caillote Lachance, a witness, aged about 49 years, being duly sworn, deposeth and saith, that he has resided in this country about 43 or 44 years; that he is well acquainted with Paul Deguire, the original claimant; that he believes he was born in the country, then the province of Upper Louisiana. This witness also says that he knows the land claimed; that the claimant built a cabin on the same in the year 1803, and made sugar on the same; that he had a wife and four or five children at the time, and that the claimant continued to occupy the said cabin and lands for several years, and until one Charles L. Byrd pretended to have a concession therefor, and compelled the claimant to give up the same; that the said Deguire continued a citizen till the time of his death, and was a cultivator of the soil; that he always understood the claimant as claiming and owning this land, and that he only relinquished the possession from the threats of said Byrd.

his
NICHOLAS CAILLOTE ×LACHANCE.
mark.

Sworn to before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

And also came François Caillote Lachance, aged about 66 years, and Michael Caillote Lachance, aged about 62 years, who, having severally heard the above deposition of Nicholas Caillote Lachance read and explained to them, say that they know the same facts, and that the statements and facts in said deposition contained are just and true.

F. CAILLOTE LACHANCE.

his
MICHAEL CAILLOTE × LACHANCE.
mark.

Sworn to and subscribed before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 410.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Paul Deguire, claiming 640 acres of land. (See book No. 6, page 410.)

The board are unanimously of opinion that this claim ought not to be granted, the said Paul Deguire having had a confirmation under a concession. (See minutes, book No. 4, page 515. See book No. 7, page 70.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 13.—*Thomas Ring, claiming* 500 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
13	Thomas Ring.	500			District St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 21, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Thomas Ring, by his assignee, Camille Delassus, claiming 500 arpens of land, situate in the county of St. Genevieve. (See record-book F, page 97; Bates's decisions, page 103.)

Produces a paper purporting to be a copy of a deed of sale from Thomas Ring to Camille Delassus, dated 25th April, 1804, and certified by J. Baptiste Vallé, commandant of St. Genevieve. (See book No. 6, page 405.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Thomas Ring, claiming 500 arpens of land. (See book No. 6, page 405.)

The board are unanimously of opinion that this claim ought not to be granted, the said Thomas Ring having had 640 acres granted to him. (See Bates's decisions, page 82. See book No. 7, page 70.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 14.—*Joseph Thompson, sr., claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
14	Joseph Thompson, sr.	640	Settlement right.		On Ramsay's creek, county of Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 31, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Thompson, sr., by his legal representatives, claiming 640 acres of land, situate on Ramsay's creek, county of Cape Girardeau. (See book F, page 146; Bates's decisions, page 105.)

John Abernethie, aged 71 years, being duly sworn, deposeth and saith that he came to the then district of Cape Girardeau, Upper Louisiana, now county of Cape Girardeau, in the year 1800, where he has ever since resided; that in the year 1801 or 1802, Joseph Thompson, sr., came to said district, and with his family settled upon a tract of land in said district, by the permission of the then commandant, Louis Lorimier, at that place, and being so settled upon and inhabiting the said tract of land, continued thereon as such inhabitant during the year 1802 or 1803, and in said year improved, cleared, and cultivated said land; made the necessary buildings, and planted, growed, and raised a crop of corn and the vegetables necessary for family use, during the season of the said year 1802. Further, that the said Joseph Thompson, sr., continued to reside with his family, and to be engaged in the cultivation of land, until the time of his death, which took place on his farm, on Ramsay's creek, in said district.

JOHN ABERNETHIE.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

John Rodney, of lawful age, being duly sworn, deposeth and saith that the tract of land of Joseph Thompson, sr., on which he resided at the time of his death, has been reserved from sale as a private unconfirmed land claim, by the register and receiver of the land district of Cape Girardeau, which tract of land is on Ramsay's creek, in Cape Girardeau county.

JOHN RODNEY.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

Ithamer Hubble, aged 71 years, being duly sworn, deposeth and saith that he first came, in 1797, to the then district of Cape Girardeau, Upper Louisiana, now county of Cape Girardeau, State of Missouri, where he has ever since resided; that the aforesaid Joseph Thompson, sr., as early as the year 1801, with his family, came to said district, and in the year 1801 aforesaid, the said Joseph Thompson, with his family, settled upon and improved a tract of land in said county, by the permission of the then Spanish commandant; made the necessary buildings thereon, cleared and fenced a part of said land, and in the said year 1801, so being an inhabitant of, and settled upon, said tract of land, he, said Joseph Thompson, in said year 1801, cultivated, planted, and raised a crop of corn thereon, of about fifteen acres; that said Joseph Thompson, sr., lived in said district until the time of his death (with his family), which took place on his way from the town of Cape Girardeau to the place of his residence on his farm on Ramsay's creek, in said district; that said Joseph Thompson left a number of heirs, who have ever since continued in the possession of said farm and tract of land on said Ramsay's creek, in the cultivation of the same.

ITHAMER his × mark. HUBBLE.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

Elijah Dougherty and Alexander Summers, being duly sworn, deposeth and saith that they were well acquainted with the said Joseph Thompson, sr., in his lifetime; that they well recollect that, in the year 1801, the said Joseph Thompson, with his family, resided on a tract of land on Ramsay's creek, or waters of Ramsay's creek, in the said district of Cape Girardeau, mentioned in the foregoing depositions.

ELIJAH his × mark. DOUGHERTY.

ALEXANDER SUMMERS.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 432.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Joseph Thompson, sr., claiming 640 acres of land. (See book No. 6, page 432.)

The board are unanimously of opinion that this claim ought not to be granted, the said Joseph Thompson, sr., having had a confirmation under a concession. (See commissioners' certificate, No. 240. See book No. 7, page 71.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 15.—*Nicholas Lachance, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
15	Nicholas Lachance.	640	Settlement right.		On the waters of the St. Francis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

March 26, 1813.—Nicholas Lachance, claiming 500 arpens of land, between the forks of St. Francis and Castor creek, county of St. Genevieve.

Gabriel Nichol, duly sworn, says that claimant built a cabin in 1803, and established a sugar camp, and made sugar every year to this time. (See recorder's minutes; Bates', page 41.) On the margin the following is written: "Not granted."

December 18, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Nicholas Lachance, alias Nicholas Caillote Lachance, claiming 640 acres of land, situate on the waters of St. Francis river. (See Bates's minutes, page 41; Bates's decisions, page 41; Record-book F, page 112.)

STATE OF MISSOURI, *County of Madison:*

Francis Caillote Lachance, aged about 66 years, being duly sworn as the law directs, deposeth and saith that he has resided in this country about 46 years; that he is well acquainted with the claimant, who came to this country, then the province of Upper Louisiana, about 43 or 44 years ago. This witness further says that he knows the land claimed; that the claimant settled on the same some thirty-one years, and while the country yet belonged to Spain; that he made a cabin on the same, and made sugar on the lands at that time; that, in one or two years after he built a cabin, the claimant moved and settled, and that he continued to claim the said land till one Charles L. Bird pretended that he had a concession for the land and compelled him to go off; that he has continued a citizen of the country and cultivator of the soil ever since.

F. CAILLOTE LACHANCE.

Sworn to and subscribed before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

And also came Michael Caillotte Lachance, a witness, aged about 62 years, who, after having heard the above and foregoing deposition of Francis Caillotte Lachance read and explained to him, deposeth and saith that he knows the same facts, and that the statements and facts contained therein are just and true.

MICHAEL CAILLOTE his × mark. LACHANCE.

Sworn to and subscribed before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 400.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Nicholas Lachance, claiming 640 acres of land. (See book No. 6, page 400.)

The board are unanimously of opinion that this claim ought not to be granted, the said Nicholas Lachance having had a confirmation under a concession. (See minutes, book No. 4, page 515. See book No. 7, page 71.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 16.—*John Helderbrand, claiming* 200 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
16	John Helderbrand.	200	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 13, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates, commissioners.

Jonathan Helderbrand, assignee of Jesse Cain, assignee of Robert Owens, assignee of John Megar, claiming 200 arpens of land, situate on the Negro fork of the river Marameck, district of St. Louis, produces to the board a notice to the recorder, dated June 20, 1808; produces no assignment or transfers that the board thought they could receive as such.

William Bellen, sworn, says that about thirty years ago, John Helderbrand made an improvement on the land claimed, and inhabited and cultivated the same for five years, and then sold to John Megar, who, by his tenant, David Helderbrand, cultivated the same one year more.

Laid over for decision. (See book No. 3, page 296.)

June 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jonathan Helderbrand, assignee of Jesse Cain, assignee of Robert Owens, assignee of John Megar, claiming 200 arpens of land. (See book No. 3, page 296.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 392.)

February 21, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jonathan Helderbrand, (under John Helderbrand,) by his assignee, claiming 200 arpens of land, situate on the Negro fork of the river Marameck. (See record-book D, page 340; Minute-books No. 3, page 296; No. 4, page 392. See book No. 6, page 501.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

John Helderbrand, claiming 200 arpens of land. (See book No. 6, page 501.)

The board are unanimously of opinion that this claim ought not to be granted, the said John Helderbrand having had a grant of 400 arpens. (See commissioners' certificate No. 359. See book No. 7, page 71.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 17.—*John Payett, claiming* 464 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
17	John Payett.	464	Settlement right.		William Russell, D. S., January 21, 1806; certified February 21, 1806, by Antoine Soulard, S. G.; on Negro fork of the Marameck.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 20, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, and Clement B. Penrose, esq.

John Payett, claiming under the second section of the act of Congress, 462 (464) arpens of land, situate on a fork of the waters of the Marameck, called the Negro fork, district of St. Louis, produces a survey of the same, dated the 21st January, and certified the 17th February, 1806.

James Richardson, being duly sworn, says that he knew the above claimant on the said tract of land, about fifteen years ago; that he raised two crops on the same; that, in the year 1790, he was driven away by Indians; that he remained out until the year 1800, when he went back on said land; that, in 1801, he planted a crop of corn, and was again driven away; that some of the farmers were killed by the Indians in 1803; that although not residing on said land, he still continued the cultivating of the same, and raised four crops; that, in the year 1805, he went again on said land, and has actually inhabited and cultivated it to this day. The board reject this claim. (See minute-book No. 1, page 482.)

June 18, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Payett, claiming 462 (464) arpens of land. (See book No. 1, page 482.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 389.)

February 21, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Payett, by his legal representatives, claiming 464 arpens of land, situate on Big river, (alias Negro fork,) of Marameck. (See record-book B, page 259; Minutes, book No. 1, page 482; No. 4, page 389.)

Abraham Helderbrand, being duly sworn, says that he is fifty-one years of age; that, in 1802, he helped said Payett to raise a house on the land claimed; that, in the fall of 1803, he passed by said place, and eat some melons which grew on said land, and saw a small patch of corn growing; and, in the same fall, the Indians becoming troublesome, he moved to the Marameck settlement, about twelve miles below, and returned, as well as witness recollects, in the spring of 1805, and lived there till his death. Witness further says that his own farm lies about six miles from the land claimed, and that he has lived there for thirty-two years; that he recollects that said Payett lived on the land claimed since he, witness, was about ten years old; during which time the said Payett inhabited said place, except when compelled by the Indians, at different times, to leave the said place.

Jonathan Helderbrand, being duly sworn, says that he is in his fiftieth year; that, in 1801 or 1802, he cannot say which of those years, he passed by said Payett's house, but did not see any white person; there he found an Indian, with whom he passed the night in said Payett's house, the said Indian being a friendly one, and not an Osage; that, in 1805, he saw the said Payett living on said place; that he knows said Payett lived on the land claimed till his death; that said Payett had a family consisting of his wife and several children, but does not recollect how many.

Jacob Payett, being duly sworn, says that he is forty-two years of age; that, in 1801, John Payett went on said place, and planted some corn; and, in 1802, he raised a house, but witness does not recollect whether said Payett moved there the same year, or in 1803; that, in the said year 1803, the said Payett was driven away by the Indians, and stayed away about two years, and then returned and lived on said place until he died; witness further says that, at that time, the said Payett had a wife and eight or nine children; that said Payett died about five years ago. (See book No. 6, page 501.)

November 18, 1834.—The board met, pursuant to adjournment. F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

John Payett, claiming 464 arpens of land. (See book No. 6, page 501.)

The board are unanimously of opinion that this claim ought not to be granted, the said John Payett having had a confirmation by the former board. (See commissioners' certificate, No. 168. See book No. 7, page 71.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 18.—*John Scott, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
18	John Scott.	800	Settlement right.		On the waters of Dardenne.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 25, 1834.—The board met, pursuant to adjournment. Present: James S. Mayfield and F. R. Conway, commissioners.

John Scott, by his legal representatives, claiming 800 arpens of land, situate on the waters of Dardenne, county of St. Charles. (See book F, page 12; Bates's decisions, page 96.)

James Baldridge, being duly sworn, says that he is about fifty-eight years old; that he thinks it was in 1800 that he helped said John Scott to make the first improvement on this tract; that, in 1801, he, the deponent, lived part of his time with said Scott on the said place; that Scott had then a house, and between ten and twelve acres cleared and in cultivation; that said Scott lived on the place till his death; that Scott's family has continued to live on said place, and are still living on the same.

John McConnell, duly sworn, says that he is in his fifty-second year; that, late in the year 1799, he helped said John Scott to build a house on the land claimed, and, early in the year 1800, he assisted him in moving on the same; that said Scott lived on said place, and, in the spring of 1800, he cleared and improved a field, and raised corn that same year; that said Scott remained on the place till his death; that his family continued to improve and enlarge the farm, and are still living on the same. Witness further says that he understood that this tract of land lies adjoining a tract confirmed to said John Scott, under Thomas Johnson, of 500 arpens.

John Howell, duly sworn, says that, in 1801, he laid the worm of a fence round a good large field on the land claimed; that, in that same year, John Scott raised a crop in the field which deponent helped to fence in; that said John Scott had a house, and his family was living there with him at the time; that he had then four or five children. Deponent further says that, during the late war with the British and Indians, two of said John Scott's sons served as rangers during the whole war.

Michael Price, duly sworn, says that, in 1801, he was at John Scott's place, and he had then a good smart field, wherein corn was growing; that John Scott was living there with his family, consisting of his wife and four or five children; that said Scott had a good stock of horses, cattle, and hogs; that, from the first settling of said place, Scott (and after his death his family) lived on, improved, and cultivated said place up to this day. (See book No. 6, page 534.)

November 18, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

John Scott, claiming 800 arpens of land. (See book No. 6, page 534.)

The board are unanimously of opinion that this claim ought not to be granted, the said John Scott having had a confirmation under a concession. (See commissioners' certificate No. 120. See book No. 7, page 71.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 19.—*Edward Mathews, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
19	Edward Mathews.	640	Settlement right.		Joseph Story, D. S., 5th of December, 1805. Received for record 27th February, 1806, by A. Soulard, S. G.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Mathews, claiming 750 arpens of land, situate in the district of New Madrid, produces record of a plat of survey dated 19th December, 1805, certified 27th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 453.)

January 22, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Edward Mathews, by his legal representatives, claiming 640 acres of land, situate in Prairie St. Charles, alias Mathews's prairie, in Scott county. (See No. 5, page 453; Record-book A, page 465.)

STATE OF MISSOURI, *County of Cape Girardeau:*

Daniel Stringer states that he moved to and settled in the district of l'Anse-a-la-graisse, (New Madrid,) Upper Louisiana, in the year 1802; that he was well acquainted with Edward N. Mathews, who then, in 1802, resided in Prairie St. Charles, or Lorimier's prairie, in said district. This affiant knows that the said Edward inhabited and cultivated land in said prairie in the years 1802, 1803, and 1804; and that he continued to live in said prairie up to the time of his death, something better than a year ago. There was a double cabin on the land where the said Edward lived, in 1802, and a considerable improvement. The said Edward died on the said place, having a family, which still lives on said place.

DANIEL STRINGER,
L. F. LINN, *Commissioner.*

John Friend states that he moved to, and settled in, the district of l'Anse-a-la-graisse, (New Madrid,) Upper Louisiana, in 1799: that he was well acquainted with Edward Mathews. This affiant first became acquainted with the said Edward in the fall of 1801, who then resided in Prairie St. Charles, where he had settled in the spring of that year. This affiant knows that the said Edward inhabited and cultivated land in said prairie in the years of 1802, 1803, and 1804; and that he continued to live in said prairie up to the time of his death, which occurred something like twelve months ago. His children still live on said place, in said prairie.

his
JOHN × FRIEND.
mark.

Sworn to, and mark made in presence of

L. F. LINN, *Commissioner.*

October 15, 1833.

(See book No. 6, page 480.)

November 18, 1834.—Board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Edward Mathews, claiming 640 acres of land. (See book No. 6, page 480.)

The board are unanimously of opinion that this claim ought not to be granted. The said Edward Mathews had a confirmation. (See commissioners' certificate, No. 1038; Bates's decisions, page 18, for extension to 640 acres. See book No. 7, page 72.)

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

NOTE.—The claim numbered 20, has been withdrawn, having been so numbered inadvertently, it being a claim filed before this board, and found to be for an out-lot proven up before Recorder Hunt, and confirmed.

Class 2. No. 21.—*The inhabitants of St. Ferdinand, claiming* 1,849¼ *arpens.*

To Mr. BEAUROSIER DUNEGAND, *Commandant of the Militia of the Parish of St. Ferdinand:*

ST. FERDINAND, *August* 13, 1796.

The inhabitants of St. Ferdinand have the honor to represent that the Americans are taking concessions in the common, which is the only resource the said inhabitants have for the pasturage needed for this village; and the undersigned, apprehending that the Americans will ask for the only pasturage which now remains for our cattle, we unanimously claim your authority and your recommendation near Don Zenon Trudeau, lieutenant governor of the western part of Illinois, in order that he will please grant us a certain quantity of land to serve as commons for our cattle. The said commons to be taken south of the said village of St. Ferdinand, at the place called Latrappe, which adjoins the concession of Musick, the American, going north one league in length, and extending to the eastward one league in width, making one league square. Our cultivated lands being fenced in, and the concessions of the Americans bounding us on the other side, we have no other resource for the pasturage of our cattle but the land asked for. This being considered, may it please you to make our humble representations to the governor, that he will condescend to grant us our demand, and be convinced of our respectful submission, and we will unanimously pray for his preservation.

[Here follow the signatures or marks of 26 individuals.]

ST. LOUIS, *August* 16, 1796.

The commandant of St. Ferdinand will select the most proper place where to have commons of a sufficient extent for the said village, and shall make it known to us in order to deliver the concession.

ZENON TRUDEAU.

To Don ZENON TRUDEAU, *Lieutenant Governor and Commander-in-chief of the western part of Illinois, &c.:*

ST. LOUIS, *April* 1, 1797.

The inhabitants of St. Ferdinand have the honor to represent that, having asked you, through our commandant, Mr. Francis Dunegand, a concession for a common of one league square, you had authorized the said Dunegand to mark the place of the said common, and this being done, and it being essential to us to secure, for the benefit of the inhabitants of said village, the property of the said land, we have the honor to pray you to grant us the concession for the said common, as follows: the front to be on the river of the said settlement,

beginning from the land of Mr. Musick, eighty-four arpens in depth, and having for boundary to the north the end of the lands of our village; a favor which they hope to receive of your justice, as being absolutely necessary for the pasturage and maintenance of our cattle. Besides, the land demanded is not fit for cultivation; and the said inhabitants shall never cease to pray for your happiness and prosperity.

F. DUNEGANT.

[Here are the marks of 54 individuals.]

St. Louis, *April* 1, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall set boundaries to a league square in the prairie, in order to form a common pasturage for the village of St. Ferdinand, provided it is not prejudicial to the plantations already granted, or to places suitable to make new ones, on account of the timber which might be convenient to those who may solicit them. The said common can be located but in places unfit for cultivation, for the want of water and timber.

ZENON TRUDEAU.

St. Louis of Illinois, *April* 15, 1797.

We, the undersigned, surveyor commissioned by the government, certify to all those whom it may concern, that this day, April 15, 1797, by virtue of the decree of the lieutenant governor, dated April 1, same year, we have been on a tract of land destined to serve as commons to the inhabitants of the village of St. Ferdinand, which is to have 84 arpens on the east line, and 70 on that of the north, where it meets the river of St. Ferdinand, which crosses said common almost diagonally. The superfice of said common making altogether 5,206¾ arpens and 1 perch. The said measurement was made in presence of the most notable inhabitants and adjoining neighbors, with the perch of the city of Paris, of 18 French feet in length, according to the usage and custom of this colony. The said common is situated to the eastward of the village of St. Ferdinand; bounded to the north and west by the river St. Ferdinand; to the south by the land of Israel Denton, and vacant lands of his Majesty's domain; and to the east by the same vacant lands of his Majesty. And in order to enable the said inhabitants to prove their right, we have delivered to them these presents, together with the accompanying figurative plat, on which we have marked the natural and artificial limits, &c.

ANTONIO SOULARD.

St. Louis, *May* 13, 1835.

I certify the above and foregoing to be truly translated from record-book C, pages 488 and 489.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimants.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
21	The inhabitants of St. Ferdinand.	1,849¼	Concession for 7,056 arpens, 1st April, 1797.	Zenon Trudeau.	5,206¾ arpens, by Antonio Soulard, 15th April, 1779, and certified same day.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 27, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas and Clement B. Penrose, esq.

The inhabitants of the village of St. Ferdinand, to the number of fifty three, claiming, as commons, a league square, or 7,056 arpens, of land, situate at the aforesaid St. Ferdinand, produce a concession from Zenon Trudeau, dated April 1, 1797, and a survey of 5,206¾ arpens, taken and certified April 15, 1797.

John Bte. L. Collins, being duly sworn, says that he came to the said village about ten years ago; that the said commons had been surveyed a few months prior to his arrival at that place; that it is mostly prairie land, and is used as a pasture for the cattle of the inhabitants, and has always been used as such; that the said land is absolutely unfit for cultivation, being mostly swamp, and part of the time under water; and further, that he did, about eight years ago, see the aforesaid concession in the hands of Francis Dunegand, who was then the civil commandant of said village.

James Richardson, being also duly sworn, says that there is but very little or no wood on said land; that about nine years ago he assisted Anthony Soulard in surveying said commons, and understood then that there was a concession for the same. The board reject this claim, and are satisfied that the said concession was granted at the time it bears date. (See book No. 1, page 497.)

August 20, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Inhabitants of the village of St. Ferdinand, claiming 5,206¾ arpens of land. (See book No. 1, page 497.)

The board confirm to the inhabitants of the village of St. Ferdinand five thousand two hundred and six and three quarters arpens and one perch of land, as described in a plat of survey, certified April 15, 1797, and to be found of record in book C, page 489, of the recorder's office. (See book No. 5, page 322.)

April 16, 1833.—The board met, pursuant to adjournment. Present: A. G. Harrison, F. R. Conway, commissioners.

The inhabitants of St. Ferdinand, claiming 7,056 arpens of land, of which 5,206¾ arpens have been confirmed. (See book C, page 489; Minutes, book No. 1, page 497, and No. 5, page 322. See No. 6, page 156.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

The inhabitants of St. Ferdinand, claiming 1,849¼ arpens of land, it being the balance of 7,506 arpens granted them for commons, of which 5,206¾ arpens have been confirmed. (See book No. 6, page 156.)

The board are of opinion that this claim ought not to be confirmed, the said inhabitants having had the said commons surveyed, conformably to the boundaries asked for in their petition, dated April 1, 1797, and the

amount of said survey (5,206¾ arpens) having been confirmed by the former board of commissioners. (See book No. 7, page 169.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

CONFLICTING CLAIMS.

Frederick Hyatt and Lewis Hume, for themselves, Reuben Musick, for himself, Joseph Tebeau, for himself, John Romaine, for himself, William Evans, for himself, and Dougald Pitzer, for himself, oppose and object to the confirmation of the additional claim for commons, in favor of the village of St. Ferdinand, in the county of St. Louis; and in support of their objection they state the following facts:

1. There has already been confirmed to the said village, on the claim for commons, a tract of land of five thousand acres or arpens, which is held without opposition or dispute. The claim now before the board, for an enlargement of the confirmation, is, as they are informed, based upon, or refers to a survey of such claim, made by the late John C. Sullivan, without any lawful authority, and which survey, they insist, is of no validity.

2. Each of the objectors is now the owner of lands within the said illegal survey, by regular and satisfactory titles from the United States. And they hereby offer to exhibit to the board the documentary evidence of their respective titles, according to the memorandum of their claims, which follows, viz.:

Frederick Hyatt and Lewis Hume own the following tracts within said claim and illegal survey:

1. The N. E. fractional quarter of sec. 25, in town. 47 N., range 6 E., 158 acres, evidenced by *patent*, dated June 10, 1824.

2. The W. half of N. W. quarter of sec. 30, town. 47, range 7 E., 78 acres and 22½ one-hundredths. Patent, November 10, 1830.

3. The S. W. fractional quarter sec. 25, town. 47 N., range 6 E., 16.80 acres. Patent, February 11, 1832.

4. The N. W. quarter of sec. 19, town. 47 N, range 7 E., 153.08 acres. Evidenced by the receipt of the receiver, dated December 27, 1831.

5. The N. E. quarter of sec. 24, town. 47 N., range 6 E., 121 acres. Received receipt December 26, 1831.

Reuben Musick owns the following tract: The S. E. quarter of sec. 24, in town. 47 N., range 6 E., 139.60. Evidenced by a patent, dated June 10, 1828. The enlarged claim of common and the illegal survey also conflict with the confirmed Spanish grant, in the name of John Brown, now owned and possessed by said Musick. The extent of the interference not precisely known.

William Evans owns the following tract: The S. W. quarter of sec. 19, in town. 47 N., range 7 E., 155.64 acres. Evidenced by the receiver's receipt, dated January 2, 1832.

Dougald Pitzer owns the following tract: The N. E. fractional quarter of sec. 19, town. 47 N., range 7 E., 159.92 acres. Receiver's receipt dated October 2, 1831.

John Romaine owns the following tract: The N. W. fractional quarter of sec. 36, in town. 47 N., range 6 E., 35 acres. Receiver's receipt dated October 18, 1832.

And Joseph Tebeau owns the following tracts: 1st. Lot No. 1, in the S. W. quarter of sec. 30, town. 47, range 7 east, 80 acres. Patent, November 10, 1830. 2d. Lot No. 2, in the S. W. quarter of sec. 30, town. 47 N., range 7 E., 81.40 acres. Receiver's receipt, September 14, 1832. 3d. The E. half of N. W. quarter of sec. 30, town. 47 N., range 7 east, 78 acres and 22½ one-hundredths. Receiver's receipt, August 5, 1829.

Upon the intrinsic demerits of the extended claim for commons, and upon the opposing titles above set forth, and now offered to be exhibited in proof, they respectfully insist that said claim ought not to be reported for confirmation.

Frederick Hyatt, Lewis Hume, Reuben Musick, William Evans, Dougald Pitzer, John Romaine, Joseph Tebeau, by their agent and attorney in fact,

EDWARD BATES.

Class 2. No. 22.—*Jerusha Edmondson, claiming* 250 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
22	Jerusha Edmondson.	250	Settlement right.		On the west fork of Spring creek, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *December* 24, 1812.—The interfering claims of S. Thompson, Burwell J. Thompson, assignees, &c., (of Michael Raber) and Jerusha Edmondson. This being the day assigned, the following witnesses were sworn on the part of J. Edmondson:

Green Jewitt, duly sworn, says he knows the land; that Michael Raber settled on the Joachim tract in the year 1801 or 1802, where he made one or two crops; knows not when he left it. In 1805, witness was at Raber's, on the land claimed; saw several cabins of different descriptions; crops growing, and from the appearance of the plantation, judges them to have been made at least a year previously. It was called Mr. Raber's plantation.

Question by interfering claimant. Was there a cabin on the Joachim tract when Mr. Raber went on it?

Answer. There was.

Question. Did you understand that Raber considered the Joachim tract as his head right?

Answer. I did understand that he had chosen it with that view.

Question. Did you, or did you not know that Raber and the adverse claimant were considered as man and wife, both on the Joachim tract and on the tract now claimed?

Answer. She was called Mrs. Raber: the witness had no positive information on the subject.

Witness says he knew John Tulk, a youth who lived in the family; does not recollect whether Tulk called the adverse claimant mother; he seemed to be acting under directions of M. Raber and J. Edmondson, as heads of families.

William Davis, duly sworn, says that he knows the tract claimed; heard J. Edmondson caution the adverse claimant against purchasing this tract, as she was the real proprietor of the land; helped the agent of Mr. Thompson to get in the corn, in fall 1811.

Samuel Thompson, one of the claimants, being duly sworn, says that he has used due diligence, and that it has been out of his power to procure the attendance of his witness. Ordered, that he be permitted to introduce the testimony hereafter, on giving ten days' previous notice to the adverse party. On the margin, the following is written: "Not granted."

(See Bates's minutes, page 30.)

December 23, 1834.—F. R. Conway, esq. appeared, pursuant to adjournment.

Jerusha Edmondson, by her legal representatives, claiming 250 arpens of land. (See book F, page 100; Bates's minutes, page 30; Bates's decisions, page 28.)

The following testimony was taken in May, 1833, before L. F. Linn, esq., then one of the commissioners:

John Stewart, aged about 74 years, being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with the said Jerusha Edmondson; that her and one Michael Raber lived together on the tract of land claimed, in the year 1803, and raised a crop thereon in 1804; that there was a dwelling-house, kitchen, smoke-house, and other small houses, on the land; that there were several acres of land cleared, a good garden, and some fruit-trees planted. The houses had the appearance of being one or two years old; that he surveyed the land twice; once for said Michael Raber, and afterward for the said claimant, she claiming the land as hers; that said Raber and her had some difficulty, or quarrel, and both told this witness that they were not married to each other. He heard Jerusha say that the said Raber should not stay on the place, and he knows they separated and continued apart.

JOHN STEWART.

Sworn and subscribed before me, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

Israel McGready, aged about 55, being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with Jerusha Edmondson; that she lived with one Michael Raber on the tract of land claimed; that she remained on the tract of land claimed after said Raber left her, and claimed the same as hers; that he has heard both the said Jerusha and Michael say they were not married; and that the tract of land claimed has been inhabited and cultivated ever since.

ISRAEL McGREADY.

Sworn and subscribed before me, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

Henry Pinkley, aged about 50 years, being duly sworn, as the law directs, deposeth and saith, that he was well acquainted with Jerusha Edmondson; that she lived on the tract of land claimed, and that one Michael Raber lived with her; that he was about to settle at or near the place claimed, and the said Jerusha forbid him to do so, as she said the land was hers; that the land, or place, was always called the place of Jerusha Edmondson by the people at large who spoke of the same; and that Michael Raber claimed land on the other side of the creek, about one half mile from this place claimed; that he had his buildings on the place he claimed, and not on the place claimed by Jerusha, on which this witness wanted to settle.

HENRY PINKLEY.

Sworn to and subscribed before me, this 9th day of May, 1833.

L. F. LINN, *Commissioner.*

John Stewart, being further sworn, deposeth and saith, that he knows that after the said Jerusha Edmondson and Michael Raber parted, the said Raber went off and left the said Jerusha in possession of the place, where she continued, claiming the same as her property; and the only way she could be got from the place was by the purchase of her right and interest, which, both Jerusha and Thompson told him, the said Thompson being the purchaser of her right.

JOHN STEWART.

Sworn to and subscribed before me, this 10th day of May, 1833.

L. F. LINN, *Commissioner.*

Uriah Hull, aged about 56 years, being duly sworn, as the law directs, deposeth and saith, that he knows the tract of land claimed; that the said Jerusha Edmondson and Michael Raber lived together on the same in the year 1804; that some time afterward, say five or six years, they separated, and the said Raber went off, leaving the said Jerusha Edmondson in the possession of the place; that she remained on the place for some time after Raber left her, and this witness understood she had sold her right to one or both of the Messrs. Thompson. This witness has since understood they were not married.

URIAH HULL.

Sworn to and subscribed before me, this 10th day of May, 1833.

L. F. LINN, *Commissioner.*

Benjamin Horine, being duly sworn, deposeth and saith, that he knew Jerusha Edmondson; that her and one Michael Raber lived together on the tract of land claimed, in the year 1804, and perhaps before that time; that the land was sometimes called Raber's, sometimes her's, and that the said Raber went off and left her in possession of the place, where she remained for sometime afterward.

BENJAMIN HORINE.

Sworn to and subscribed before me, this 11th day of May, 1833.

L. F. LINN, *Commissioner.*

The following testimony was taken in Washington county, by F. R. Conway, esq. :

John Stewart, being duly sworn, deposeth and saith that he has once before deposed before L. F. Linn, one of the commissioners, and wishes to amend the said deposition by adding the following facts: that toward the last of July or the first of August, 1804, he, said Stewart, was on, or at the place claimed by said Edmondson, and that there were several acres of land cleared and a good crop of corn growing, and that the said Jerusha Edmondson then told him that her and Michael Raber were not married, and that all the property belonged to her; and that the said Raber sometime afterward told him that he and the said Jerusha were not married, and were not man and wife. And further states, that there were more than one house, a very comfortable cabin for a dwelling-house on the last of July or first of August, 1804, and that she always claimed the premises afterward until she sold.

JOHN STEWART.

Subscribed to and sworn the 5th of July, 1833.

F. R. CONWAY, *Commissioner.*

(See book No. 7, page 84.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jerusha Edmondson, claiming 250 arpens of land. (See book No. 7, page 84.)

The board are of opinion that this claim ought not to be granted. The same 250 arpens being the same improvement claimed by, and included in a survey made for one Michael Raber, by John Stewart, deputy surveyor, on the 24th of February, 1806. The said Jerusha Edmondson living at that time with the said Raber, as his wife or mistress. (See book No. 7, page 169.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 23.—*Joseph Chartran, sr., claiming* 998 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
23	Jos. Chartran, sr.	998	Settlement right.		John McKinney, D. S., 1st February, 1806. Received for record by A. Soulard, S. G., February 25, 1806. On the Missouri.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 31, 1806.—Agreeably to adjournment, the Hon. John B. C. Lucas attended the board.

Joseph Chartran, claiming 998 arpens of land, situate on the river Chorette, district of St. Charles, produces a survey of the same, dated the 1st of February, 1805 (1806.)

Charles Tayon, being duly sworn, says that when he was commandant of St. Charles, the above claimant applied to him for permission to settle on vacant lands; that he then submitted the said application to Zenon Trudeau, who told him he might grant the said permission; that the said claimant settled the said tract of land in the year 1801, and did, prior to and on the 20th day of December, 1803, actually inhabit and cultivate the same; and had then a wife and four or five orphan children entirely destitute of the means of subsistence, and looking up to claimant for the same.

The board grant the said claimant two hundred arpens of land, situate as aforesaid. (See No. 1, page 440.)

August 7, 1807.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, esquires.

Joseph Chartran, claiming under the 2d section of the act of Congress of the 2d of March, 1805, 998 arpens of land, situate on the river Chorette, district of St. Charles, produces a survey of the same, dated 1st February, 1805.

John Baptiste Leauzon, being duly sworn, says that he knows the land claimed by the said Chartran, situated at the village Chorette; that the land was settled by claimant, in the year 1801, and that he has continued to inhabit and cultivate the same ever since; that the said claimant has generally had four orphan children with him, looking up to him for support, and whom he has treated with tenderness, and in every respect as a good father would treat his own; that in 1803 he had three of them with him. (Laid over for decision. See book No. 3, page 54.)

December 1, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Chartran, claiming 998 arpens of land. (See book No. 1, page 440; book No. 3, page 54.)

It is the opinion of the board that this claim ought not to be granted. (See No. 4, page 218.)

March 27, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Chartran, by his legal representatives, claiming 998 arpens of land, on river Chorette. (See record-book B, page 219; Minutes, books No. 1, page 440; No. 3, page 54, and No. 4, page 218.)

The following testimony was taken in June, 1833, by A. G. Harrison, esq., then one of the commissioners:

John Mary Cardinal, being duly sworn, says that he knew said Chartran; that he made a settlement and improvement on a tract of land on the upper part of Chorette; that he had an orchard on the same tract; that said improvement, settlement, &c., were made under the Spanish government about five or six years before the change of government; that he was married at the time mentioned, and that he cultivated said place about a dozen years.

Charles Reille, being duly sworn, says that, having heard read the testimony of John Mary Cardinal, as

above, that he testifies to the same facts in every particular as above, except that witness thinks said Chartran cultivated said land about fourteen years. (See book No. 7, page 109.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Joseph Chartran, sr., claiming 998 arpens of land. (See book No. 7, page 109.)

The board are of opinion that this claim cannot be granted, the said Joseph Chartran, sr., having had two concessions confirmed. (See commissioners' certificates, Nos. 26 and 786. See book No. 7, page 170.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 24.—*Pierre Palardie, claiming* 1,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
24	Pierre Palardie.	1,000	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Pierre Palardie, claiming 1,000 arpens of land. Produces notice to the recorder, district of St. Charles.

It is the opinion of the board that this claim ought not to be granted. (See minutes, book No. 5, page 482.)

March 31, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Pierre Palardie, claiming 1,000 arpens of land, on the Dardenne. (See record-book D, page 340; book No. 5, page 482.)

The following testimony was taken in May, 1833, by A. G. Harrison, esq., then one of the commissioners:

Gabriel Latreille, being duly sworn, says that he is well acquainted with said tract of land; that it is situated at the mouth of the Dardenne; that Palardie cut hay on said land to feed his cattle, with the intention of establishing himself on said place. (See No. 7, page 113.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Pierre Palardie, claiming 1,000 arpens of land. (See book No. 7, page 113.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 171.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 25.—*William Bates, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
25	William Bates.	640	Settlement right.		John Stewart, D. S., 3d February, 1806. Received for record by A. Soulard, S. G., 27th February, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 6, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Bates, claiming 640 acres of land, situate in the district of St. Genevieve. (See record-book B, page 350.)

The following testimony was taken at Potosi, by F. R. Conway, esq.:

John T. McNeal, being duly sworn, deposeth and saith that, in the month of February, 1804, William Bates and he, witness, went in company where said Bates had made and laid the foundation of a house; there were some trees cut round, some brush-heaps made, and his name marked on a tree near the spring, and dated 1803; that said Bates claimed the same as his head right, as being one of Moses Austin's followers, as will fully appear on the original records of land titles under the Spanish government; that said William Bates claims 640 acres, and witness never heard of his selling or claiming any other land as his head right.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 8th day of May, 1834, at Potosi, Missouri.

F. R. CONWAY.

(See book No. 7, page 117.)

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

William Bates, claiming 640 acres of land. (See book No. 7, page 117.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 172.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 26.—*Charles McDormet, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
26	Charles McDormet.	640	Settlement right.		John Hawkins, D. S. Received for record, by A. Soulard, S. G., 18th February, 1806. District of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Charles McDormet, claiming 640 acres of land, situate in the district of St. Genevieve. (See record-book B, page 245.)

The following testimony was taken by F. R. Conway, esq., at Potosi.

John T. McNeal, being duly sworn, deposeth and saith that, in the month of February, 1804, he, in company with William Bates, passed by what was called McDormet's improvement, where was the foundation of a house, some trees cut round, brush-heaps made, rails split, and a promising prospect for an improvement; that the said McDormet has ever since claimed the same as his head right, as one of Moses Austin's followers, as will fully appear by having reference to the Spanish records, and claimant's name was marked on a sugar tree near the spring, dated 1803. Witness never heard of his claiming any other land under his head or improvement right.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 8th day of May, 1834, at Potosi, Missouri.

(See Book No. 7, page 118.) F. R. CONWAY.

June 8, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Charles McDormet, claiming 640 acres of land. (See book No. 7, page 118.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 172.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 27.—*Louis Milhomme, claiming* 620 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
27	Louis Milhomme.	620	Settlement right.		John Stewart, D. S., 4th Feb. 1806. Received for record, by A. Soulard, S. G., 28th Feb. 1806. Bellevue, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 10, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Milhomme, claiming 620 acres of land, situate Bellevue. (See record-book B, page 249.)

The following testimony was taken in Washington county, by James H. Relfe, commissioner:

Personally appeared John T. McNeal, who deposeth and saith that he was well acquainted with Louis Milhomme, a laboring man, with a family, who resided in Mine à Breton, who had a house, and cultivated a garden and other improvements, in the years 1802, 1803, and 1804; and he never knew him to claim other lands.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 21st June, 1834.

(See book No. 7, page 123.) JAMES H. RELFE.

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Milhomme, claiming 620 acres of land. (See book No. 7, page 123.)

The board are of opinion that this claim ought not to be granted, there being no proof of possession or cultivation, the only testimony given having reference to a town lot. (See book No. 7, page 173.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 28.—*Louis Lacroix, claiming* 701 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
28	Louis Lacroix.	701	Settlement right		John Stewart, D. S., 25th February, 1806. Received for record, by A. Soulard, S. G., 28th February, 1806; 701 arpens on Fourche à Courtois; 40 acres in Mine à Breton.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 27, 1806.—The board met, agreeably to adjournment Present: Hon. Clement B. Penrose and James L. Donaldson, esq.

Louis Grinya and Francis Tibault, assignees of Louis Lacroix, claiming 701 arpens of land, situate at about three fourths of a mile of the Mine à Breton, district aforesaid, (of St. Genevieve,) produces a survey of the same, dated the 25th and certified the 28th February, 1806, together with a survey of 40 arpens, situate at the Mine à Breton, dated and certified as aforesaid.

Amable Partenais, being duly sworn, says that the aforesaid Louis Lacroix had, in 1802, a house built, and seven or eight arpens of land under fence in the aforesaid tract of 40 arpens; that he actually inhabited the same; that, in 1803, he planted a crop, which, together with the said improvement, he sold to claimants, who moved on the same in the month of October, 1803, and did, prior to, and on the 20th day of December, 1803, actually inhabit the same, having gathered the said crop.

The board reject this claim, for want of a permission to settle. (See book No. 1, page 379.)

December 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Grinya and Francis Tibault, assignees of Louis Lacroix, claiming 40 arpens of land. (See book No. 1, page 379.)

The board remark that no kind of testimony suggests or makes it appear that the land claimed includes a lead mine.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 534.)

April 10, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Lacroix, claiming 701 arpens of land. (See minute-book No. 1, page 379; No. 5, page 534.)

The following testimony was taken in Washington county, by James H. Relfe, commissioner:

Personally appeared John T. McNeal, who deposeth and saith that he was well acquainted with Louis Lacroix, who lived in a house and cultivated a garden in Mine à Breton, in the years 1802 and 1803, and, like most others who lived at the mines, cultivated corn at some distance from the village; his field was on Big river. At that early day is was necessary to the safety of the inhabitants to live in the villages, to secure them from the attacks of savages, and for the convenience of working the mines. This deponent never knew Lacroix to claim any other lands.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 21st of June, 1834.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 124.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Lacroix, claiming 701 arpens of land. (See book No. 7, page 124.)

The board are of opinion that this claim ought not to be granted, the said Louis Lacroix being one of the thirty-one inhabitants claiming each 400 arpens of land under the old mine concession. (See book No. 7, page 174.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 29.—*Nancy Ferguson, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
29	Nancy Ferguson.	300	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 21, 1809.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Nancy Ferguson, claiming 300 arpens of land, situate in Tywapity, district of New Madrid, produces to the board a certified list of permission to settle, formerly given, No. 1369, on which claimant is No. 298.

The following testimony in the foregoing claim, taken at New Madrid, June 15, 1808, by Frederick Bates, commissioner:

George Hacker, duly sworn, says that premises were improved in 1803 by splitting rails and clearing about an acre of ground; no crop raised till the present year; no inhabitation. Laid over for decision. (See No. 4, page 97.)

December 5, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Nancy Ferguson, claiming 300 arpens of land. (See book No. 4, page 97.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 22.)

May 1, 1835.—The board met, pursuant to adjournment. Present: J. H. Relfe and F. R. Conway, commissioners.

Nancy Ferguson, by her heirs and legal representatives, claiming 300 arpens of land, situate in Tywapity, district of New Madrid. (See record-book E, page 148; book No. 4, page 97; No. 5, page 22.)

The following testimony was taken before L. F. Linn, esq., in June, 1833:

George Hacker, being sworn, says he is about 57 years old, and that he knew the said Nancy Ferguson well. She came to the district of New Madrid in the fall of 1802, and made an improvement in the winter of that year. The next season she planted corn and raised a crop on said land, where she also resided. She had two children at that time. She died in the year 1818, leaving her said two children, Elizabeth Northcut and John Johnson, as her sole heirs and legal representatives. She inhabited and culivated the said land in 1803, and had a permission to settle from Don Henry Peyroux, commandant of New Madrid.

GEORGE HACKER.

Sworn to and subscribed, this 11th day of June, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 141.)

June 9, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Nancy Ferguson, claiming 300 arpens of land. (See book No. 7, page 141.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 175.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 30.—*Urban Asherbraunner, claiming* 350 *arpens and* 95 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
30	Urban Asherbraunner.	350 95 per.	Settlement right.		James Boyd, D. S. Received for record, 27th February, 1806, by A. Soulard, S. G. On Castor creek, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 20, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Urban Asherbraunner, claiming 350 arpens 95 perches of land, situate on Castor creek, district of Cape Girardeau. Produces to the board a plat of survey certified to be received for record 27th February, 1806, by Antoine Soulard, surveyor general.

The following testimony in the above claim, taken by Frederick Bates, commissioner, at Cape Girardeau, May 30, 1808:

Daniel Asherbraunner, sworn, says that claimant improved a tract of land in the year 1800; that the survey of Philip Bollinger afterward took in the spring of the claimant, which induced him to abandon his improvement, and left the country in the following year; he again returned in the year 1805, and in that year improved the premises now claimed; settled in the following year, erected a cabin, a mill for the grinding of corn and wheat, and cultivated about three or four acres of land. Claimant has continued to inhabit, cultivate, and improve, till the present day; has a wife and one child. Laid over for decision. (See book No. 3, page 479.)

December 23, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Urban Asherbraunner, claiming 350 arpens 95 perches of land. (See book No. 3, page 479.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 238.)

May 7, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Urban Asherbraunner, claiming 350 arpens and 95 perches of land, situate on Castor creek, district of Cape Girardeau. (See record-book B, page 294, for survey of 300 acres; minutes, book No. 3, page 479; No. 4, page 238.)

The following testimony was taken before J. H. Relfe, commissioner, in Cape Girardeau county:

William Bollinger, sr., states that he moved to and settled in the district of Cape Girardeau, in the year 1801; that he was well acquainted with one Urban Asherbraunner, then a resident of said district. This affiant knows that the said Asherbraunner inhabited and cultivated a piece of land on Whitewater, in said district, in the year 1802. He had a house built on said place in said year, some trees were ——— and deadened on said place, at the time mentioned, by said Asherbraunner, who lived in this district upward of eighteen years. This improvement was made by the said Urban Asherbraunner, at the time mentioned, for his own use.

his
WILLIAM × BOLLINGER.
mark.

Sworn to and subscribed, this 7th April, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 144.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Urban Asherbraunner, claiming 350 arpens 95 perches of land. (See book No. 7, page 144.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 31.—*Joseph Fenwick, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
31	Joseph Fenwick.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 11, 1835.—The board met, pursuant to adjournment. Present: James H. Relfe, F. R. Conway, commissioners.

Joseph Fenwick, by his heirs and legal representatives, claiming 800 arpens of land. (See record-book E, page 271; Bates's decisions, page 93.)

The following testimony was taken before L. F. Linn, commissioner, on the 17th of June, 1833:

STATE OF MISSOURI, *County of St. Genevieve.*

John B. Vallé, aged about seventy-two years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with the original claimant, Joseph Fenwick; that he came to this country, then the province of Upper Louisiana, in the year 1800, with a large and respectable family, and had considerable property; that the said Fenwick settled on the land claimed, made considerable buildings and improvements, and cultivated the same for some time, and that he then disposed of the same; that this tract of land has passed through several hands and to several claimants, but has always, from the time of the original settlement up to the present day, been actually inhabited and cultivated, and still is inhabited and cultivated.

J. B. VALLÉ.

Sworn to and subscribed before me, L. F. Linn, this 17th day of June, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 146.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Joseph Fenwick, claiming 800 arpens of land. (See book No. 7, page 146.)

The board are of opinion that this claim ought not to be granted, the said Joseph Fenwick having had lands confirmed to him. (See commissioners' certificate, No. 1243; Bates's decisions, page 57. See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 32.—*Matthew Mullins, claiming* 584 *arpens* 9 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
32	Matthew Mullins.	584 9 p	Settlement right.		500 acres; John Stewart, 5th Jan., 1806. Received for record, 25th February, 1806, by A. Soulard, surveyor general.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Matthew Mullins, claiming 745 arpens 68 perches of land, situate near Bellevue, district of St. Genevieve, produces record of a plat of survey, dated 5th January, and certified 25th February, 1806.

It is the opinion of this board that this claim ought not to be granted. (See book No. 5, page 454.)

May 12, 1835.—The board met, pursuant to adjournment. Present: James H. Relfe, F. R. Conway, commissioners.

Matthew Mullins, claiming 584 arpens 9 perches of land, near Bellevue settlement. (See record-book B, page 227; book No. 5, page 454.)

The following testimony was taken in Washington county, before F. R. Conway, esq.:

John Stewart, of lawful age, being first duly sworn, deposeth and saith that, in November, 1800, this affiant came to Mine à Breton, in the district of St. Genevieve, and was from that time for many years thereafter well acquainted with the above claimant, Matthew Mullins; that this affiant always understood from Moses Austin and others, that said Matthew was entitled to 400 arpens of land, on account of his having come to the Spanish country under Moses Austin, and in virtue of an understanding between Moses Austin and the Spanish authorities of the country, which will more at large appear by an examination of the records of the courts, in or about the year 1797, that being the year said Matthew came to the country, as this affiant has been informed. This affiant would further show, that Elias Bates was also a follower of Moses Austin, and obtained a gratuity of 400 arpens, upon the identical principles upon which Matthew claims his. In January or February, 1806, Matthew Mullins called upon affiant, who was legally authorized to make public surveys of land, to survey for him the above claim. This affiant having been instructed to survey for each land claimant 640 acres, accordingly surveyed for Matthew Mullins 640 acres of land in Bellevue, then district of St. Genevieve, now county of Washington, the plat whereof has been duly returned in order to its being recorded. Matthew Mullins showed the land which was surveyed, and pointed out to this affiant the beginning-corner of the same, which was accordingly fixed and established as such by this affiant, in virtue of his official duty as surveyor. And further, this deponent saith not.

JOHN STEWART.

Sworn and subscribed before me, this 5th day of July, A. D. 1833.

F. R. CONWAY.

(No. 7, page 147.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Matthew Mullins, claiming 584 arpens 9 perches of land. (See book No. 7, page 147.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 176.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 33.—*Charles McLane, claiming* 748 *arpens* 68 *perches.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
33	Charles McLane.	748 68 p.	Settlement right.		J. Stewart, D. S., February 15, 1806. Received for record Feb. 29, 1806, by Ant Soulard, S. G. In Bellevue settlement.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles McLane, claiming 748 arpens 68 perches of land, situated in Bellevue, district of St. Genevieve, produces record of a plat of survey, dated 15th, and certified 28th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 454.)

May 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Charles McLane, claiming 748 arpens 68 perches of land, situated in Bellevue. (See record-book B, page 427; Minute-book No. 5, page 454.) Produces a plat of survey, executed by John Stewart, February 15, and received for record by A. Soulard, surveyor general, February 29, 1860. (See book No. 7, page 153.)

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Charles McLane, claiming 748 arpens 68 perches of land. (See book No. 7, page 153.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 177.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 34.—*Louis Grenier, claiming* 701 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
34	Louis Grenier.	701	Settlement right.		John Stewart, D. S, 25th February, 1806. Received for record, by Soulard, S. G., 28th February, 1806. On Fourche à Courtois, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Louis Grenier, claiming 701 arpens of land, situate on Fourche à Courtois, district of St. Genevieve. (See record-book B, page 225.)

The following testimony was taken by F. R. Conway, in July, 1833, in Washington county:

John Stewart, being duly sworn, deposeth and saith that he was well acquainted with Louis Grenier; that in the year 1803, the said Grenier was then a laboring man, living in a cabin in Mine à Breton. He had a garden, and in 1804 he cultivated some acres of land at said place; that in the year 1806, he called on witness to survey his land, but an old Spanish right on the east, a conditional line on the west, a claim on the south, and a Spanish concession on the north, confined him so close, witness could not get his complement of land, and surveyed the balance of his claim, in all 640 acres, about 18 miles, as witness supposes, from Mine à Breton, in woodland, not then claimed by any person; which survey witness made, returned the plat for record, and paid the recording fees.

JOHN STEWART.

Sworn to and subscribed before me, this 9th day of July, A. D., 1833.
(See minute-book No. 7, page 153.)

F. R. CONWAY.

June 10, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

Louis Grenier, claiming 701 arpens of land. (See book No. 7, page 153.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 177.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the testimony of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 35.—*Charles Becquette, claiming* 606 *acres.*

No.	Name of original claimant.	Acres.	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
35	Charles Becquette.	606	Settlement right.		Survey on record, without date or signature.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Charles Becquette, claiming 606 acres of land, situate in Bellevue, district of St. Genevieve. (See record-book B, page 208.)

The following deposition was taken in Washington county, by F. R. Conway, esq.:

This day personally appeared before me, John Stewart, of lawful age, who deposeth and saith that, in the year 1803, Charles (otherwise called Charlot) Becquette was an inhabitant and resident in Mine à Breton, and cultivated some acres of land. In 1806, witness surveyed his improvement and the balance of the land, including in all 640 acres, agreeably to witness's instructions from the United States agent and commissioners; which survey I returned for record.

JOHN STEWART.

Sworn and subscribed before me, this 9th day of July, A. D., 1833.
(See book No. 7, page 154.)

F. R. CONWAY.

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Charles Becquette, claiming 606 acres of land. (See book No. 7, page 154.)

The board are of opinion that this claim ought not to be confirmed. (See book No. 7, page 177.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 36.—*Daniel Richardson, claiming* 460 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
36	Daniel Richardson.	460	Settlement right.		John McKenny, D. S., 22d February, 1806. Received for record, 26th February, 1806, by A. Soulard, S. G. Point Labbadie, on the Missouri.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 7, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas and Clement B. Penrose, esq.

Daniel Richardson and John Caldwell, claiming, under the second section of the act of Congress, 460 arpens of land, situate on the Missouri, district of St. Louis, produces a survey of the same, dated the 22d, and certified 26th February, 1806.

James Stevens, being duly sworn, says that, in March, 1803, claimants did cut a few poles on said land, and were preparing to build and cultivate, but were prevented by the Indians.

The board reject this claim. (See No. 1, page 444.)

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Daniel Richardson, claiming 460 arpens of land, situate Point Labbadie, district of St. Louis, produces record of a plat of survey, dated 22d, and certified 26th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 486.)

May 19, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Daniel Richardson, claiming 460 arpens of land, situate on the Missouri. (See record-book B, page 346; minutes, book No. 1, page 444; No. 5, page 486.)

James Cowen, being duly sworn, says that, in the month of November next, he will be 54 years of age; that, in February, 1803, he settled in the neighborhood of claimant, and it was then reported that the said Daniel Richardson had then begun to improve the land claimed in the spring of said year, 1803, but witness did not see it himself. The first time witness saw the said improvement, was in the fall of 1804, to the best of his recollection; there were, at that time, some rails split, house-logs cut, a small piece of land, about a quarter of an acre, enclosed with rails and poles, and a nursery of peach-trees planted in said enclosure. Witness further says that, in the month of April, 1803, as well as he can recollect, the Indians made an incursion on their settlement, killed a man, burnt houses, and drove the settlers away. Claimant was a single man, and boarded with one Stevens, whose land was adjoining that of said claimant. (See book No. 7, page 155.)

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Daniel Richardson, claiming 460 arpens of land. (See book No. 7, page 155.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 178.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 37.—*Jerome Mattis, claiming* 800 *arpens.*

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
37	Jerome Mattis.	800	Settlement right.		On the waters of the St. Francis river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 22, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jerome Mattis, by his legal representatives, claiming 800 arpens of land, situate on the waters of St. Francis river. (See record-book F, page 146; Bates's decisions, page 105.)

The following testimony was taken in May, 1833, before L. F. Linn, commissioner:

STATE OF MISSOURI, *County of Madison:*

John Beeve, aged about 57 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with Jerome Mattis; that he knew him to be a citizen and resident of this country, then the province of Upper Louisiana, some years before the year 1800, and that he continued to be a citizen of the country for many years afterward and until he died. This witness further says that he knows the land claimed; that the

claimant occupied the same in the year 1802 or 1803; that he built a camp on the same and made sugar there; that the claimant continued to occupy the same, and made sugar there for several years; that the claimant had a wife at the time.

his
JOHN × BEEVE.
mark.

Sworn and subscribed before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 156.)

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jerome Mattis, claiming 800 arpens of land. (See book No. 7, page 156.)

The board are of opinion that this claim ought not to be granted; claimant had a confirmation for 400 arpens. (See commissioners' minutes, book No. 4, page 515. See book No. 7, page 178.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 38.—*Gasper Schell, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
38	Gasper Schell.	640	Settlement right.		

EVIDENCE WITH REFERNCE TO MINUTES AND RECORDS.

May 26, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Gasper Schell, claiming 640 acres of land, in the district of Cape Girardeau. (See record-book F, page 146; Bates's decisions, page 105.)

The following testimony was taken in October, 1833, before L. F. Linn, commissioner:

STATE OF MISSOURI, *County of Cape Girardeau:*

Joseph Niswanger, of lawful age, being duly sworn, deposeth and saith he is well acquainted with Gasper Schell, the above claimant; that he emigrated to this country, with his family, in the district of Cape Girardeau, in the latter part of the month of June or beginning of July, in the year 1804; that in the same year he moved on and settled the place where he now resides; that said Schell has continued to inhabit and cultivate the same ever since; that he has made valuable and lasting improvements on the same; that his family consisted of a wife and seven or eight children.

his
JOSEPH × NISWANGER.
mark.

Sworn to and subscribed, October 17, 1833.

L. F. LINN, *Commissioner.*

George F. Bollinger, of lawful age, being sworn, deposeth and saith that he is well acquainted with the claimant, Gasper Schell; that he emigrated to this country in the spring or summer of 1804; that some time after, he settled on the place where he now lives, and has resided there ever since; that he has made valuable improvements on the same, to wit: a good dwelling-house, out-houses, barn, stables, mill, distillery, good orchard, &c.

GEORGE F. BOLLINGER.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 159.)

June 11, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Gasper Schell, claiming 640 acres of land. (See book No. 7, page 159.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 178.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 39.—*Peter Boyer,* 639¾ *acres and* 12 *perches.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
39	Peter Boyer.	639¾ 12 p.	Settlement right.		Survey on record, without date or signature. West bank of the Old Mine creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 16, 1808.—Board met, on application of a claimant. Present: Hon. John B. C. Lucas and Frederick Bates.

Pierre Boyer, claiming 639¾ acres and 12 perches of land, situate on the west bank of the old Mine creek, district of St. Genevieve, produces to the board a notice of said claim to the recorder, dated 8th May, 1807; also a plat of the same, without date, and surveyor not named.

Jean Portell, sworn, says that claimant settled on said land in 1802, and has inhabited and cultivated the same to this day.

Laid over for decision. (See No. 3, page 226.)

December 30, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Boyer, claiming 639¾ acres and 12 perches of land. (See book No. 3, page 226.)

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 547.)

April 10, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Peter Boyer, claiming 639¾ acres of land, situated on Old Mine creek. (See record-book C, page 509; minutes, No. 3, page 226; No. 5, page 547; Bates's decisions, page 75. See book No. 7, page 124.)

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Peter Boyer, claiming 639¾ acres. (See book No. 7, page 124.)

The board are of opinion that this claim ought not to be granted. The said Peter Boyer claims 400 arpens of land under the Old Mine concession. (See book No. 7, page 180.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 40.—*Charles Denné, claiming* 750 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
40	Charles Denné.	750	Settlement right.		John Harvey, D. S., 22d February, 1806. Received for record, 26th February, 1806, by A. Soulard, surveyor general. On river Dardenne.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 7, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, and Clement B. Penrose, esq.

James Morrison, assignee of Charles Denné, claiming 750 arpens of land, situate on the river Dardenne, district of St. Charles, produces a survey of the same, dated the 22d, and certified the 26th February, 1806, and a deed of transfer, dated April 9, 1805.

Joseph Voisin, being duly sworn, says that the said Denné did, some time in July, 1803, begin the building of a house, and planted fruit-trees.

The board reject this claim. (See book No. 1, page 449.)

September 10, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Morrison, assignee of Charles Denné, claiming 750 arpens of land. (See book No. 1, page 449.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 494.)

April 5, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Charles Denné, by his legal representative, James Morrison, claiming 750 arpens of land, situate near Dardenne, under settlement right. (See record-book B, page 231; minute-books No. 1, page 449, and No. 4, page 494.)

Gabriel Latreille, duly sworn, says that he is 64 years of age; that he came to this country in the year 1793; he resided in St. Charles for the last 38 years; that, in the beginning of the year 1803, he went on the land claimed, in company with said Denné, who had then a cabin built and peach-trees planted, which appeared, by their growth, to have been planted two years before, and were in a piece of ground fenced in, of about half an arpen in superficie, the house standing outside of the fence; that said Denné was a single man, who lived with his brother-in-law, and went on his land to work without living on the same; that said Denné sold his improvement to James Morrison.

Claimant produces a plat of survey, dated 22d February, 1806, by John Harvey, D. S., and received for record by Soulard, S. G., 26th February, 1806. (See record-book No. 6, page 513.)

October 8, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, and J. H. Relfe, commissioners.

In the case of Charles Denné, claiming 750 arpens of land, (see book No. 6, page 513,) the following testimony was taken by James S. Mayfield, commissioner:

Andrew Zumalt, produced and sworn, on his oath states that he saw an improvement on the land mentioned, but does not recollect that he ever saw Mr. Denné at work on the land aforesaid; that the improvement mentioned was always called Denné's improvement, and at that time the said Denné was a single man; and further,

that the said improvement consisted of the clearing of a small spot of ground, and enclosing the same, with the erection of a small building or hut on the same. Deponent further states that said Denné was in possession of the land or improvement, two years or more, as he thinks, before the change of government.

his
ANDREW × ZUMALT.
mark.

Sworn to this 3d day of July, 1834, at St. Charles.
(No. 7, page 17.) JAMES S. MAYFIELD, *Commissioner.*

June 12, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Charles Denné, claiming 750 arpens of land. (See book No. 6, page 513; No. 7, page 17.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 180.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 41.—*Jean Baptiste Vallé and François Vallé, claiming* 7,056 *arpens.*

To his Lordship, the Intendant of the province of Louisiana, in his mansion at New Orleans:

François Vallé, captain, civil and military commandant of the post of St. Genevieve of Illinois, and Jean Baptiste Vallé, his brother, captain of militia in the said post, supplicate very humbly, and have the honor to represent, that they have established and constructed, at a very great expense, two mills, one for grinding and the other for sawing, in the vicinity and between the posts of St. Genevieve and New Bourbon, which mills have been, till now, of the greatest utility to the numerous inhabitants of those two posts; that, by a necessary consequence of the increase of population in those two places and in their districts, in the extent of which considerable clearings and falling of timber have been made, their saw-mill is on the eve of being abandoned, to the great prejudice of the public and of the petitioners, unless they promptly find the means to provide the necessary timber to keep their mill employed; that, consequently, the petitioners have searched for a tract of land not yet conceded to any person, and belonging to the King's domain, upon which there should be pine-trees, it being the kind of timber more generally used for floors, and other carpenters' works, in the upper part of this colony; that they have found such a tract, situated at the place called the Pinery of River aux Vases, having about one league in length on the two ridges of hills running along the south branch of the said River aux Vases, and adjoining the north branch of the said river. The petitioners presume to flatter themselves of obtaining this concession of your goodness, my lord, because it is the only means to prevent the ruin of their said saw-mill, and of continuing to furnish to the daily wants of the public; and that, besides, it is notorious that the greatest part of the soil in this tract is not suitable for any kind of cultivation, and they will prove, by an act drawn in due form before the commandant of New Bourbon, in whose district the said land is situated, (according to the rules prescribed by the relation regulating to the demands of concessions,) that the land they solicit has never been granted to any one, and evidently belongs to the King's domain: therefore, the petitioners apply to you, and earnestly implore your goodness, justice, and authority, my lord, praying that you may be pleased to grant to them, their heirs and assigns, in full property, the concession of the above-mentioned tract of land, being a part of the Pinery of River aux Vases, extending about one league in length upon the two ridges of hills which run along the south branch of the said River aux Vases, and to join the north branch of said river, in order to use the pine and other timbers which are thereon for the works of their said saw-mill. In so doing, my lord, the petitioners shall never cease to pray for the preservation of your days.

Done in St. Genevieve, August 11, 1801. FRANCOIS VALLÉ,
J. BAPTISTE VALLÉ.

NEW BOURBON, *February* 27, 1802.

We, the undersigned, commandant of the post of New Bourbon, do certify and attest to his lordship, the intendant of the province, that the statement in the foregoing petition is very exact, sincere, and true, and that it is very essential and important for the good of the public that the petitioners' saw-mill should not be stopped for want of timber, because it is the only one which furnishes to the daily wants of the inhabitants of St. Genevieve, of New Bourbon, and even of St. Louis: therefore, we, the said commandant, convinced of the good intentions of his lordship, the intendent, toward all that may tend to the welfare of the inhabitants of this country, authorize, liable to his lordship's approbation, the said petitioners, provisionally, and exclusively of any other, to use the pine and other timbers which may be found on that part of his Catholic Majesty's domains, for which they solicit a concession by the foregoing petition, in order to keep their said saw-mill constantly employed.

PIERRE DELASSUS DE LUZIERE.

The power of attorney made to the clergyman, Don Santiago Maxwell, and the accompanying documents, have been presented. Be they all translated into the Spanish language by the interpreter, Don Pedro Derbigny, and, when it is done, let them be transmitted to the Fiscal.

MORALES.

ST. LOUIS, *July* 19, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
41	Jean Baptiste Vallé and François Vallé.	7,056	Petition to the Intendant, 11th August, 1801, and order of said Intendant to have the papers translated.		On the waters of River aux Vases.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 27, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Jean Baptiste Vallé and François Vallé, (the heirs and legal representatives of the latter,) claiming one league square of land, or 7,056 arpens, situate in the Pinery, on the waters of the River aux Vases, county of St. Genevieve. (See record-book C, page 475.) Produces a paper, purporting to be a petition from the said John B. Vallé and F. Vallé to the intendant of the province of Louisiana, dated 11th August, 1801, followed by a recommendation from Pierre Delassus de Luziere, commandant of New Bourbon, dated 27th February, 1802; and an order of Morales, the intendant, to have the papers translated into Spanish, and afterward presented to the Fiscal; also, a certificate signed by Thomas Eaddin, deputy surveyor, and others, certifying that the land demanded belongs to the King's domain.

STATE OF MISSOURI, *County of St. Genevieve:*

Bartholomew St. Gemme, aged about 59 years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with both the said J. B. Vallé and F. Vallé; that they were, for many years before the year 1801, and in the year 1801 and 1802, citizens and residents in the province of Upper Louisiana, and that the said J. B. Vallé is still a citizen and resident in the country, and that the said François Vallé continued a citizen and resident thereof till his death, and that his heirs and legal representatives have continued citizens and residents of the country ever since, and such of them as are living are still so. This deponent further says that the said J. B. Vallé and F. Vallé both had large families of children, and many slaves, with other property; that they were active, enterprising, industrious, and useful citizens. And this deponent further says, that he knows the claimants had a saw-mill in operation, as stated in the petition, in the years 1801 and 1802, and that it was useful to the public. And this deponent further says that he was well acquainted with Pierre Delassus de Luziere; that he has seen him write, and that the said P. D de Luziere was the commandant of the post and district of New Bourbon, in the year 1802, and that the name and signature to the recommendation for said grant, dated the 27th of February, 1802, is the proper name and signature, and in the proper handwriting of the said Pierre Delassus de Luziere. And this deponent further says, that the names of Thomas Maddin, François Janis, Fremon Delauriere, L. Largeau, and Pierre Delassus de Luziere, to the certificate by them signed, dated the 27th of February, 1802, are the proper names and signatures, and in the proper handwriting of the certifiers; that he has seen them write.

Sworn to and subscribed before me, Lewis F. Linn, commissioner, this 27th day of May, 1833.

B. ST. GEMME.

L. F. LINN, *Commissioner.*

(See minutes No. 6, page 196.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Jean Baptiste Vallé and François Vallé, claiming 7,056 arpens of land. (See book No. 6, page 196.)

The board have no jurisdiction on this claim, there being no concession, warrant, or order of survey. (See book No. 7, page 182.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class. 2. No. 42.—*François Vallé, jr., claiming* 7,056 *arpens.*

To his Lordship, the Intendant of the province of Louisiana, in his mansion at New Orleans:

François Valle, jr., officer of the militia of the post of St. Genevieve, and residing therein, humbly supplicates, and has the honor to represent to you that, having, until now, employed himself in working the lead mines, in which employment success is always uncertain, and wishing to have his activity and industry occupied in a more secure undertaking, that of a saw-mill has fixed his attention; and having visited several parts of the country, he has succeeded in finding a place fit and suitable for the erecting of a saw-mill, situated at the end of the pinery of River aux Vases, and consisting in one league square, extending along on the two ridges of hills of the north and south branches of said river, and adjoining, on the western side, the concession demanded by Messrs. François Vallé, sr., and Jean Baptiste Vallé, his brother. The petitioner having procured an excellent workman, well versed in the construction of mills, and having already provided himself with the machinery necessary to erect a saw-mill in the place above mentioned, which he binds himself to build and establish immediately; he flatters himself so much the more to obtain this concession of your goodness, my lord, that it is a notorious truth that the said saw-mill shall be of the greatest utility to the public, and particularly to the inhabitants of St. Genevieve and New Bourbon, and, even of St. Louis; there remaining at the present but only Messrs. F. Vallé, sr., and J. B. Vallé's (his brother's) saw-mill, which is situated at St. Genevieve, and is insufficient to provide to the daily and urgent wants of the said inhabitants; and it is also equally notorious that the above-mentioned tract of land of one league square, for which the petitioner solicits a concession, belongs to his Catholic Majesty's domain, and has not been granted to any person. Therefore, the said petitioner applies to you, my lord, praying that you will be pleased to grant to him, his heirs or assigns, in full property, a concession for the said league square of land, situate toward the end of the pinery of River aux Vases, such as it is here above designated, in order to erect thereon the said saw-mill, and to cut and use, for the work of the said mill, the pine-trees and other timbers which may be found on said tract, exclusively to any other persons. In doing which, the petitioner shall never cease to pray for the preservation of your precious life.

ST. GENEVIEVE, *March* 10, 1802.

FRANCOIS VALLÉ, JR.

NEW BOURBON, *March* 13, 1802.

We, the undersigned, captain commandant of the post of New Bonrbon, in whose district is situated the concession demanded by the petitioner, do certify to his lordship the intendant, that the statement in the foregoing

petition is sincere, exact and true, and that the petitioner is worthy, under all points of view, to obtain the concession which he solicits.

PIERRE DELASSUS DE LUZIERE.

It has been presented, together with the power of attorney and accompanying documents. Let them be all translated by the interpreter, Don Pedro Derbigni, and when so translated, let them be laid before the Fiscal.

MORALES.

St. Louis, *July* 20, 1823. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
42	François Vallé, jr.	7,056			On River aux Vases, district of St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 1, 1807.—The board met, pursuant to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

The same (Francis Vallé), claiming 7,056 arpens of land, situate in the district of New Bourbon, on the River aux Vases.

Produces a petition to Morales, the intendant general at New Orleans, for the above quantity of land, for the purpose of building a saw-mill, dated the 10th of March, 1802, together with a recommendation from Pierre D. de Luziere, commandant of the district of New Bourbon, to the said intendant general, stating that the claimant is worthy of the grant solicited; also an order by the said Morales to Peter Derbigny, translator, to have the petition and recommendation translated, and then to be transmitted to the Fiscal for examination.

Thomas Dodge, being duly sworn, says that Francis Vallé, jr., began to build a mill and a cabin on said land in July, and finished it in November, 1802, and it was inhabited from that time until this day for claimant; was cultivated in 1803, and ever since; that the mill worked ever since it was completed, when there was a sufficiency of water. Laid over for decision. (Minutes, No. 3, page 107.)

April 17, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

François Vallé, claiming 7,056 arpens of land. (See book No. 3, page 107.)

It is the opinion of the board that this claim ought not to be confirmed. (Book No. 4, page 326.)

June 26, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

François Vallé, jr., son of François Vallé, sr., deceased, claiming one league square, or 7,056 arpens of land, situate in the pinery, on the waters of the River aux Vases, or Muddy creek, in the county of St. Genevieve. (See record-book C, page 394; minutes No. 3, page 107; No. 4, page 326.)

Produces a paper purporting to be a petition to the intendant of Louisiana, dated 10th March, 1802, following which, is a recommendation, dated 13th March, 1802, signed by Pierre Delassus Deluziere, commandant of New Bourbon. and an order signed by Morales, the intendant general, to have the documents translated and presented to the Fiscal. Also, a certificate, signed by Thomas Maddin, deputy surveyor, and others, before the commandant of New Bourbon, certifying that the land demanded belongs to the royal domain; also a receipt of Maxwell, dated 13th March, 1802, for the above papers.

State of Missouri, *County of St. Genevieve:*

John Baptiste Vallé, sr., aged about 72 years, being duly sworn, as the law directs, deposeth and saith that he has often seen François Vallé, jr., write; that he is well acquainted with him, and that the name and signature to the said petition, dated 10th March, 1802, is the name and signature and in the proper handwriting of the said François Vallé, jr. And this deponent further says that he was well acquainted with Pierre Delassus de Luziere; that he has often seen him write; that he was commandant of the post and district of New Bourbon, in the year 1802, and that the name, and signature, and handwriting to the recommendation for said grant, dated 13th day of March, 1802, is the proper name and signature, and in the proper handwriting of the said Pierre Delassus de Luziere. And this deponent further says that he is well acquainted with the tract of land claimed by the said François Vallé, jr., and that the said François Valle, jr., the claimant, did, in the course of the year 1802, build and erect a water saw-mill on the head-waters of River aux Vases, on the said tract of land, for a grant of which he had petitioned, and that the said saw-mill was in complete operation in the spring of the following year, and continued in such operation until about the year 1812 or '13, when it was swept away by an extraordinary flood. And this deponent further says that he knows that the said François Vallé, jr., his servants and workmen, resided at the said mill, on the said tract, at the time the said mill was in operation. And further, this deponent says that, at the date of the application, and long before, the said François Vallé, jr., was a citizen and resident in this province of Upper Louisiana, and has continued and still is a citizen and resident in the province and in this county; that he was born in the province.

Sworn to and subscribed before me, Lewis F. Linn, this 4th day of May, 1833.

J. B. VALLÉ,
L. F. LINN, *Commissioner.*

And also came John B. Vallé, jr., as a witness, aged about 49 years, who, being also sworn, as the law directs, deposeth and saith that he was in company with Mr. Thomas Maddin, deputy surveyor to Mr. Antoine Soulard, his Catholic Majesty's surveyor general, over the upper parts of the province of Louisiana, when he, the said Thomas Maddin, surveyed the said tract of land, of one league square, for the said François Vallé, jr., the claimant; that he, this deponent, was employed as one of the chain carriers on the making of the said survey; the exact time he does not now recollect.

Sworn to and subscribed before me, Lewis F. Linn, this 20th day of May, 1833.

J. B. VALLÉ, Jr.,
L. F. LINN, *Commissioner.*

(No. 6, page 193.)

June 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

François Vallé, jr., claiming 7,056 arpens of land. (See book No. 6, page 193.)

The board have no jurisdiction on this claim, there being no concession, warrant, or order of survey. (See book No. 7, page 182.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 43.—*John Ramsey, claiming* 848 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
43	John Ramsay.	848	Settlement right.		John McHenry, D. S. Received for record, 28th Feb., 1806. Ramsay's creek, district of St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Ramsay, claiming 848 arpens 80 perches of land, district of St. Charles, produces record of a plat of survey, certified 28th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 485.)

July 6, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

John Ramsay, by his legal representatives, claiming 848 arpens of land, situated on Sandy creek. (See record-book B, page 345; minutes, No. 5, page 485.)

Ira Cottle, duly sworn, says that he knew John Ramsay, and that said Ramsay was married before the change of government. (See minutes No. 6, page 216.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Ramsay, claiming 848 arpens of land. (See book No. 6, page 216.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 282.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 44.—*John Draper, claiming* 747 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
44	John Draper.	747	Settlement right.		Joseph Cottle, D. S., 12th Feb., 1806. Received for record, by Soulard, S. Gen., Feb. 27, 1806. Bob's creek, St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 12, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, and James L. Donaldson, esq.

John Draper, claiming as aforesaid (under the 2d section of the act of Congress) 747 arpens of land, situate as aforesaid, (on the Dardenne, district of St. Charles,) produces a survey of the same, dated February 12th, 1806, and a certificate of permission to settle from James Mackay, dated 28th February, 1806.

Zadock Woods, being duly sworn, says that claimant settled said tract of land in 1803, built a house on the same, and enclosed a few arpens of the same; that he was by profession a well-digger, and on the 20th day of December, 1803, of the age of 21 years and upward, and claims no other lands, in his own name, in the territory.

The board reject this claim. (See minutes, book No. 1, page 400.)

August 19, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

John Draper, claiming 747 arpens of land. (See book No. 1, page 400.) Certificate of permission stated to be produced, not found of record. It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 319.)

July 6, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

John Draper, by his legal representatives, claiming 747 arpens of land, situate on Bob's creek. (See record-book B, page 257; minutes, No. 1, page 400; No. 5, page 319.)

Ira Cottle, duly sworn, says that, some time in 1802, he knew John Draper having a house on Bob's creek; that Draper dug a well on said place. (See book No. 6, page 215.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Draper, claiming 747 arpens of land. (See book No. 6, page 215.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 182.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 45.—*Bartholomew Richard, claiming* 1,200 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Colonel in the armies of his Majesty, and Commander-in-chief of Upper Louisiana:*

Bartholomew Richard humbly supplicates and has the honor to represent to you, that he would wish to settle in this colony and employ himself in agriculture, as a subject of his Catholic Majesty, if you were pleased to give him a share of the favors which are heaped by this government upon the inhabitants who cultivate the soil. Encouraged by this hope, the petitioner prays you, sir, to be pleased to grant him, in the district of Cape Girardeau, a concession of 1,200 arpens of land in superficie; favor which he expects of your justice.

B. RICHARD.

CAPE GIRARDEAU, *December* 12, 1798.

We, commandant of the post of Cape Girardeau, do inform the commander-in chief of Upper Louisiana, that the petitioner, as well on account of his means as of his industry and the fair character he bears, deserves the concession which he solicits, as the same belongs to his Majesty's domain, and is not prejudicial to anybody; therefore, we are induced to recommend him particularly to the beneficence of the government.

L. LORIMIER.

CAPE GIRARDEAU, *December* 13, 1798.

ST. LOUIS OF ILLINOIS, *December* 29, 1798.

The surveyor, Don Antonio Soulard, shall put the party interested in possession of the land which he solicits, and afterward shall make out a plat and certificate of his survey, in order to serve to solicit the concession from the governor general of the province, who shall be informed that said land asked for is vacant, and that the petitioner conducts himself in such a manner as to deserve the favor which he solicits.

ZENON TRUDEAU.

ST. LOUIS, *February* 7, 1834. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
45	B. Richard.	1,200	Concession, 29th Dec., 1798.	Zenon Trudeau.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Peter Menard, assignee of Peter Dumay, assignee of Bartholomew Richard, claiming 1,200 arpens of land, situated in the district of Cape Girardeau, produces record of a concession from Zenon Trudeau, dated 29th December, 1798.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 492.)

December 5, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Bartholomew Richard, claiming 1,200 arpens of land, situated in the district of Cape Girardeau. (See record-book E, page 26; minutes, No. 5, page 492.)

Produces a paper purporting to be an original concession from Zenon Trudeau, dated December 29, 1798.

M. P. Leduc, duly sworn, says that the signature to the recommendation is in the proper handwriting of Louis Lorimier, commandant of Cape Girardeau, and that the signature to the concession is in the proper handwriting of Zenon Trudeau.

ST. GENEVIEVE, *April* 29, 1835.

Personally appeared before me, one of the commissioners appointed, &c., Mr. Antoine Lachapelle, who, after being duly sworn, deposeth and saith that he knew that Mr. Bartholomew Richard inhabited and cultivated a tract of land in Cape Girardeau county, then Upper Louisiana, which tract of land was known by the name of the Old Cape; that he knew the said Richard to be an active, industrious, and worthy man; that the said Richard inhabited and cultivated said place at the Old Cape, in 1798 and 1799.

ANTOINE his × mark. LACHAPELLE.

L. F. LINN, *Commissioner.*

(See book No. 6, page 365.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Bartholomew Richard, claiming 1,200 arpens of land. (See book No. 6, page 365.)

The board are of opinion that this claim ought not to be confirmed, the said Richard having abandoned said land, which was afterward granted to Pierre Dumais, under a concession dated January 23, 1800. (See book No. 7, page 184.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 46.—*Isidore Lacroix, claiming* 6,000 *arpens.*

To Mr. ZENON TRUDEAU, *Lieutenant Colonel of the stationary regiment of Louisiana, Lieutenant Governor of the western part of Illinois:*

Isidore Lacroix, merchant, of Michilimackinac, humbly supplicates and has the honor to represent that, desiring to fix his residence in your jurisdiction, therefore he has the honor to supplicate you to grant to him a lot which is convenient to him for the purpose of building a house, situated in his Majesty's domain, bounded on all sides by public roads, and containing 303 feet in depth by 240 in width; said lot is situated half-way up the hill, in the direction of the village of St. Charles of Missouri, opposite the lot of one Cadieu. He supplicates you also to grant to him a tract of arable land, of 10 arpens in width by 40 in depth, immediately following the lands already conceded, and near to Mr. François Duquette, at the Marais Croche. He supplicates you furthermore to grant him 6 arpens in front, from the Marais Croche to the Missouri. The petitioner presumes to hope, sir, that you will condescend to receive his demand, although he is a foreigner, with that generosity and goodness with which you have gained the esteem and affection of all those who have had the honor of applying to you. It is with that confidence that the petitioner sends you the present petition; he is persuaded that you will grant his demand. He has the honor to be, with the greatest respect, sir, your very humble and very obedient servant,

LITTLE HILLS, ST. CHARLES, *January* 17, 1797. ISIDORE LACROIX.

ST. LOUIS, *January* 23, 1797.

I have the honor to inform the lieutenant governor that the lot demanded belongs to the King's domain, and is not prejudicial to any one; that the vacant land between the line of Mr. Duquette and the Marais de Tems-clair also belongs to his Majesty's domain, and it is doubtful whether it contains 10 arpens; that the land demanded at the Marais Croche has been reserved for the use of the prairie lands in the district of St. Charles.

CHARLES TAYON.

ST. LOUIS, *January* 23, 1797.

The surveyor of this jurisdiction, Don Antonio Soulard, shall put Mr. Isidore Lacroix in possession of the vacant lot of 240 feet in width by 300 in depth, situated in the village of St. Charles, as also of the space of vacant lands between Mr. Duquette and the Marais de Tems-clair, (Clear-weather swamp,) giving to the said tract forty arpens in depth. As to the demand on the Marais Croche, (Crooked swamp,) it cannot be admitted.

ZENON TRUDEAU.

ST. LOUIS, *August* 9, 1833. Truly translated from book C, page 281.

JULIUS DE MUN.

Don ANTONIO SOULARD, *Surveyor General of Upper Louisiana:*

I do certify that, on the 5th of December, 1799, (by virtue of the annexed decree of the lieutenant governor, Don Zenon Trudeau, dated January 23, 1797,) I went on the land of Don Isidore Lacroix, in order to survey the same, according to his demand, being 4,400 arpens in superficie. This measurement was made in presence of Don Francisco Duquette, by virtue of the power given him by the proprietor to that effect, and of the adjoining neighbor, with the perch of Paris, of eighteen feet in length, according to the custom adopted in this province of Louisiana, and without regard to the variation of the needle, which is 7° 30′ E., as evinced by the foregoing figurative plat. This land is situated in the Grand prairie called Prairie du Marais Croche, and at about six miles N. E. from the post of St. Charles, bounded on its three sides, N. E., S. E., and N. W., by vacant lands of the royal domain, and on its front S. W. by lands cultivated by the inhabitants of the town of St. Charles, which are called lands of the Grand prairie of the Crooked swamp. In testimony whereof, I do give these presents, together with the foregoing figurative plat, on which are indicated the dimensions and the natural and artificial limits which surround said land.

ST. LOUIS OF ILLINOIS, *May* 30, 1803. ANTONIO SOULARD, *S. G.*

Augmentation of Mr. Duquette, at the Marais Tems-clair, (Clear-weather swamp,) district of St. Charles. Last survey of Mr. Duquette, 1,880 arpens.

June 28, 1805. JNO. HARVEY, *Deputy Surveyor.*

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, May* 12, 1835.

I certify the above certificate of survey to be truly translated from book D, page 179, of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
46	Isidore Lacroix.	6,000	Concession for the vacant space between Duquette and the swamp, by 40 arpens in depth; 23d Jan., 1797.	Zenon Trudeau.	4,400 arpens, by A. Soulard, December 5th, 1799; 6 miles northeast from St. Charles; 1,880 arpens, by John Harvey, deputy surveyor, June 28, 1805, on Clearweather swamp.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 15, 1806.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas and Clement B. Penrose, esq.

The same, (Francis Duquette,) assignee of the same, (Isidore Lacroix,) claiming 6,000 arpens of land, situate district of St. Charles, and adjoining the town, produces a petition for a tract contained within certain natural boundaries therein described; a certificate from Charles Tayon, the then commandant of St. Charles, stating his belief that the land petitioned for will not exceed ten arpens in width; a warrant of survey from Zenon Trudeau, dated January 23, 1797, for such a quantity as may be found in breadth between a tract, the property of said claimant and the Marais Tems-clair, by a depth of forty arpens, together with a survey of 4,400 arpens, taken December 5, 1799, and certified May 30, 1803; and a deed of transfer of the same, dated September 6, 1800.

Françoise Fabien, being duly sworn, says that the said tract of land was cultivated above nine years ago.

The board reject this claim, and remark that, from the papers on record, it appears that 400 arpens were intended to be granted by the aforesaid concession. (See book No. 1, page 464.)

December 5, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

Francis Duquette, assignee of Isidore Lacroix, claiming 6,000 arpens of land. (See book No. 1, page 464.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page, 225.)

July 8, 1833.—L. F. Linn, esq., appeared, pursuant to adjournment.

Isidore Lacroix's representatives, claiming 6,000 arpens of land, situated at Marais Tems-clair, county of St. Charles. (See book C, page 281; book D, page 178, two surveys; minutes, book No. 1, page 464; No. 4, page 225. See No. 6, page 224.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Isidore Lacroix, claiming 6,000 arpens of land. (See book No. 6, page 224.)

The board are of opinion that this claim ought not to be confirmed, claimant having had the lot in St. Charles confirmed, as also four hundred arpens of land, (see Bates's decisions, pages 59 and 53,) and no more being granted by the concession. (See book No. 7, page 184.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 47.—*John McCormack, claiming* 1,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
47	John McCormack.	1,000	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Henry Cook, heir of McCormack, claiming 1,000 arpens of land, situate on Mill creek, district of St. Louis, produces a notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 457.)

March 5, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

John McCormack, by his heir at law, Henry Cook, claiming 1,000 arpens of land, situate on Mill creek, district of St. Louis, under a settlement right. (See record-book D, page 219; minute-book No. 5, page 457.)

James McRoberts, being duly sworn, says that he is upward of seventy years of age, and knows the tract claimed; that he came to this country in the year 1786, and resided on the east side of the Mississippi; that in the year 1789 he crossed to this, the west side of the Mississippi, for the first time, and passed by and saw this improvement; it then had the appearance of an old improvement; the stumps then looked old and were much decayed; the undergrowth had sprung up; the fences and buildings had been destroyed by fire; the place had not been cultivated for several years, as he understood, McCormack having died some years before; his widow had married again and moved off the place. Witness was informed that the place had been cultivated for some years before the death of McCormack. Witness passed frequently by this place in 1789, '90, and '91, and thinks it was the oldest improvement in that part of the country; he understood that there had been a mill built near this improvement by a man of the name of Thomas Tyler, who built it for the purpose of grinding for a few families; McCormack had charge of the mill; it was, however, soon washed away and never rebuilt. (See book No. 6, page 504.)

June 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

John McCormack, claiming 1,000 arpens of land. (See book No. 6, page 504.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 186.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 48.—*James Bevins, claiming* 200 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
48	James Bevins.	200	Settlement right,		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Bevins, claiming 200 arpens of land, situate on Whitewater, district of Cape Girardeau, produces to the board, as a special permission to settle, list B, on which claimant is No. 31.

The following testimony in the foregoing case, taken, as aforesaid, at Cape Girardeau, June 3, 1808, by Frederick Bates, commissioner:

Isaac Miller, duly sworn, says that this land was first settled in 1805, a cabin then built, and four or five acres enclosed and cultivated; constantly inhabited to this time; about 14 acres now in cultivation; no family. Laid over for decision. (See No. 4, page 41.)

February 21, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Bevins, claiming 200 arpens of land. (See book No. 4, page 41.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 283.)

January 10, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Bevins, by his legal representatives, claiming 640 acres of land, situate on Whitewater, county of Cape Girardeau. (See minutes, book No. 4, pages 41 and 283.)

STATE OF MISSOURI, *County of Cape Girardeau:*

Isaac Miller states that he moved to and settled in the district of Cape Girardeau, Upper Louisiana, now State of Missouri, in the year 1803; that he was well acquainted with one James Bevins, who also moved to and settled in said district, in said year 1803. This affiant and the said Bevins, in the same year they arrived in the country, called on Lorimier, the Spanish commandant at Cape Girardeau, for land, and got permission to settle. This affiant knows that the said James worked and made improvement on main Whitewater, in said district, in the winter of 1803, and raised corn thereon the next year, where he lived. The said James died in the winter of 1804; the said place is now owned by the heirs of one John Miller.

ISAAC MILLER.

Sworn to and subscribed, October 19, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 455.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

James Bevins, claiming 200 arpens of land. (See book No. 6, page 455, where this claim is entered for 640 acres.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 187.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 49.—*Morris Young, claiming* 300 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
49	Morris Young.	300	Settlement right.		James Boyd, D.S. No date. Countersigned A. Soulard.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Morris Young, claiming 350 arpens 95 perches of land, situate on a fork of Byrd's creek, district of Cape Girardeau, produces to the board, as a special permission to settle, list B, on which claimant is No. 41, for 300 arpens, a plat of survey signed B. Causin, countersigned Antoine Soulard, S. G. Laid over for decision. (See No. 4, page 41.)

February 21, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Morris Young, claiming 350 arpens of land. (See book No. 4, page 41.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 282.)

December 24, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Morris Young, claiming 300 arpens of land, under a special permission to settle. (See minutes No. 4, pages 41 and 282; record-book B, page 338.)

STATE OF MISSOURI, *County of Cape Girardeau:*

Personally appeared before L. F. Linn, one of the commissioners, George F. Bollinger and Moses Byrd, who, being duly sworn, deposeth and saith that they are well acquainted with Morris Young, the above-named claimant; that said Young emigrated to this country in the year 1804; that he is a mechanic, a blacksmith by trade; that he has resided in this country ever since, and followed his trade, and also cultivated or tilled the earth as a farmer. And Moses Byrd, one of the deponents, further states that he was present at the commandant's, Louis Lorimier, in the year 1802 or '3, when Joseph Young, the brother of the claimant, applied to said commandant for a permission or grant for the above claimant, Morris Young.

GEORGE F. BOLLINGER,
MOSES BYRD.

Sworn to and subscribed, October 18, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6. page 408.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Morris Young, claiming 300 arpens of land. (See book No. 6, page 408.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 187.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 50.—*David Reese, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
50	David Reese.	640	Settlement right.		William Johnson, 3d February, 1806. Recorded by Soulard, 20th Feb., 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 5, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

David Reese, claiming, under the 2d section of the act, 240 arpens of land, situate on a fork of the river St. Francis, district aforesaid, produces a certificate of survey, dated 19th (20th) February, 1806.

Robert A. Logan, being duly sworn, says that claimant settled this tract of land, by his agent, Charles Logan, in 1803; that he moved on the same in the fall of 1805, and has actually inhabited and cultivated the same to this day; was of the age of twenty-one years and upward on the 20th of December, 1803, and claims no other land in his own name in the territory.

The board reject this claim. (See book No. 1, page 278.)

August 15, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

David Reese, claiming 240 arpens of land. (See book No. 1, page 278.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 309.)

January 4, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

David Reese, by his legal representatives, claiming 640 acres of land, situate on the waters of the St. Francis. (See book No. 1, page 278; No. 5, page 309; record-book B, page 469.)

STATE OF MISSOURI, *County of Cape Girardeau:*

Francis Clark, being duly sworn, says that he is well acquainted with David Reese; first became acquainted with the said Reese early in the year 1804, in the district of Cape Girardeau, Upper Louisiana. The said Reese was then living on the St. Francis river, in said district; his improvement was small; there were fruit-trees then growing on the said place; the trees were of tolerable size, and looked as if they had been set out some time before; the said place is still claimed by the said Reese, and there is a good house on it, and some ten or fifteen acres cleared. The said place is situated on the St. Francis river, about twelve miles west of north of Greenville, Wayne county, Missouri. There is no other old settler except himself, the deponent, and Mr. Pavrick, who is too old and infirm to come to Jackson, now living in the section of country where the above land is situated.

his
FRANCIS × CLARK.
mark.

Sworn to and mark made October 15th, 1833, in presence of

L. F. LINN, *Commissioner.*

(See No. 6, page 412.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

David Reese, claiming 640 acres of land. (See book No. 6, page 442.)

The board are of opinion that this claim ought not to be granted, (See book No. 7, page 187.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 51.—*Benjamin Pettit, jr., claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
51	Benjamin Pettit, jr.	640	Settlement right.		On the waters of St. Francis river, Madison county.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 28, 1812.—Benjamin Pettit, jr.'s, representatives, claiming 640 acres of land, on St. Francis, district of Cape Girardeau.

Benjamin Pettit, sr., duly sworn, says that claimant settled this tract in 1803, and planted peach-trees. In this year claimant was taken sick and removed to house of witness, his father, and never returned, having died soon after; claimant had a wife and five children in 1803. (See recorder's minutes, page 17.)

December 26, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Benjamin Pettit, jr., by his legal representatives, claiming 640 acres of land, situate on the waters of St. Francis, county of Madison. (See record-book F, page 13; recorder's minutes, page 17; Bates's decisions, page 28.)

STATE OF MISSOURI, *County of Madison:*

John Clements, aged about fifty-three years, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with the original claimant, Benjamin Pettit, jr., who was the son of Benjamin Pettit, sr., they both bearing the same name; that Benjamin Pettit, jr., had a wife and family; that he came to this country, then the province of Upper Louisiana, in the year 1803. Witness also knows the land claimed; he was with the claimant when he drove his wagon with his family on the land in the fall of 1803, and settled on the same; that claimant immediately built a cabin or house on the same, and resided thereon with his family till he became sick and afflicted, when he went near to his father's, where he died.

his
JOHN × CLEMENTS.
mark.

Sworn to and subscribed before me, this 22d October, 1833.

L. F. LINN, *Commissioner.*

And also came Samuel Campbell, a witness, aged about sixty-eight years, who, after hearing the above and foregoing deposition read, deposeth and saith that he knows the same facts, and that the statements in the same are substantially correct and true.

SAMUEL CAMPBELL.

Sworn to and subscribed before me, this 22d October, 1833.

L. F. LINN, *Commissioner.*

Also came John L. Pettit, a witness, aged about fifty-one years, who, being duly sworn, as the law directs, deposeth and saith that he was well acquainted with the original claimant, who was his brother; that he had a wife and five children; that he came to this country, then the province of Upper Louisiana, in the fall of 1803; that he immediately moved on the land claimed (which he, witness, also knew) and settled on the same, built a house and lived therein till he became sick, when he made a temporary removal near to his father's, who was also called Benjamin Pettit, for the purpose of having better attendance during his sickness, when he died.

JOHN L. PETTIT.

Sworn to and subscribed before me, this 23d October, 1833.

L. F. LINN, *Commissioner.*

And also came John Reaves, a witness, aged about seventy-three years, who, being also duly sworn as the law directs, deposeth and saith that he was well acquainted with Benjamin Pettit, jr., the original claimant; that he came to this country, then the province of Upper Louisiana, in the year 1802 or 1803. Witness also knows the land claimed, and knows that the claimant actually settled on the same in the spring of 1803; built a cabin on the land, in which he resided with his family; claimant had some land fenced in and cleared in 1803, and a garden in cultivation on the same; the claimant continued to reside on the land till he became sick, when he was brought up by his father near himself, that he might be attended to during his sickness, as there was no person living near the place where he settled; and that, some time in the year 1804, claimant died. Witness knows the land was claimed for him by his father, Benjamin Pettit, sr., as he was present and paid the recording fees; and the witness also knows that the land claimed has always been called Benjamin Pettit, jr.'s place, and still is so; and witness also knows that the land claimed has been actually inhabited and cultivated ever since.

his
JOHN × REAVES.
mark.

Sworn to and subscribed before me, this 23d October, 1833.

(See book No. 6, page 412.)

L. F. LINN, *Commissioner.*

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Benjamin Pettit, jr., claiming 640 acres of land. (See book No. 6, page 412.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 188.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 52.—*Robert Burns, claiming* 640 *arpens.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
52	Robert Burns.	640	Settlement right.		On the waters of the St. Francis river, county of Madison.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 28, 1813.—Robert Burns, claiming 600 arpens of land, on the waters of river St. Francis, county of St. Genevieve.

Joshua Edwards, duly sworn, says that claimant came to the country in 1803, and remained in St. Francis till a short time ago, when he went to Black river to build a mill. He made corn on the ground of other claimants from 1804 till lately. (See recorder's minutes, page 117.)

December 27, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Robert Burns, by his legal representatives, claiming 640 acres of land on the waters of the St. Francis, county of Madison. (See book F, page 53; recorder's minutes, page 117, and Bates's decisions, page 36.)

STATE OF MISSOURI, *County of Madison:*

John Matthews, aged about sixty-two years, being duly sworn as the law directs, deposeth and saith that he was well acquainted with the claimant, Robert Burns; that he came to this country, then the province of Upper Louisiana, in the year 1803, and that he continued a citizen and resident in the country till he died, about two years since.

JOHN MATTHEWS.

Sworn to and subscribed before me, this 31st day of May, 1833.

L. F. LINN, *Commissioner.*

And also came Thompson Crawford, a witness, aged about 47 years, who, being duly sworn, deposeth and saith, that he is well acquainted with Robert Burns, the original claimant; that he came to this country, then the province of Upper Louisiana, in the year 1803; witness also knows the land claimed, and also knows that the claimant settled on, improved, and cultivated the same in the years 1803 and 1804; that in 1804 claimant made a crop on the same, of corn and other things, and that he continued to inhabit and cultivate the same till the time of his death, a few years since.

THOMPSON CRAWFORD.

Sworn to and subscribed before me, this 21st October, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 419.)

June 16, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Robert Burns, claiming 640 acres of land. (See book No. 6, page 419.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 188.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 53.—*James Rogers, Jr., claiming* 750 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
53	James Rogers, jr.	750	Settlement right.		Big river, fork of Merrimack.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 18, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Rogers, jr., claiming 750 arpens of land, on Big river. (See record-book E, page 356; Bates's decisions, page 94.)

Jacob Collins, duly sworn, says that he knows the land claimed, it being the same tract confirmed to Hugh McCullick, adjoining the one claimed by deponent; that he is well acquainted with claimant; that said claimant improved and cultivated the above mentioned tract, and raised corn thereon in 1802, to the best of his knowledge; that the said James Rogers stayed with him, the deponent, and did not build a house, he being a single man; that claimant had a clever little field, and raised sound corn. (See minutes No. 6, page 177.)

July 5, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of James Rogers, jr., claiming 758 arpens of land. (See No. 6, page 177.)

Samuel Harrington, duly sworn, says that he is about 48 years of age; that he knew said James Rogers, jr., in the month of May, in the year 1801 or 1802, witness is not positive; that said Rogers came to this country at

the time above mentioned, in company with five or six families, which, after resting a few weeks, scattered about Big river, and made settlements; that said Rogers lived in the same house with Jacob Collins, and worked his improvement, which was at a distance. Witness did not see said improvement at the time, saw it only one year after said improvement was made; that he then saw house, logs, trees deadened, and land ploughed, but does not recollect of having seen corn growing on the same, but he was told that claimant had raised corn there the year before; there was then three quarters of an acre, or may be an acre, cleared. Witness does not believe that the said tract was ever cultivated since. Witness further says that said improvement lies about half way between the improvement of said Jacob Collins and that of McCullick, being about 600 yards from each; that at the time witness saw said improvement, McCullick had not yet come to this country, that said McCullick arrived in the country in the year 1803. Further says that said Rogers was an active, industrious, hard-working man, who has ever since lived in the country, but witness never knew of his living on the place; that claimant had no family, being a single man. (See book No. 6, page 540.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

James Rogers, jr., claiming 750 arpens of land. (See book No. 6, page 177.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 188.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 54.—*Reuben Middleton, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
54	Reuben Middleton.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 13, 1808.—The board met. Present: Hon. Clement B. Penrose and Frederick Bates, commissioners.

James Burns, assignee of Reuben Middleton, claiming 640 acres of land, situate at Bois-brulé, district of St. Genevieve, produces to the board a notice to the recorder, dated 27th June, 1808.

John Smith, senior, sworn, says that in the fall of the year 1804, Reuben Middleton cleared a small piece of ground on the land claimed, raised some turnips, and moved on the place, and inhabited and cultivated the same in 1805; and further, that said land has been inhabited and cultivated ever since.

Laid over for decision. (See book No. 3, page 293.)

June 19, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Burns, claiming, as assignee of Reuben Middleton, 640 acres of land. (See book No. 3, page 293.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 391.)

January 25, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

Reuben Middleton, claiming 640 acres of land, situated in Bois-brulé bottom, district of St. Genevieve. (See record book E, page 212; minute book No. 3, page 293, and No. 4, page 391.)

Personally appeared before me, L. F. Linn, one of the commissioners appointed, &c., Mr. Thomas Allen, aged about 57 years, who, after being duly sworn, states that he was acquainted with Reuben Middleton; that said Middleton emigrated to the then province of Upper Louisiana and district of St. Genevieve, in the year 1800 or 1801, and settled in Bois-brulé bottom, near a creek of the same name. Deponent states that Middleton built a house in which he lived; he opened some land and cultivated it in potatoes, &c., perhaps two or three acres.

THOMAS his × mark ALLEN.

October 25, 1833.

L. F. LINN, *Commissioner.*

Also, John Kennison appeared, who, after hearing the above deposition read, deposes and says, he believes and knows the statement above made by Mr. Allen to be true.

JOHN KENNISON.

October 25, 1833.

L. F. LINN, *Commissioner.*

(See book No. 6, page 483.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Reuben Middleton, claiming 640 acres of land. (See book No. 6, page 423.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 188.

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 55.—*Joseph Dennis, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
55	Joseph Dennis.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Dennis, claiming 250 arpens of land, situate district of Cape Girardeau, big bend of the Mississippi, produces notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 415.)

January 24, 1839.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Dennis, claiming 640 acres of land, situate on the Mississippi, in the county of Cape Girardeau. (See record book E, page 27; minute book No. 5, page 415.

STATE OF MISSOURI, *Cape Girardeau County:*

Personally appeared before L. F. Linn, one of the commissioners appointed, &c., Richard Waller, of lawful age, who, being sworn as the law directs, deposeth and saith that he was personally acquainted with Joseph Dennis; that he resided on the west bank of the Mississippi river, above the old cape, in what is called the big bend; that said Dennis had resided there some years, but how many this deponent cannot say; but in the year 1808, this deponent assisted to move said Dennis from said place to Illinois; that he had a dwelling-house erected, and a small farm opened on said place; that his family consisted of his wife and two children.

RICHARD WALLER.

Signed and sworn to in presence of

L. F. LINN, *Commissioner.*

JACKSON, *October* 15, 1833.

(See book No. 6, page 487.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Joseph Dennis, claiming 640 acres of land. (See book No. 6, page 487.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 56.—*Samuel Campbell, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
56	Samuel Campbell.	640	Settlement right.		On the waters of St. Francis river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 30, 1812.—Samuel Campbell, claiming 800 arpens of land, on the waters of St. Francis, district of St. Genevieve.

Ezekiel Able, duly sworn, says that, in 1803, saw claimant's family inhabiting this tract, and that in 1804 they still lived on the land and raised a crop. A wife and two children in 1803. (See recorder's minutes, page 20.)

August 2, 1813.—Samuel Campbell, claiming 800 arpens of land. (See minutes, 30th November last.)

David Terrell, duly sworn, says that claimant inhabited and cultivated this tract in 1803 and 1804, and till this time. (See recorder's minutes, page 50.)

December 24, 1813.—Samuel Campbell. (See minutes, pages 20 and 50.) Claimant personally appears and disavows any intention of trespassing or claiming within the lines of James Hendley, as surveyed under concession of Z. Trudeau, dated 18th May, 1798, the plat recorded in book A, page 514; and engages that he will not, at any future time, demand or accept any part of the lands within the lines of said James Hendley, and relinquishes all claim which he may have heretofore had, or pretended to have, within said lines. (See recorder's minutes, page 104.)

December 25, 1813.—Samuel Campbell. (Pages 20, 50, and 104.) Joshua Edwards duly sworn, says that Samuel Campbell lived, on 20th December, 1803, on the plantation of Benjamin Pettit, and remained there until next January following. Witness understood, both from Pettit and claimant, Campbell, that he, Campbell, was the tenant of Pettit, having rented said plantation. Previously to 20th December, 1803, witness never knew claimant to have lived one and a half or two miles below Captain Callaway's. Witness went to that settlement in 1801, and never, until about eight months ago, heard of Campbell having a claim there.

Adam Johnson, duly sworn, says that Campbell lived on Matthew's place in the summer of 1803.

Thompson Crawford, duly sworn, says that Samuel Campbell lived at Pettit's place in 1803, in winter. Witness never before this time heard of Samuel Campbell's having a claim for land about one or two miles below Captain Callaway's. Witness went to that settlement in May, 1803; believes that Campbell did not, at any time that year, inhabit that place.

William Dillon, duly sworn, says that claimant, Campbell, did not inhabit the tract claimed on 20th December, 1803. When claimant left Pettit's place, witness believes, and it was the neighborhood belief, that he went to some of the settlements of the then district of Cape Girardeau; this was some time in the year 1804. (See recorder's minutes, page 110.)

December 26, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Samuel Campbell, claiming 640 acres of land, situate on the waters of St. Francis river, county of Madison. (See record-book F, page 89; recorder's minutes, pages 20, 50, 104, and 110.)

STATE OF MISSOURI, *County of Madison:*

John Clements, aged about 53 years, being duly sworn as the law directs, deposeth and says that he is well acquainted with Samuel Campbell, the original claimant; that he first saw him in this country, then the province of Upper Louisiana, in the spring of the year 1803. Witness also knows the land claimed, and also knows that the claimant settled on the land in the year 1803; built a house on the same, and had his family there residing; witness also knows that there was several acres of land fenced in and cleared, which were actually cultivated in the years 1803 and 1804, in corn and other things; and witness also knows that the said tract of land has been actually inhabited and cultivated ever since.

his
JOHN × CLEMENTS.
mark.

Sworn to and subscribed before me, this 22d November, 1833.

L. F. LINN, *Commissioner.*

Also, came Thompson Crawford, a witness, aged about 47 years, who being duly sworn, as the law directs, deposeth and saith that he is well acquainted with Samuel Campbell, the original claimant; that he was residing in this country, the province of Upper Louisiana, in the year 1803. Witness also knows the land claimed, and that the claimant settled on the same in the latter part of the spring, or early in the summer, of 1803. Claimant built a house on the same and moved into the same; claimant built a blacksmith shop also on the land, about the same time, and did work thereon for the people around him; claimant had a family, a wife, and one child. Claimant fenced in and cleared some three or four acres of land, which was actually cultivated in the years 1803 and 1804, in corn and other things necessary, and the said tract of land has been continually, from that time, inhabited and cultivated ever since.

THOMPSON CRAWFORD.

Sworn and subscribed before me, this 23d October, 1833.

L. F. LINN, *Commissioner.*

And also, came John Reaves, a witness, aged about 73 years, who being duly sworn, deposeth and saith, that he well knew the original claimant; that he found him a settler and cultivator of the soil in 1803, when witness came to this country; the witness also knows the land claimed; claimant was residing on the same in 1803; had a house and blacksmith shop, in which the witness worked in 1803 and 1804; claimant also lived there in 1804; there was a good large field under fence, cleared and in cultivation by the claimant, and the said tract of land has been continually inhabited and cultivated ever since.

his
JOHN × REAVES.
mark.

Sworn to and subscribed before me, this 23d of October, 1833.

L. F. LINN, *Commissioner.*

(No. 6, page 414.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Samuel Campbell, claiming 640 acres of land. (See book No. 6, page 414.)

The board are of opinion that this claim ought not to be granted, claimant being a tenant in the years 1803 and 1804. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 57.—*Amable Patnotte, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
57	Amable Patnotte.	640	Settlement right.		John Stewart, D. S., 5th February, 1806. Received for record, 28th February, 1806, by A. Soulard, S. G

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS

December 6th, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Amable Patnotte, claiming 748 arpens 68 perches of land, situate in Bellevue, district of St. Genevieve, produces record of a plat of survey, dated 5th February, 1806, and certified 28th February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 477.)

July 9, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield, J. H. Relfe, and F. R. Conway, commissioners.

Amable Patnotte, claiming 640 acres of land, situate in Bellevue settlement. (See record-book B, page 232; book No. 5, page 477.)

John Stuart, duly sworn, says that in 1802 claimant had a house and garden on the tract claimed, and that said claimant has ever since resided in this country.

The following testimony was taken before James H. Relfe, esq., on the 21st of last June:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners for the adjustment of private land claims in Missouri, John T. McNeal, who deposeth and saith that Amable Patnotte, a laboring man, lived in a cabin in Mine à Breton, and cultivated a garden and other improvements in the year 1800, and continued to reside there for some years after, and that he never knew him to claim any other lands.

JOHN T. McNEAL.

Sworn to and subscribed before me, this 21st June, 1834.

JAMES H. RELFE.

(See book No. 7, page 6.)

October 8, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, and J. H. Relfe, commissioners.

In the case of Amable Patnotte, claiming 640 acres of land, (see No. 7, page 6,) the following testimony was taken by James H. Relfe, commissioner:

STATE OF MISSOURI, *County of Washington:*

Personally appeared before James H. Relfe, one of the commissioners appointed, &c., Baptiste Plaget, who deposeth and saith he removed to Mine à Breton in the year 1808, and in the spring of the year 1809 removed to the Old Mine, in the then county of St. Genevieve, territory of Missouri, and was employed by Amable Patnotte to work on a tract of land and extend an improvement; from the appearance of the old improvement, deponent thinks it had been made five or six years previous to that time.

BAPTISTE his × mark. PLAGET.

Sworn to and subscribed before me, this 28th July, 1834.

JAMES H. RELFE.

(See No. 7, page 29.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Amable Patnotte, claiming 640 acres of land. (See book No. 7, page 6.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 189.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 58.—*William McHugh, jr., claiming* 640 *acres.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
58	Wm. McHugh, jr.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, December 15, 1813.—James Morrison, assignee of William McHugh, sr., claiming 640 acres, as legal representatives of William McHugh, jr., at Sulphur spring or lick, near Bryan's creek, county of St. Charles.

Frederick Dickson, duly sworn, says that, in 1803, witness saw a cabin near the Sulphur spring, and also a small field in which vegetables, water-melons, &c. were cultivated. Witness went with claimant, McHugh, jr. on this tract in the fall of 1803, and dug potatoes, which witness has no doubt had been planted and cultivated by said William McHugh, jr. The tract and improvement went under his name and was considered as his property. McHugh, jr. was killed by the Indians in 1804. Perhaps the cabin was never completed. (See Bates's minutes, page 78.)

April 28, 1835.—The board met, pursuant to adjournment. Present: James H. Relfe, F. R. Conway, commissioners.

William McHugh, jr., by his legal representative, James Morrison, claiming 640 acres of land, situate near Bryan's creek, district of St. Charles. (See record-book F, page 112; Bates's minutes, page 78; Bates's decisions, page 33. See book No. 7, page 139.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H Relfe, commissioners.

William McHugh, jr., claiming 640 acres of land. (See book No. 7, page 139.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 190.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 59.—*Martin Thomas, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
59	Martin Thomas.	640	Settlement right.		James Boyd, D. S. Countersigned Antonio Soulard, S. G. On Whitewater.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

February 20, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Martin Thomas, claiming 350 arpens of land and 95 perches, situate on Whitewater, district of Cape Girardeau, produces to the board as a special permission to settle, list B, on which claimant is No. 33, and a plat of survey certified to be received for record February 27, 1806, by Antonio Soulard, surveyor general.

The following testimony, taken by Frederick Bates, commissioner, at Cape Girardeau, in the above claim as aforesaid, May 31, 1808:

Joseph Niswanger, affirmed, says that claimant, in 1806, enclosed about one-quarter acre of land, and planted turnip and apple seed. Laid over for decision. (See No. 3, page 481.)

December 29, 1809.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Martin Thomas, claiming 350 arpens 95 perches of land. (See book No. 3, page 481.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 241.)

January 3, 1834.—F. R. Conway, esq. appeared, pursuant to adjournment,

Martin Thomas, by his legal representatives, claiming 640 acres of land, situate on Little Whitewater, county of Cape Girardeau. (See minutes, book No. 3, page 481; No. 4, page 241; record-book B, page 292.)

STATE OF MISSOURI, *County of Cape Girardeau:*

John Cotner, being duly sworn, states that he is well acquainted with Martin Thomas, who came to this district of Cape Girardeau, Upper Louisiana, in 1803, and had an improvement on Little Whitewater, in said district, in the fall of that year, at which time turnips were sowed. Early the next spring this affiant worked on the said improvement, for the said Thomas, and assisted him in planting apple trees. The said Thomas claimed and has owned ever since he occupied it in 1804.

his
JOHN × COTNER.
mark.

Sworn to and subscribed, October 16, 1833.

L. F. LINN, *Commissioner.*

Joseph Niswanger states that he is well acquainted with the above Martin Thomas; that he has read the foregoing statement of John Cotner, and knows the facts therein contained to be true.

his
JOSEPH × NISWANGER.
mark.

Sworn before L. F. LINN, *Commissioner.*

(See book No. 6, page 440.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

In the case of Martin Thomas, claiming 640 acres of land. (See book No. 6, page 440.)

The following testimony was taken by James H. Relfe, Esq.:

Joseph Niswanger, jr. states that he is the son of Joseph Niswanger, sr.; that he and his father moved to the province of Upper Louisiana, now State of Missouri, in 1799, where he has resided ever since. He is the same person who gave a deposition before Mr. Commissioner Linn, in relation to Martin Thomas's unconfirmed land claim; that he, this affiant, never gave testimony before any previous board, but he has heard his father, Joseph Niswanger, sr., say that he was a witness in said claim before one of the previous boards, and this affiant has no doubt of the fact.

JOSEPH NISWANGER, Jr.

Sworn to and subscribed before me,

JAMES H. RELFE, *Commissioner.*

April 6, 1835.—(See book No. 7, page 133.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Martin Thomas, claiming 640 acres of land. (See book No. 6, page 440; No. 7, page 133.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 190.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 60.—*George Ayrey, claiming 750 arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
60	George Ayrey.	750	Settlement right.		Daniel M. Boone, 24th February, 1806. Received for record by A. Soulard, S. G., 28th February, 1806. District of St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

George Ayrey, claiming 750 arpens of land, situated in the district of St. Charles, produces a plat of survey, dated 24th February, and certified 26th (28th) February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 356.)

May 22, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

George Ayrey, claiming 750 arpens of land. (See record-book B, page 216, for plat of survey; minutes No. 5, page 356. See book No. 6, page 169.)

October 8, 1833.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, and J. H. Relfe, commissioners.

George Ayrey, claiming 750 arpens of land. (See book No. 6, page 169.)

The following testimony was taken before A. G. Harrison, commissioner, under a resolution passed by the board, on the 13th May, 1833:

Isaac Vanbibber, sr., being duly sworn, says that Ayrey lived with William Ramsay, sr., before the change of government, and lived with him in 1800; and his claim adjoined, as witness understood, the claim of said Ramsay.

Joshua Stogsdill, being duly sworn, says that he, (witness,) in February, 1804, made for said Ayrey, on Lick branch, an improvement on a tract of land on said branch. The improvements consisted in clearing ground and building a cabin; that said Ayrey put in a crop on said place that year, as well as witness now recollects. (See book No. 7, page 19.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

George Ayrey, claiming 750 arpens of land. (See book No. 6, page 169; No. 7, page 19.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 191.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 61.—*J. St. G. Beauvais, claiming 60 feet in circumference, &c.*

To Mr. HENRY PEROUSE DE LACOUDRENIERE, *Captain of Infantry, Civil and Military Commandant of the post of St. Genevieve:*

SIR: The undersigned has the honor of representing to you that, desiring to cross to this side to settle himself, and wishing to have his hands to work at Mine à Breton, if you were pleased to grant him a concession of sixty feet in circumference, around each hole where he may find mineral, the undersigned shall pray for your prosperity and conservation.

J. ST. G. BEAUVAIS.

ST. GENEVIEVE, *November* 19, 1788.

Be the present forwarded to Don Manuel Perez, captain of the stationary regiment of Louisiana, and lieutenant governor of this upper part, in order that he may be pleased to determine on the subject.

Given at St. Genevieve, 19th November, 1788.

PEROUSE DE LACOUDRENIERE.

Don MANUEL PEREZ, *Captain of the regiment of Infantry of Louisiana, Lieutenant Governor and Commandant of this western part and district of Illinois:*

Having seen the statement in the foregoing memorial, presented by Juan Bautista Senchem, bearing date the nineteenth of the present month and year, in which he solicits to come over to this Spanish side, to establish himself under the laws of his Catholic Majesty, in which consideration I have granted, and do grant, to him, in full property for him, his heirs, or others that may represent his right, the sixty feet in circumference, which he solicits at Mine à Breton, distant twenty or twenty-one leagues from St. Genevieve, on the same terms as he solicits, in order that he may work in said place; being well understood that he is to verify the establishment of his family on this (Spanish) part. Said lands remaining from this date subject to the public charges and others that his Majesty may be pleased to impose.

Given in St. Louis of Illinois, 27th September, 1788. MANUEL PEREZ.

ST. LOUIS, *December* 12, 1832. Truly translated. JULIUS DE MUN.

J. St. G. Beauvais, claiming 60 feet in circumference, &c.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
61	St. G. Bauvais.	60 feet around each hole, &c.	Concession, 27th September, 1788.	M. Perez.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 20, 1806.—The board met, agreeably to adjournment. Present: Clement B. Penrose and James L. Donaldson, esquires.

The same, (St. Gemme Beauvais,) claiming some mine lands, situated Mine à Breton, district of St. Genevieve, produces a concession from Manuel Perez, granting claimant sixty feet in circumference around each hole wherein he might find ore; said concession dated November 22, 1788.

Baptist Vallé, being duly sworn, says that the claimant worked the said mines for about eight or ten years; that, having purchased a mine tract, he went to work the same; that everybody was at liberty of working the mine, and therefore entitled to sixty feet round the hole; so worked and continued to until an order was issued by government reducing the same to twelve feet square round the same.

The board reject this claim, and remark that the said concession is not duly registered. (See remark of the board at the bottom of this page, to wit:)

In the claim of the same, at the Mine à Breton, in this page, the board are of opinion that this concession vested in the claimant an incorporeal right to dig the mineral, not to affect the right of domain in the soil, which still remained in the Spanish government. (See book No. 1, page 317.)

December 21, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

St. James Beauvais, claiming sixty feet in circumference around every hole where he may find mineral. (See book No. 1, page 316.)

It is the opinion of the board, (majority of,) that this claim ought not to be confirmed. Frederick Bates, commissioner, forbears giving an opinion. (See book No. 5, page 532.)

December 13, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

St. Gemme Beauvais, claiming sixty feet in circumference around each hole, at Mine à Breton, where he may find mineral. (See book No. 1, page 316; No. 5, page 532; record-book C, page 456.)

Produces a paper purporting to be an original concession, from Manuel Perez, dated 27th November, 1788. (See book No. 6, page 74.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

St. Gemme Beauvais, claiming sixty feet in circumference around each hole in which he may find mineral. (See book No. 6, page 74.)

The board are of opinion that this claim ought not to be confirmed. (See book No. 7, page 191.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 62.—*Absalom Link, claiming* 510 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
62	Absalom Link.	510	Settlement right.		James Mackay, 21st Nov., 1805, certified by Soulard, 25th January, 1806. On Whiteoak run, district of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Absalom Link, claiming 510 arpens of land, situate Whiteoak run, district of St. Louis, produces record of a plat of survey, dated 21st November, 1805, and certified 25th January, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 444.)

June 1, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Abalom Link, by his legal representative, William Ramsey, claiming 510 arpens of land, situated on Whiteoak run, district of St. Louis. (See minutes No. 5, page 444; book B, page 269.)

Produces a plat of survey by James Mackay, dated November 21, 1805, recorded by Soulard, January 26, 1806.

William Campbell, duly sworn, says that, in the spring of 1804, he saw on said place a small piece of ground enclosed, and the foundation of a cabin, as also, the name of Link carved on a tree; that said place was then considered as Absalom Link's land, under a settlement right. (See book No. 6, page 172.)

June 13, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Absalom Link, claiming 510 arpens of land. (See page 172 of this book.)

Sally Williams, duly sworn, says that she is in her 76th year; that she knows the claimant, Absalom Link; that in the year 1801 or 1802 he settled and improved a place adjoining that of her husband's, Joseph Williams; that one Robert Young, who had a grant prior to Link's improving said land, had the said Link's improvements included in his survey. (See book No. 6, page 175.)

July 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

In the case of Absalom Link, claiming 510 arpens. (See pages 172 and 175 of this book.)

Lewis Musick, duly sworn, says that, at the latter end of 1803, or beginning or 1804, he was requested by the claimant to go with him on a piece of land which claimant wanted to improve; they went together, and said claimant laid the foundation of a cabin, deadened some trees, and cut his name on the bark of a tree; deponent further says, he heard that claimant had made an improvement, which had been taken away from him by a survey subsequently made, which induced claimant to make this new improvement. (See book No. 6, page 232.)

June 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Absalom Link, claiming 510 arpens of land. (See book No. —, pages 172, 175, and 232.)

The board are of opinion that this claim ought not to be granted. (See book No. 7, page 191.)

JAMES H. RELFE,
F. R. CONWAY.

I have examined the transcript of the above claim, and concur in the decision.

F. H. MARTIN.

Class 2. No. 63.—*Peter Burell, claiming* 2,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim	By whom granted.	By whom surveyed, date, and situation.
63	Peter Burell.	2,000	Settlement right.		South side of Marameck.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *October* 12, 1812.—Peter Burell, claiming 2,000 arpens of land on south side of Marameck.

John Helderbrand, duly sworn, says that about 33 or 34 years ago, Burell was inhabiting and cultivating this tract of land. Witness purchased corn of said Burell; he had a considerably large field in cultivation; also a young orchard, beginning to bear fruit. This claimant abandoned this tract, on account of Indian disturbances, soon after. Burell had a wife and child.

John Cummings, sworn, 17th November, says Burell lived on and cultivated about five arpens on this tract, in 1781, and that he continued to inhabit and cultivate said tract for the three following years. Witness believes that claimant was inhabiting and cultivating before 1781, but has no personal knowledge of the fact. In the year 1784, witness went to Natchez, at which time said Burell was inhabiting and cultivating said tract. (See Bates's minutes, page 7. (At the margin: "Not granted.")

June 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

(Peter) Burell, by his legal representatives, claiming 2,000 arpens of land. (See record-book B, page 325; Bates's minutes, page 7; Bates's decisions, page 27. See book No. 7, page 192.)

August 17, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

Peter Burell, claiming 2,000 arpens of land. (See book No. 7, page 192.)

The board are unanimously of opinion that this claim ought not to be granted, the said Peter Burell having had a tract of sixteen hundred arpens granted. (See Bates's decisions, page 25. See book No. 7, page 216.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 64.—*Philip Robert, claiming* 1,050 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
64	Philip Robert.	1,050	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Philip Robert, claiming 1,050 arpens of land, situate in the district of St. Louis, produces notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See minute-book No. 5, page 492.)

ST. LOUIS, *November* 30, 1812.—William Russell, assignee of Philip Robert, claiming 1,050 arpens of land, on the waters of Grand Glaize, district of St. Louis, produces notice; also, deed dated 23d August, 1809.

Frederick Connor, duly sworn, says that Robert lived on this tract in 1801, 1802, and 1803, during which time witness believes that he cultivated the same. In 1803 witness knows that claimant had several children, perhaps three.

Benjamin Johnson, duly sworn, says that Robert had a wife and four children in 1803. (See Bates's minutes, page 24.) (At the margin is the following: "Not granted.")

June 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Philip Robert, by his legal representatives, claiming 1,050 arpens of land on the waters of Grand Glaize. (See record-book F, page 39; minutes, book No. 5, page 492; Bates's minutes, page 24; Bates's decisions, page 29. See book No. 7, page 193.)

August 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Philip Robert, claiming 1,050 arpens of land. (See book No. 7, page 193.)

The board are unanimously of opinion that this claim ought not to be granted, there being no proof of cultivation. (See book No. 7, page 216.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 65.—*John Daniel, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
65	John Daniel.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *December* 29, 1813.—William Russell, assignee John Donnohue, assignee John Daniel, claiming 800 arpens of land on the waters of the Saline creek, county of St. Genevieve. Produces unauthenticated transfers.

James McLean, duly sworn, says that he saw this tract 24th December, 1803, and observed that claimant Daniel had cut a considerable quantity of timber and mauled some rails, and collected logs for a cabin. He had also cleared, fenced, and probably, from appearances, had cultivated a small spot as a garden. At that time no cabin; no person inhabiting. Daniel told the witness that it was his improvement. Witness saw a camp on the tract which had probably been inhabited. (See Bates's minutes, page 128.) (On the margin: "Not granted.")

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

John Daniel, by his legal representatives, claiming 800 arpens of land on the waters of Saline creek, county of St. Genevieve. (See record-book F, pages 15 and 260; Bates's minutes, page 128; decisions, page 21. See book Fo. 7, page 193.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

John Daniel, claiming 800 arpens of land. (See book No. 7, page 193.)

The board are unanimously of opinion that this claim ought not to be granted. (See No. 7, page 219.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 66.—*Michael Raber, claiming* 748 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
66	Michael Raber.	748	Settlement right.		John Stewart, D. S., 24th February, 1806. Received for record, 27th February, 1806, by A. Soulard, S. G. On the waters of Big river, St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Michael Raber, claiming 748 arpens of land, situate on Big river, district of St. Genevieve; produces record of a plat of survey, dated 24th of February, and certified 27th of February, 1806.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 485.)

St. Louis, *December* 27, 1813.—Michael Raber, claiming 748 arpens of land, on the waters of Big river, county of St. Genevieve.

John Tuck, duly sworn, says that he knows a tract of land cultivated by Raber, on the waters of Big river, (Spring creek); that in 1803, witness did some work on this place for claimant, to wit: made some small tents, camp, smoke-house; during the winter cleared some ground, lived on the premises, and early in spring had about six acres cleared and ready for cultivation; claimant came on the premises and inhabited the premises, and, together with this witness, (who worked for him,) cultivated the same. This tract is now greatly enlarged, and has been constantly, either by claimant or those deriving title from him, inhabited and cultivated to this time. (At the margin is the following: "Not granted; claimant has a settlement right on Joachim.") (See Bates's minutes, page 114.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

Michael Raber, by his legal representatives, claiming 748 arpens of land, on the waters of Big river. (See record-book B, page 245; commissioners' minutes, book No. 5, page 485; Bates's minutes, page 114; Bates's decisions, page —. See book No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Michael Raber, claiming 748 arpens of land. (See book No. 7, page 194.)

The board are unanimously of opinion that this claim ought not to be granted, the said Michael Raber having had a settlement right granted to him. (See Bates's decisions, page 72; see book No. 7, page 219.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 67.—*John Weldon, claiming* 500 *arpens.*

To Don Charles Dehault Delassus, *Lieutenant Colonel, attached to the stationary regiment of Louisiana, and Lieutenant Governor of Upper Louisiana:*

John Weldon, a Roman Catholic, has the honor to represent that he crossed over to this side (of the Mississippi) more than a year ago, and established himself on the north side of the Missouri, with the permission of your predecessor, Don Zenon Trudeau; therefore he has the honor to supplicate you to have the goodness to grant him, at the same place which he cultivates, the quantity of land corresponding to the number of his family, which is composed of himself, his wife, and six children. The petitioner having all the means necessary to improve a farm, and having no other views but to live as a peaceable and submissive cultivator of the soil, hopes to deserve the favor he claims of your justice.

St. Andre, *September* 5, 1799.

Be it forwarded to the lieutenant governor, informing him at the same time that the above statement is true, and that the petitioner is worthy of the protection of the government.

St. Andre, *September* 5, 1799.

SANTYAGO MACKAY.

St. Louis of Illinois, *September* 20, 1799.

In consequence of the information given by the commandant of St. Andre, Captain Don Santyago Mackay, the surveyor, Don Antonio Soulard, shall put the party interested in possession of 500 arpens of land in superficie, in the place where he asks the same; the said quantity corresponding to the number of his family, according to the regulation of the governor of this province; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general of these provinces, to whom alone belongs, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don Antonio Soulard, *Surveyor General of the settlements of Upper Louisiana:*

I certify that a tract of land of 500 arpens in superficie was measured, the lines run and bounded, for and in presence of John Weldon; it was measured with the perch of the city of Paris, of eighteen French feet in length, lineal measure of the said city, according to the custom adopted in this province. This land is situated on the river Missouri, above Bonhomme island, at twenty-four miles from St. Louis, (lindando por A. N. O. C. NE. y O. So.) bounded (on three sides) by vacant lands of the royal domain, and on the S. S. E. by the river Missouri. The said survey and measurement was made without regard to the variation of the needle, which is 7° 30′ E., as appears by the foregoing figurative plat, on which are noted the dimensions, courses of the lines, other boundaries, &c. Said survey was executed by virtue of the decree of the lieutenant governor and sub-delegate of the royal Fiscal, Don Carlos Dehault Delassus, under date of December 20, 1799, here annexed. In testimony whereof, I do give these presents, together with the preceding figurative plat, drawn conformably to the survey made by the deputy surveyor, Don Santyago Mackay, on the 17th of November, 1803, who signed on the minutes, to which I certify.

St. Louis of Illinois, *December* 27, 1803.

ANTONIO SOULARD, *Surveyor General.*

Recorder's Office, *St. Louis, July* 21, 1835.

I certify the above and foregoing to be truly translated from record-book D, pages 108 and 109 of record in this office.

JULIUS DE MUN, *T. B. C.*

John Weldon, claiming 500 arpens.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
67	John Weldon.	500	Concession, 20th September, 1799.	C. Dehault Delassus.	James Mackay, 17th November, 1803. Certified by Soulard, 27th Dec., 1803.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 2, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Weldon, claiming 500 arpens of land, situate district of St. Charles, produces to the board a notice of claim.

John Weldon, the claimant, personally appears before the board, and renounces all claim to certain land as surveyed in his name on the river Missouri; survey dated 17th November, 1803, certified 27th December, 1803, and recorded in book D, page 108, of the recorder's office.

Claimant produces also, as a permission to settle, a concession from Charles Dehault Delassus, lieutenant governor, to him, for 500 arpens, dated 20th December, (September,) 1799, recorded in book D, page 108, of the recorder's office.

The following testimony in the foregoing claim, transcribed from the rough minutes, as perpetuated by the board, on Friday, the 30th of March last:

John McConnell, sworn, says that the claimant inhabited a tract of land situate on the waters of the Dardenne, about one or two miles from the habitation of Arund Rutgers, in the winter of 1802. In the spring following cultivated, and has continued to inhabit and cultivate said land ever since. Claimant had a wife and four children in 1802 and 1803.

It is the opinion of the board that this claim ought not to be granted. But the board do declare that they would have voted for the granting of 500 arpens, had this claim not have been embraced in the tract claimed by Arund Rutgers, under the first section of the act of 1805. (See commissioners' minutes, book No. 4, page 309.)

June 24, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Weldon, by his legal representatives, claiming 500 arpens of land, district of St. Charles. (See record-book D, page 108; book No. 4, page 309. See book No. 7, page —.)

August 18, 1835.—The board met, pursuant to adjournment. Present; F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

John Weldon, claiming 500 arpens of land. (See book No. 7, page 196.)

The board are unanimously of opinion that this claim ought not to be confirmed, the said John Weldon having relinquished the same. (See book No. 7, page 219.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 68.—*Jonathan Vineyard, claiming 500 arpens.*

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
68	Jonathan Vineyard.	500	Settlement right.		James Mackay, D.S., 27th December, 1805. Certified to be recorded on the 26th Jan., 1806, by A. Soulard, S. G. On Dubois creek, Franklin county.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

August 19, 1806.—Agreeably to adjournment, Hon. John B. C. Lucas attended the board and received testimony.

Jonathan Vineyard, claiming as aforesaid (under the second section of the act of Congress) 500 arpens of land, situate as aforesaid, produces a survey of the same, taken the 27th December, 1805, and certified the 27th (26th) January, 1806.

James Cowan, being duly sworn, says that claimant settled the said tract of land in September, 1804, and planted peach-stones; that he saw the same growing the spring following; that he came from Georgia, and did not arrive in the country until that time; and further, that he has actually inhabited and cultivated the same to this day. Had, when he arrived, a wife and two children.

The board reject this claim. (See book No. 1, page 475.)

September 14, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jonathan Vineyard, claiming 500 arpens of land. (See book No. 1, page 475.) It is the opinion of the board that this claim ought not to be granted. (See book No. 4, page 499.)

June 29, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

Jonathan Vineyard, claiming 500 arpens of land, situate in the district of St. Louis. (See record-book B, page 251; commissioners' minutes, No. 1, page 475; No. 4, page 499.)

John Pritchett, duly sworn, says that he is about 43 years of age; that in the beginning of the fall of 1804, he saw said Jonathan Vineyard inhabiting and cultivating the place claimed; that he had a temporary cabin wherein he lived with his wife, and, believes, two children. Witness thinks there was about half an acre fenced in with a brush fence, and may be, some rails; he saw turnips growing in said enclosure. Witness further says that the land lies on Dubois creek, about three or four miles from Washington, in Franklin county. (See book No. 7, page 200.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Jonathan Vineyard, claiming 500 arpens of land. (See book No. 7, page 200.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 219.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 69.—*Jesse Raynor, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
69	Jesse Raynor.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 26, 1808.—Board met. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jesse Raynor, claiming 640 acres of land, situate on Sandy creek, district of St. Louis, produces to the board a notice to the recorder, dated 27th May, 1808.

William Jones, sworn, says that, about twenty-three or twenty-four years ago, Jesse Raynor had his stock on the land claimed, and built a cabin; and that his stock remained on the place one year.

Claimant declares that he has not resided in this territory since 1792. Laid over for decision. (See book No. 3, page 372.)

August 24, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jesse Raynor, claiming 748 arpens 68 perches of land. (See book No. 3, page 372.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 337.)

July 1, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

Jesse Raynor, claiming 640 acres of land, situate on Sandy creek, district of St. Louis. (See record-book D, page 165; minutes, book No. 3, page 372; No. 5, page 337. See book No. 7, page 202.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Jesse Raynor, claiming 640 acres of land. (See book No. 7, page 202.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 223.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 70.—*Philip Robert, claiming* 1,097 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
70	Philip Robert.	1,097	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Philip Robert, claiming 1,097 arpens of land, situate Marameck, district of St. Louis, produces notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 492.)

July 1, 1835.—F. H. Martin appeared, pursuant to adjournment.

Philip Robert, by his legal representatives, claiming 1,097 arpens of land, situate on the waters of Grand Glaize, district of St. Louis. (See record-book E, page 234; book No. 5, page 492. See No. 7, page 202.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Philip Robert, claiming 1,097 arpens of land. (See book No. 7, page 202.)
The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 223.)
F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 71.—*Thomas Jones, claiming* 1,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
71	Thomas Jones.	1,000	Settlement right.		On Grand Glaize.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Thomas Tyler, assignee of Thomas Jones, claiming 1,000 arpens of land, situate on Grand Glaize, district of St. Louis, produces notice to the recorder, and record of transfer from Jones to claimant, dated 7th April, 1789.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 439.)

July 1, ——. —F. H. Martin, esq., appeared, pursuant to adjournment.

Thomas Jones, by his legal representatives, claiming 1,000 arpens of land on Grand Glaize creek, district of St. Louis. (See record-book D, page 165; minutes, book No. 5, page 439. See No. 7, page 202.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Thomas Jones, claiming 1,000 arpens of land on Grand Glaize. (See book No. 7, page 202.)
The board are unanimously of opinion that this claim ought not to be granted. (See No. 7, page 223.)
F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 72.—*Thomas Jones, claiming* 1,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
72	Thomas Jones.	1,000	Settlement right.		On Big river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, October 13, 1812.—The legal representatives of Thomas Jones, claiming 1,000 arpens of land on Big river, district of St. Louis, produces notice.

John Helderbran, duly sworn, says that, more than thirty years ago, Thomas Jones settled on this tract of land, and inhabited and cultivated the same for two successive years, at which time the Indians becoming troublesome, several persons in that neighborhood moved away, Jones among others, as well as witness himself. When Jones lived on this tract of land he had a wife and six children with him; also a son married and inhabiting elsewhere. (See Bates's minutes, page 6.)

Not granted. (See Bates's decisions, page 27.)

July 1, 1835.—F. H. Martin appeared, pursuant to adjournment.

Thomas Jones, by his legal representatives, claiming 1,000 arpens of land, on Big river, district of St. Louis. (See record-book E, page 326; Bates's minutes, page 6; Bates's decisions, page 27; No. 7, page 202.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Thomas Jones, claiming 1,000 arpens of land on Big river. (See book No. 7, page 202.)
The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 223.)
F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 73.—*John Gerard, claiming* 320 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
73	John Gerrard.	320	Settlement right.		On Grand Glaize.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Thomas Tyler, assignee of John Gerrard, claiming 320 arpens of land, situate on Grand Glaize, district of St. Louis, produces record of transfer from Gerrard to claimant, dated 4th October, 1789.

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 430.)

July 1, 1835.—F. H. Martin appeared, pursuant to adjournment.

John Gerrard, by his legal representatives, claiming 320 arpens of land on Grand Glaize, district of St. Louis. (See record-book D, page 165; minutes, book No. 5, page 430. See book No. 7, page 202.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

John Gerrard, claiming 320 arpens of land. (See book No. 7, page 202.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 223.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 74.—*James Swift, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
74	James Swift.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Swift, by his legal representatives, claiming 640 acres of land in the district of St. Charles. (See record-book D, page 333.)

Arthur Burns, duly sworn, says that he is about 52 years of age; that he came to this country while under the government of Zenon Trudeau; that before the change of government the said James Swift went on a piece of land which had been improved by one Boon; that said Swift built thereon a cabin, and cleared a small piece of land for the purpose of sowing turnips, but witness does not know whether the turnips were sowed. Witness further says that said Swift being out of provisions, and the mosquitoes being very troublesome, he left said place about three weeks after he had first come there, and witness never knew that he returned to said place. (See book No. 7, page 212.)

August 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James Swift, claiming 640 acres of land. (See book No. 7, page 212.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 223.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 75.—*Diego Maxwell, as Vicar General of Louisiana, claiming* 112,896 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Colonel in the royal armies and Lieutenant Governor of Upper Louisiana:*

Don Diego Maxwell, curate of St. Genevieve and vicar general of Illinois, with all the respect due to you, represents that the most excellent Duke De Alcudia, minister of state and universal despacho of the Indies, having manifested his desire that some Catholics from Ireland should come to settle themselves in this colony of Louisiana, knowing them to be faithful subjects, and affectionate to the Spanish government on account of their religion, as appears by the annexed letter of Don Thomas O'Ryan, chaplain of honor of his Majesty and confessor of the Queen, our lady, written to the petitioner in the English language, by order of his excellency, the above-named minister, the government engaging to have a church built for them in their settlement, and leaving to the judgment of the petitioner to solicit of the government the quantity of land of the royal domain, which he will think necessary for himself and the said settlers. There being some vacant lands belonging to the domain, upon which no settlement has been made to this day, situated between Black river and the Currents, which are branches of White river, at the distance of from thirty to thirty-five leagues from this town, therefore the petitioner humbly supplicates that you will condescend to take the necessary measures in order to enable him to obtain from the government, in full property, the concession of four leagues square, making the quantity of 112,896 arpens of land in superficie, in the said place, and for afore-mentioned purpose; the petitioner having no other object but the advantage to his Majesty's service, and the salvation of the souls which shall be confided to his care. He at the same time informs you that several of the above-mentioned Irish Catholics, induced by him, have already arrived from Ireland, and that many others are coming, and now on their way, with a part of his own family, not without great expenses and costs to your petitioner, for which he hopes to be remunerated by the government, and if not, by God and the gratitude of those poor people, for having rescued them from the British tyranny and persecution to which they were exposed on account of their religion. This favor, solicited by the petitioner, he hopes to obtain from the generosity of the government which you represent in this part of the colony, as being conformable to the intentions of his Majesty, communicated by his minister. Meanwhile, he will pray God to preserve your important life many years.

ST. GENEVIEVE, *October* 15, 1799. DIEGO MAXWELL.

ST. LOUIS OF ILLINOIS, *November* 3, 1799.

(Visto de Illinois de esta peticion.) Supposed to be instead of, *having examined the statement in the above petition*, supported by the letter cited in the same, which has been presented to me by the petitioner; and whereas its contents are in accordance with the disposition of the governor general of these provinces, Don Manuel Gayoso de Lemos, (who permits the introduction of emigrants in this territory only to those who are really Catholics, A. and R.,) as appears by his order, dated New-Orleans, 3d of September, 1797; giving to the said letter all the consideration it deserves, inasmuch as its contents are derived from a wise disposition of his excellency, the minister of state, which will be, without doubt, of considerable advantage in increasing the population so necessary in these remote parts of his Majesty's domains, with a class of laborious inhabitants, to the satisfaction of the government. Therefore, according to the demand, I do grant to the petitioner four leagues square, or the quantity of 112,896 arpens of land in superficie, in the place he solicits, and for the object here above mentioned; and the surveyor general of this Upper Louisiana, Don Antonio Soulard, shall put him in possession of said quantity in the place mentioned, when requested by the (party) interested; which being executed, he shall make out a figurative plat of his (survey,) delivering the same to the party, with (his certificate,) in order to serve him to solicit the title in form from the intendant general of these provinces, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands belonging to the royal domains.

CARLOS DEHAULT DELASSUS.

I, the undersigned, civil commandant of the post and district of New Bourbon, certify that the said title of concession is recorded, and the copy, compared with the original, is deposited in the archives of this post, and numbered 49.

PIERRE DELASSUS DE LUZIERE.

ST. LOUIS, *June* 5, 1833. Truly translated from record-book B, pages 497 and 498.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
75	Diego Maxwell, as vicar general of Louisiana.	112,896	Concession, 3d November, 1799.	Carlos Dehault Delassus.	Wm. Johnson, D. S. Received for record, by Soulard, February 26, 1806. On the forks of Black river, 80 miles west of Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, commissioners.

James Maxwell, vicar general of the province of Louisiana, claiming four leagues square, situate at the fork of Black river, district of St. Genevieve, produces a concession from Charles D. Delassus, dated November 3d, 1799, and a survey of 112,896 arpens, dated and certified the 9th February, 1806.

He also produces an affidavit of Pierre Delassus de Luziere, stating that he was present, in the beginning of 1800, at a conversation which took place between the aforesaid claimant and Charles D. Delassus, then lieutenant governor, when the latter inquired of said claimant where he intended to settle his large concession; does not recollect the answer; that a few days after, being at claimant's house, he saw, held, and read the aforesaid concession; a commission of vicar general of the province over the English and American settlers, signed Euge. de Llaguno, dated St. Lorenzo, 22d November, 1794;

A letter from the Bishop of Orleans, dated May 1st, 1799, requesting his attention, as vicar general, to the whole of the clergy of the province, and informing him that he had recommended him to the King;

A letter of instructions, founded upon a Spanish supreme consular state, at Madrid, directed to claimant through Lopez Armesto, secretary of the province, wherein the policy of government toward emigrants is explained, instructing the governor to grant them lands, and showing a desire that they might be converted to the Roman Catholic religion;

The consideration on which this grant was founded, being an obligation on the part of claimant to bring from Ireland Roman Catholic emigrants and form a settlement of the same. The claimant alleged as a reason for not having complied with said obligation, the then existing wars, and the subsequent prohibition of emigration from Ireland.

The board reject this claim, and are satisfied that it was granted at the time it bears date. (See book No. 1, page 384.)

December 7, 1807.—(See page 304, old minutes, *St. Genevieve.*)

James Maxwell, vicar general of the late province of Louisiana, claiming four leagues square, situated at the fork of Black river, in the district of St. Genevieve, produces a concession from Charles D. Delassus, dated November 3, 1799, and a survey of one hundred and twelve thousand eight hundred and ninety-six arpens, dated and certified the 9th day of February, 1806. Laid over for decision.

Owing to the record having been made up hastily, the above claim of James Maxwell was omitted; in order to supply this omission, we, two of the commissioners, have hereunto subscribed our names and attached the same to the records or minutes, Hon. C. B. Penrose being absent.

J. B. C. LUCAS,
FREDERICK BATES.

(See book No. 3, page 161.)

May 29, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Maxwell, claiming four leagues square of land. (See book No. 1, page 384, annexed to book No. 3, page 161.)

On motion of John B. C. Lucas, commissioner, as follows, to wit: Whereas it appears, in the minutes of the former board, that the said board have remarked that they are satisfied that the said concession was granted at the time the same bears date, and inasmuch as it does not appear that any suggestion of fraud and antedate was made, either by the agent of the United States or any of the members of the board, which being the case, shows that no question did exist before said board, as to fraud or antedate, to which this decision, by way of remark, can apply; and whereas any decision without question is in itself preposterous, and might be considered as officious; therefore, resolved, that this remark and decision be rescinded. A question being taken on the motion, it was negatived; and on a question being taken on the claim, it is the unanimous opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 354.)

March 15, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, F. R. Conway, commissioners.

Diego Maxwell, as vicar general of Louisiana, by the bishop of Missouri, his representative, claiming 112,896 arpens of land, or four leagues square. (See book B, page 497; minutes, No. 3, page 161; No. 4, page 354; and book No. 6, page 125.)

August 20, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Diego Maxwell, claiming 112,896 arpens of land. (See book No. 6, page 125.)

The board are unanimously of opinion that this claim ought not to be confirmed, the conditions not having been complied with. (See book No. 7, page 224.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 76.—*James Craig, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
76	James Craig.	800	Settlement right.		Negro fork of Marameck.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 29, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

James Craig, by his legal representative, Richard Everitt, claiming 800 arpens of land, on the Negro fork of the Marameck. (See record-book F, page 98; Bates's decisions, page 103.)

William Drenen, being duly sworn, says that he is 74 years of age; that he was well acquainted with James Craig, the original claimant; that, in the year 1801 or 1802, he is not positive which, said Craig, the original claimant, went on the tract claimed, cut house-logs, and planted peach and apple seed on the place. Witness does not think that Craig ever lived on the place, but was at that time, or shortly thereafter, a married man; that Craig sold the place to the present claimant, who resided on the same until about two years ago, when he was forced to move off, in consequence of the United States selling the same. Witness knows that said Everitt resided on and cultivated the same for twenty-seven years. (See book No. 6, page 349.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James Craig, claiming 800 arpens of land. (See book No. 6, page 349.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 226.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 77.—*James Summers, claiming* 250 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
77	James Summers.	250	Settlement right.		On Whitewater, Cape Girardeau.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 9, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Summers, claiming 250 acres of land, situate on Whitewater, district of Cape Girardeau. Produces notice to the recorder.

It is the opinion of the board that this claim ought not to be granted. (See No. 5, page 499.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

James Summers, claiming 250 acres of land on Whitewater, district of Cape Girardeau. (See record-book E, page 28; book No. 5, page 499.)

The following testimony was taken in June, 1833, by L. F. Linn, esq., then a commissioner:

Elijah Dougherty, being sworn, states that he has known the said James Summers ever since the year 1800; the said James then resided in the district of Cape Girardeau, where he has continued to live ever since. This affiant has seen the said James cultivating land, and improving the same, under the Spanish government, about the years 1801, 1802, 1803, and 1804, in the said district of Cape Girardeau, and knows of his cultivating land up to this time, June, 1833. Deponent does not know that the said James claimed the said land as his own.

his
ELIJAH × DOUGHERTY.
mark.

June 11, 1833. L. F. LINN, *Commissioner.*

The following testimony was taken before James H. Relfe, commissioner:

STATE OF MISSOURI, *County of Cape Girardeau:*

Ithamar Hubble, being duly sworn, as the law directs, deposeth and saith, that he is aged about 73 years; that he is well acquainted with the claimant, James Summers; that he has known him ever since the year 1799; that, in that year, the said James Summers moved to, and settled in the district of Cape Girardeau, where he has resided ever since; that he was a farmer and cultivator of the soil; but this affiant does not know from his own knowledge that the said James had a grant. The said James, when he first came to this country, was a young man, without a family.

his
ITHAMAR × HUBBLE.
mark.

Sworn to and subscribed before me, this 6th day of April, 1835.

JAMES H. RELFE, *Commissioner.*

(See book No. 7, page 133.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

James Summers, claiming 250 acres of land. (See book No. 7, p. 133.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 226.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 78.—*William Flynn, jr., claiming* 200 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
78	William Flynn, jr.	200	Settlement right.		Bois-brulé, St. Genevieve.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 3, 1807.—The board met, agreeably to adjournment. Present: Hon. John B. C. Lucas, Clement B. Penrose, and Frederick Bates.

William Flynn, jr., claiming 240 arpens of land, situated in Bois-brulé, in the district of St. Genevieve, produces in support of said claim, a notice to the recorder of land titles, dated 3d December, 1807.

William Flynn, sr., being duly sworn, says that, in the year 1804, to the best of his recollection, he assisted his son, the claimant, to clear about one quarter of an acre of land, and enclose the same, and also cultivated turnips thereon the same fall, but does not know whether the crop of turnips was taken off or gathered; does not know the age of his son exactly, but believes him to be 23 or 24 years of age at this time; nor does he know whether his son had permission to settle. Laid over for decision. (See No. 3, page 134.)

August 21, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

William Flynn, jr., claiming 240 arpens of land. (See book No. 3, page 134.)

It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 327.)

May 13, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, commissioners.

William Flynn, jr., claiming 200 acres of land in the district of St. Genevieve. (See record-book E, page 256; books No. 3, page 134, No. 5, page 327.)

The following testimony was taken in May, 1833, by L. F. Linn, commissioner:

John Greenwalt testifies and says, that he is about 68 years of age, and emigrated to Upper Louisiana in the spring of 1798, it being the spring after the high freshet of 1797, from which circumstance he is enabled to identify the time of his first coming to the country. Witness settled in Bois-brulé bottom, now in the county of Perry, and State of Missouri, where he has continued most of the time since. He further states, that the father of claimant, William Flynn, sr., emigrated to Louisiana, and settled with his family in Bois-brulé bottom aforesaid, as early as the year 1800, where he resided until the time of his death; that William Flynn, jr., the claimant, came with his father to the country, and was, as witness believes, about 20 years of age, being a man grown, and doing business for himself, and on his own account; that witness knows of claimant cultivatiug a piece of ground in Bois-brulé bottom, as early as the year 1804; that in the summer of 1804 claimant built a cabin, raised turnips and some vines on said land, and also, as he thinks, grew some corn on it, and then claimed, and has ever since claimed, the same as his settlement. Witness further states, that claimant continued to occupy said ground until 1807, when the same lay idle for two or three years, but that afterward, for several years, claimant rented it to men residing on it with their families for several years. Witness further states, that he

has been a neighbor to claimant since his first coming to the country in 1800, and that he has uniformly understood from him, that the piece of ground above alluded to was the only land claimed by him as his settlement right, and that he has never had any lands confirmed to him.

his
JOHN × GREENWALT.
mark.

Sworn to and subscribed, May 6, 1833.

L. F. LINN, *Commissioner.*

(See book No. 7, page 150.)

August 21, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

William Flynn, jr., claiming 200 acres of land. (See book No. 7, page 150.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 226.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 79.—*Antoine Vachard, dit Lardoise, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
79	Antoine Vachard dit Lardoise.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

ST. LOUIS, *December* 31, 1813.—Antoine Vachard, dit Lardoise, claiming 640 acres of land, county of St. Louis, adjoining lands claimed by Henry O'Hara.

William Palmer, duly sworn, says that he knows a tract of land about a mile from the Joachim, and a mile from Glaize à Byet. Claimant bought it twenty-seven or twenty-eight years ago, as witness then understood, of P. Vienentendre. At that time this tract had a good house and garden picketed in, and the inhabitants were driven off about twenty-five years ago by the Indians. Witness has not been there since.

Charles Vachard, duly sworn, says that witness, with claimant, resided on this place for six or seven following years, about twenty-five years ago. Inhabiting and cultivating; left it on account of the Indians. Claimant had this land by purchase, from Vienentendre. (At the margin: "Not granted.") (See Bates's minutes, page 133.)

July 7, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Antoine Vachard, dit Lardoise, by his legal representatives, claiming 640 acres, in the district of St. Louis. (See record-book F, page 139; Bates's minutes, page 133; Bates's decisions, page 37.)

Baptiste Dominé, duly sworn, says that he is eighty-six years of age; that under the Spanish government he saw said Antoine Vachard inhabiting and cultivating a place between the Joachim creek and the Little rock; that there was a house on said place and a field; and witness, as he went and came from St. Genevieve, saw the said Vachard on said place for about four consecutive years.

Charles Vachard, duly sworn, says that he is about sixty-three years of age; that under the Spanish government, before Zenon Trudeau's time, witness's brother, Antoine Vachard, settled a place between the Joachim and the Little rock; that there was on said place a dwelling-house, a barn, and a field, in which said Antoine raised corn and wheat. Witness thinks his brother lived at least ten years on said place, and was the last of the settlers who left that settlement on account of the Indians; this was several years before the change of government. Witness says that Antoine Vachard never returned on said place, but remained in the country about New Madrid. (See book No. 7, page —.)

August 22, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Antoine Vachard, claiming 640 acres of land. (See book No. 7, page 211.)

A majority of the board are of opinion that this claim ought not to be granted, one John B. Olive having had a confirmation, under said Antoine Vachard, for a tract of 250 arpens in New Madrid. (See commissioners' certificate, No. 631.) F. R. Conway, commissioner, voted for granting 640 acres, on the ground that the tract confirmed to the above-named John B. Olive was sold by said Antoine Vachard prior to the act of Congress of 1805, and consequently was not claimed by him at the passage of that act. (See book No. 7, page 227.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 80.—*Louis Lamalice, claiming* 800 *arpens.*

To DON CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Lamalice, dit Lemonde, has the honor to represent to you, that he would wish to form an establishment in this province, in which he resides since several years; therefore the petitioner prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to his interest, a favor which the petitioner presumes to expect of your justice.

his
LOUIS × LAMALICE.
mark.

ST. LOUIS, *November* 13, 1799.

ST. LOUIS OF ILLINOIS, *November* 14, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any persons; and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to said party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Don ANTONIO SOULARD, *Surveyor General of the settlements of Upper Louisiana:*

I do certify that a tract of land of two hundred arpens in depth by one hundred and forty arpens in front, or twenty-eight thousand arpens in superficie, was measured, the lines run and bounded, in the presence of Mr. Albert Tyson, duly appointed by the purchasers, Don Louis Labeaume and Don Santyago St. Vrain, as their agent. The said square of land is divided, as designated in the figurative plat, by dotted lines, indicating the place where each of the original owners is to be located, in thirty-five tracts of forty arpens of land in depth by 20 arpens in front, making 800 arpens in superficie, and each division is marked with the name of the original owner. (La superficie total de la tierra cae al angulo N. correspondiente al que va puesto al margen de cada memorial.) *The above, between parentheses, is supposed to have been written in lieu of—At the north angle of each of the said tracts is a number corresponding to the number put at the margin of each memorial*—in order to fix with clearness the situation of the respective tracts sold by each vendor, and facilitate to all the knowledge of the conditions contained in the different deeds of sale. The tracts bought by Don Louis Labeaume, twenty-one in number, make a superficie of 16,800 arpens, and are marked with L; and those purchased by Don St. Yago de St. Vrain, fourteen in number, are marked with an S, and make a superficie of 11,200 arpens.

The lines of division between each tract could not be run at the same time as those of the whole square, the deputy surveyor having fallen sick, and it could not be done afterward at the request of the (parties) interested, on account of the suspension of all surveys, until a new order, intimated to me by the captain of artillery of the United States of America, Don Amos Stoddard, first civil commandant of Upper Louisiana. The said survey was made with the perch of the city of Paris, of eighteen French feet, lineal measure of the same city, conformably to the agrarian measure of this province. This land is situated at about sixteen miles, more or less, west of the left bank of the river Mississippi, and at sixty-five miles north of this town of St. Louis. Bounded on its four sides as follows:* [*Note.*—The rest of this paper is torn and missing.]

ST. LOUIS, *April* 30, 1833.—Truly translated from the original.

JULIUS DE MUN.

* To the N. N. W. in part by vacant lands of the royal domain and lands belonging to Don Antonio Soulard; to the S. S. E. in part by the said royal domain and lands belonging to Cerre Chouteau, jr.; to the W. S. W. by the said vacant lands; and lastly, to the E. N. E. by lands belonging to Don Santyago St. Vrain and Ambrosio Dorval, and on a small part, by lands of the royal domain. The said survey and measurement were made without regard to the variation of the needle, which is 7° 30′ E., as appears by the foregoing figurative plat, on which are noted the dimensions, courses of the lines, and other boundaries, &c. The said survey was executed by virtue of the decrees of the lieutenant governor and subdelegate of the royal Fiscal, Don Carlos Dehault Delassus, made in the years 1799, 1800, 1801, and 1802, which are here annexed, and to a part of which are subjoined the unauthenticated deeds of sale passed between the parties, the authenticated deeds being deposited in the archives of this government. In testimony whereof, I do give these presents, together with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, James Rankin, on the 20th of February, of this present year, and who signed the minutes to which I certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS, *March* 28, 1804.

I certify the above to be truly translated from record-book C, page 349, of record, in the office of the recorder of land titles.

JULIUS DE MUN, *T. B. C.*

ST. LOUIS, *August* 25, 1835.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
80	Louis Lamalice.	800	Concession, 18th November, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, claiming 800 arpens of land, as assignee of Louis Lamalice, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 18th of November, 1799; a plat of survey as above; a certified extract of sale, made by Lamalice to claimant, dated 7th of November, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 365.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Lamalice, alias Lemonde, by Louis Labeaume's legal representatives, claiming 800 arpens of land. See book C, pages 342 and 343; for survey, page 349; minutes, book No. 5, page 365.) Produces a paper

purporting to be an original concession from Carlos Dehault Delassus, dated November 18, 1799. Also, a paper purporting to be an original plat of survey, (part of said paper torn and missing,) embracing thirty-five concessions of 800 arpens each, numbered from 1 to 35 inclusive, on which said Lamalice is No. 1; also, a certificate of transfer, signed M. P. Leduc, recorder.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and that the torn original survey is in the proper handwriting of Antoine Soulard. (See book No. 6, page 142.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Louis Lamalice, claiming 800 arpens of land. (See book No. 6, page 142.)

After a careful examination of the testimony, and the various deeds of transfer on the claims numbered from —— to —— inclusive, the board have decided to place them in the second class, believing them to have been founded in an extensive scheme of speculation by the assignees, unknown to the governor, and that the ostensible object, the population of the country, was not intended to be complied with at the time of procuring the grant.

The board are unanimously of opinion that this claim ought not to be confirmed. (See book No. 7, page 228.)

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 81.—*François Mottier, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: François Mottier has the honor to represent to you that he would wish to form an establishment in the upper part of this province, where he has been residing since his infancy; therefore, he has recourse to your goodness, praying that you may be pleased to grant him a piece of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *April* 14, 1800. FRANCOIS his × mark. MOTTIER.

ST. LOUIS OF ILLINOIS, *April* 18, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks for, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 14, 1835.—I certify the above to be a true translation from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
81	François Mottier.	800	Concession, 18th April, 1800.	C. Dehault Delassus.	James Rankin, D. S., 20th Feb., 1804. Certified by Soulard, S. G., 24th March, 1804. 65 miles north of St. Louis, and about 17 from the Mississippi.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of François Mottier, claiming 600 arpens, and said Mottier claiming 200 arpens of land, situate as above, produces a concession from Charles D. Delassus, L. G., dated 18th April, 1800, a plat of survey as above, a transfer from Mottier to claimant, dated 20th February, 1804.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 365.)

December 10, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Mottier, by his legal representatives, claiming 800 arpens of land. (See record-book C, page 343, and minute-book No. 5, page 365.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th April, 1800.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Don Carlos Dehault Delassus. (See book No. 7, page 81.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

François Mottier, claiming 800 arpens of land. (See book No. 7, page 81.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 82.—*François Arnaud, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Fr. Arnaud has the honor to represent that he would wish to form an establishment in the upper part of this colony, where he has been residing for a number of years; therefore, the petitioner prays you to grant him eight hundred arpens of land, to be taken on the vacant lands of the King's domain, in the place which shall appear most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 20, 1800.

FRANCOIS ARNAUD.

ST. LOUIS OF ILLINOIS, *February* 28, 1800.

Whereas it is evident that the petitioner possesses the means necessary to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks for, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of land belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 14, 1835.—I certify the above to be truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
82	François Arnaud.	800	Concession, 28th February, 1800.	Carlos Dehault Delassus.	James S. Rankin, D. S., 20th February, 1804. Certified by A. Soulard, S. G., 24th March, 1804. Sixty-five miles north of St. Louis, and about 17 from the Mississippi.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 10, 1834.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Arnaud, by his legal representatives, claiming 800 arpens of land. (See record-book C, page 343, and for survey, page 349.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 28th February, 1800.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 81.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

François Arnaud, claiming 800 arpens of land. (See book No. 7, page 81.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 83.—*François Marechal, claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: François Marechal has the honor to represent to you, that, having resided for a long time in this country, he would wish to settle himself in it; therefore he has recourse to your goodness, praying you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall appear most advantageous and most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *April* 7, 1800.

FRANCOIS his × mark MARECHAL.

ST. LOUIS OF ILLINOIS, *April* 11, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 27, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
83	François Marechal.	800	Concession, 11th April, 1800.	C. Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of François Marechal, claiming 600 arpens, and said Marechal claiming 200 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 11th April, 1799; a plat of survey as above; a transfer from Marechal to claimant, dated 5th December, 1803. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 365.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Marechal, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 344 and 349; minutes, No. 5, page 365.) Produces a concession from Carlos Dehault Delassus, dated 11th April, 1800; also a plat of survey, part of which is torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 5; also deeds, dated 5th December, 1803, and July 7, 1804.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 142.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

François Marechal, claiming 800 arpens of land. (See book No. 6, page 142.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 84.—*Auguste Lefevre, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Auguste Lefevre has the honor to represent to you, that he would wish to form an establishment in this country, wherein he has been residing since a long time; therefore he has recourse to your goodness, and prays you to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

AUGUSTE his × mark. LEFEVRE.

ST. LOUIS, *June* 9, 1800.

ST. LOUIS of ILLINOIS, *June* 11, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, without prejudice to anybody, I do grant to him and his heirs the land he solicits, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 29, 1833. Truly translated.

JULIUS DE MUN.

Auguste Lefevre, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
84	Auguste Lefevre.	800	Concession, June 11th, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Auguste Lefevre, claiming 600 arpens of land, and said Lefevre, claiming 200 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 11th June, 1800; a plat of survey, as above; a transfer from Lefevre to claimant, dated 5th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 368.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Auguste Lefevre, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 348 and 349; minutes, No. 5, page 368. Produces a paper, purporting to be an original concession from Carlos D. Delassus, dated June 11, 1800; also a deed to Labeaume; also a plat of survey, part of which is torn and missing, embracing 35 concessions of 800 arpens each, numbered from 1 to 35 inclusive, on which claimant is No. 21.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus; and the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 148.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Auguste Lefevre, claiming 800 arpens of land. (See book No. 6, page 148.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 85.—*Jean Baptiste Provencher, claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

SIR: Jean Baptiste Provencher has the honor to represent to you that he would wish to establish himself in the upper part of this province, where he has been residing for some time; therefore he has recourse to the kindness of this government, praying you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the domain of his Majesty, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

J. BTE. his × mark. PROVENCHER.

ST. LOUIS, *January* 13, 1800.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat (of his survey,) delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendent general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 26, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
85	Jean Baptiste Provencher.	800	Concession, 15th January. 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Baptiste Provencher, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated January 15, 1800; a plat of survey, as above; a certified extract of sale made by Provencher to claimant, dated Nov. 7, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 368.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jean Baptiste Provencher, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 348 and 349; minutes, No. 5, page 368.) Produces a concession, purporting to be from Carlos D. Delassus, dated January 15, 1800; also a certificate of transfer, signed M. P. Leduc, recorder; also a plat of survey, part of which is torn and missing, embracing 35 concessions of 800 arpens each, numbered from 1 to 35 inclusive, on which claimant is No. 20.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 148.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Baptiste Provencher, claiming 800 arpens of land. (See book No. 6, page 148.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 86.—*François Paquet, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: François Paquet has the honor to represent to you, that, having resided a long time in this province, he would wish to form an establishment; therefore he prays you to grant to him a concession for a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most advantageous and most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *April* 3, 1800.

his
FRANCOIS × PAQUET.
mark.

ST. LOUIS OF ILLINOS, *April* 5, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don A. Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve him to obtain the title in form, from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
86	François Paquet.	800	Concession, April 5, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

James St. Vrain, assignee of François Paquet, claiming 600 arpens of land, situate on the river Cuivre, district of St. Charles, produces a concession from Charles D. Delassus for 800 arpens to the said Paquet, dated April 5, 1800; a survey of the same, dated February 20th, and certified the 28th March, 1804, and a deed of transfer of the same, dated the 10th January, 1804. The board require further proof of the date of the above concession. The board reject this claim. (See book No. 1, page 303.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of François Paquet, claiming 600 arpens, and François Paquet, claiming 200 arpens of land. (See book No. 1, page 303.) It is the opinion of this board that this claim ought not to be confirmed. (See book No. 5, page 317.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Paquet, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 336; books No. 1, page 303, No. 5, page 317.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 5th April, 1800, (also deed of conveyance.)

M. P. Leduc, being duly sworn, saith that the signature to said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 86.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

François Paquet, claiming 800 arpens of land. (See book No. 6, page 86.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 87.—*Joseph Rivet, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: —— Rivet has the honor to represent to you that, residing in the country since a number of years, he wishes to make an establishment; therefore, he has recourse to your goodness, praying you will please to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
—— × RIVET.
mark.

ST. LOUIS, *February* 21, 1800.

ST. LOUIS OF ILLINOIS, *February* 28, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the lands which he solicits, I do grant to him and his heirs the lands which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, on a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the granting and distributing all classes of lands; which he asks, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
87	Joseph Rivet.	800	Concession, 28th February, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same (James St. Vrain) assignee of (Joseph) Rivet, (claiming) 600 arpens of land, situated as aforesaid, produces a concession from Charles D. Delassus to the said Rivet, for 800 arpens, dated 28th February, 1800; survey dated 20th February, and certified 28th March, 1804, and a transfer of the same, dated 12th February, 1804.

The board require further proof of the date of the above concession. Rejected. (See book No. 1, page 303.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jaques St. Vrain, assignee of Rivet, claiming 600 arpens, and Rivet, claiming 200 arpens of land. (See book No. 1, page 303.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 317.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Rivet, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 333; book No. 1, page 303; No. 5, page 317.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 28th February, 1800; also deeds of conveyances.

M. P. Leduc, duly sworn, saith that the signature to the aforesaid concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 7, page 85.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Rivet, claiming 800 arpens of land. (See book No. 6, page 85.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 88.—*Joseph Pressé, claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Pressé has the honor to represent to you that he would wish to make an establishment in the upper part of this province, where he has been residing for a long time, the petitioner promising to submit to all

the taxes and charges which it may please his Majesty to impose; therefore, the petitioner prays you, sir, to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to his interest; favor which the petitioner presumes to expect of your justice.

St. Louis, *November* 10, 1799.

his
JOSEPH × PRESSÉ.
mark.

St. Louis of Illinois, *November* 12, 1799.

Whereas it is notorious that the petitioner possesses more than the means and the number of hands (population) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in psssession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of survey, delivering the same to the party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 28, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
88	Joseph Pressé.	800	Concession, 12th November, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th Feb., 1804. Certified by Soulard, S. Gen., 28th March, 1804. Sixty-five miles N. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Joseph Pressé, claiming 800 arpens of land, situated as above; produces a certificate from Carlos Dehault Delassus, lieutenant governor, dated 10th November, 1799; a plat of survey as above; a certified extract of sale made by Pressé to claimant, dated 4th September, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 367.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Pressé, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 344 and 349; minutes, No. 5, page 367.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 12, 1799. Also a plat of survey, part of the same being torn and missing, embracing thirty-five concessions of 800 arpens each, and numbered from one to thirty-five inclusive, on which claimant is number seventeen; also deeds to Labeaume.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and that the torn original survey is in the proper handwriting of said Soulard. (See book No. 6, page 147.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Joseph Pressé, claiming 800 arpens of land. (See book No. 6, page 147.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 89.—*Michel Vallé, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Michel Vallé has the honor to represent to you that, having resided for a long time in this province, he would wish to form an establishment in the same; therefore, he has recourse to your goodness, praying you will be pleased to grant to him a tract of land 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
MICHEL × VALLÉ.
mark.

St. Louis, *March* 12, 1800.

St. Louis of Illinois, *March* 16, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the said party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 17, 1833. Truly translated.

JULIUS DE MUN.

Michel Vallé, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
89	Michel Vallé.	800	Concession, 16th March, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Michel Vallé, claiming 600 arpens, and said Vallé, claiming 200 arpens of land, situated as aforesaid; produces a concession from Charles Dehault Delassus, lieutenant governor, dated 16th March, 1800; a plat of survey, as aforesaid; a transfer from Vallé, to claimant, dated 20th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 368.)

March 25, 1833.—Michel Vallé, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 347 and 349; No. 5, page 368.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated March 16, 1800; also deeds to Labeaume; also a plat of survey, part of the same being torn and missing, embracing thirty-five concessions of 800 arpens each, and numbered from one to thirty-five inclusive, on which claimant is No. 18.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and that the torn original survey is in the proper handwriting of said Soulard. (See book No. 6, page 147.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Michel Vallé, claiming 800 arpens of land. (See book No. 6, page 147.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 90.—*Antoine Bizet, claiming* 800 *arpens of land.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Antoine Bizet has the honor to represent to you, that he would wish to establish himself in the upper part of this province, where he has been residing for a long time; therefore he has recourse to your goodness, and prays you to grant him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
ANTOINE × BIZET.
mark.

ST. LOUIS, *September* 12, 1800.

ST. LOUIS OF ILLINOIS, *September* 13, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and to his heirs the land which he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 17, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
90	Antoine Bizet.	800	Concession, 13th September, 1800.	C. Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Antoine Bizet, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated September 13, 1800; a plat of survey as above; a certified extract of sale made by Bizet to claimant, dated 7th November, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 364.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Antoine Bizet, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 347, 348, and 349; minutes, No. 5, page 364.) Produces a paper purporting to be an original concession from Carlos D. Delassus, dated 13th September, 1800; also, a deed to Labeaume, and certificate of transfer, signed M. P. Leduc, recorder; also, a plat of survey, (part of the same being torn and missing,) embracing 35 concessions of 800 arpens each, on which claimant is No. 19.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 148.)

August 24, 1835.—The board met, pursuant to adjournment. Present, F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Antoine Bizet, claiming 800 arpens of land. (See book No. 6, page 148.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. R. CONWAY,
F. H. MARTIN,
JAMES H. RELFE.

Class 2. No. 91.—*Louis Boissy, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Boissy has the honor to represent to you that he would wish to establish himself in the upper part of this province, where he has been residing for some time; therefore he has recourse to the kindness of this government, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

LOUIS BOISSY.

ST. LOUIS, *January* 16, 1800.

ST. LOUIS OF ILLINOIS, *January* 18, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don A. Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of survey, delivering the same to the party, with his certificate, in order to serve him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 25, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
91	Louis Boissy.	800	Concession, 18th January, 1800.	Carlos Dehault Delassus	James Rankin, D. S., 20th February, 1804. Certified by Soulard, March 28th, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Louis Boissy, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated January 18, 1800; plat of survey as above; a certified extract of sale made by Boissy to claimant, dated 2d November, 1803. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 364.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Boissy, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 346 and 349; minutes, No. 5, page 364.) Produces a paper purporting to be an original concession from Carlos D. Delassus, dated January 18, 1800; also a plat of survey, part of the same being torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 15. Also a certificate of transfer signed M. P. Leduc, recorder.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is of the proper handwriting of Ant. Soulard. (See book No. 6, page 146.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Louis Boissy, claiming 800 arpens of land. (See book No. 6, page 146.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 92.—*Joseph Charleville, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Charleville has the honor to represent to you that he would wish to form an establishment in the upper part of this colony, in which he has been residing since his infancy; therefore the petitioner prays you to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner. Favor which he presumes to expect of your justice.

ST. LOUIS, *November* 14, 1799.

JOSEPH CHARLEVILLE.

ST. LOUIS OF ILLINOIS, *November* 16, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat (of his survey), delivering the same to the party, with his certificate, in order to enable him to obtain the concession and title in form from the intendant general; to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 25, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
92	J. Charleville.	800	Concession, 16th November, 1799.	C. Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Joseph Charleville, claiming 800 arpens of land, situate as above, produces a concession from Charles Dehault Delassus, lieutenant governor, dated 16th November, 1799; a plat of survey as above; a certified extract of sale made by said Charleville to claimant, dated 7th October, 1803. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 367.)

March 25, 1833.—F. R. Conway esq., appeared, pursuant to adjournment.

Joseph Charleville, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 347 and 349; minutes, No. 5, page 367.) Produces a concession purporting to be from Carlos D. Delassus, dated 16th November, 1799; also a plat of survey, part of the same being torn and missing, embracing thirty-five concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 16; also certificate of transfer, signed M. P. Leduc, recorder.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Delassus, and that the torn original survey is of the proper handwriting of Antonio Soulard. (See book No. 6, page 146.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Charleville, claiming 800 arpens of land. (See book No. 6, page 146.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 93.—*Baptiste Domine, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana, &c.:*

SIR: Baptiste Domine has the honor to represent that he would wish to form an establishment in the upper part of this colony, where he has been residing since a number of years; therefore the petitioner prays you to

grant to him a tract of land of 800 arpens in superficie, to be taken on the lands belonging to the King's domain, in a vacant place, and which he will have surveyed in the manner which shall appear most convenient to his interest; favor which the petitioner presumes to expect of your justice.

St. Louis, *October* 27, 1799.

his
BAPTISTE × DOMINE.
mark.

St. Louis of Illinois, *October* 28, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to the party with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 25, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
93	Baptiste Domine.	800	Concession, 28th October, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Baptiste Domine, claiming 600 arpens, and said Domine claiming 200 arpens of land, situate as aforesaid. Produces a paper purporting to be a concession from Charles Dehault Delassus, lieutenant governor, dated 28th October, 1799; a plat of survey as aforesaid; a transfer from Domine to claimant, dated 14th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 367.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Baptiste Domine, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 345, 346, and 349; minutes, No. 5, page 367.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated October 28, 1799; also a plat of survey, part of the same being torn and missing, embracing thirty-five concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 12; also a certificate.

M. P. Leduc, being duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 145.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Domine, claiming 800 arpens of land. (See book No. 6, page 145.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 94.—*Louis Charleville, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Louis Charleville has the honor to represent to you that he would wish to form an establishment in the upper part of this province, where he has been residing since his infancy; therefore he has recourse to your kindness, praying you to be pleased to grant to him a concession for 800 arpens of land, in superficie, to be taken on the vacant lands of the King's domain, in the place which shall appear most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

St. Louis, *November* 13, 1799.

his
LOUIS × CHARLEVILLE.
mark.

St. Louis of Illinois, *November* 14, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the lands he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he solicits, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 17, 1833. Truly translated.

JULIUS DE MUN.

Louis Charleville, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
94	Louis Charleville.	800	Concession, 14th November, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by A. Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Louis Charleville, claiming 800 arpens of land situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 14th November, 1799, a plat of survey as above, and a certified extract of sale made by Charleville to the claimant, dated 7th October, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 367.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Charleville, by L. Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 347 and 349; minutes, No. 5, page 367.) Produces a paper purporting to be an original concession from C D. Delassus, dated November 14, 1799; also a plat of survey, part of the same being torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35, inclusive, on which claimant is No 13; also certificate of transfer, signed M. P. Leduc, recorder.

M. P. Leduc, duly sworn, says the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Soulard. (See book No. 6, page 145.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

Louis Charleville, claiming 800 arpens of land. (See book No. 6, page 145.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 95.—*François Besnard, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: François Besnard has the honor to represent to you, that, having for a long time resided in this country, he wishes to settle himself and form an establishment in the same; therefore he has recourse to the kindness of this government, praying you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
FRANCOIS × BESNARD.
mark.

ST. LOUIS, *January* 13, 1800.

ST. LOUIS OF ILLINOIS, *January* 16, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands he solicits, I do grant to him and his heirs the lands he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of (his) survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of land, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 26, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
95	François Besnard.	800	Concession, 16th January, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of François Besnard, claiming 600 arpens of land, and said Besnard, claiming 200 arpens of land, situate as above, produces concession from Charles Dehault Delassus, lieutenant governor, dated 16th January, 1800; a plat of survey as above; a transfer from Bernard to claimant, dated 10th January, 1804.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 364.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Besnard, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 346 and 349; minutes, No. 5, page 364.) Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated January 16th, 1800; also a plat of survey, part of the same being torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 14; also deeds, dated January, August and December, 1804.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 145.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

François Besnard, claiming 800 arpens of land. (See book No. 6, page 145.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 96.—*Baptiste Marle, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Baptiste Marle has the honor to represent to you, that he wishes to establish himself in this province, in which he has been residing for some time; therefore he has recourse to the kindness of this government, praying you to be pleased to grant him a concession of 800 arpens of land in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear more convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

BAPTISTE MARLE.

St. Louis, *December* 16, 1799.

St. Louis of Illinois, *December* 17, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 27, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
96	Baptiste Marle.	800	Concession, 17th December, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Baptiste Marle, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 17th December, 1799; a plat of survey as above; a certified extract of sale made by Marle to claimant, dated 31st October, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 366.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Baptiste Marle, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 345 and 349; minutes, No. 5, page 366.) Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated December 17, 1799; also a plat of survey, part of the same being torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35, inclusive, on which claimant's is No. 11.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Antoine Soulard. (See book No. 6, page 144.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Marle, claiming 800 acres of land. (See book No. 6, page 144.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 97.—*St. James Beauvais, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana.*

SIR: St. James Beauvais has the honor to represent to you, that he would wish to settle himself in the upper part of this province, where he has been residing for some time; therefore he has recourse to your goodness, praying you will please grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear the most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *September* 20, 1800. ST. JAMES his × mark. BEAUVAIS.

ST. LOUIS OF ILLINOIS, *September* 23, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form, from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of land, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *January* 7, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
97	St. James Beauvais,	800	Concession, 23d September, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of St. Gemme Beauvais, claiming 800 arpens of land, situate as above. Produces a concession from Charles Dehault Delassus, L. G., dated 23d September, 1800; a plat of survey as above; a certified extract of sale made by Beauvais to claimant, dated 8th July, 1804. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 369.)

January 4, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment, having been authorized by a resolution of the board of commissioners, of the 1st of December last, to receive evidence.

St. Gemme Beauvais, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See record-book C, page 332; minutes, No. 5, page 369.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 23d September, 1800; also deeds of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 92.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

St. Gemme Beauvais, claiming 800 arpens of land. (See book No. 6, page 92.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 98.—*Pierre Roussel, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Pierre Roussel has the honor to represent to you, that having for some time resided in this province, he wishes to settle himself in it; therefore, he has recourse to the benevolence of this government, praying you will please to grant to him a tract of land of 800 arpens in superficie, in a vacant part of the King's domain, which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *January* 21, 1800. PIERRE his × mark. ROUSSEL.

ST. LOUIS OF ILLINOIS, *January* 25, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place in the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, and his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *January* 7, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
98	Pierre Roussel.	800	Concession, 25th January, 1800.	C. Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain), assignee of Pierre Roussel, claiming 600 arpens of land, situate on the river Cuivre, district of St. Charles, produces a concession from Charles D. Delassus to the said Roussel, for 800 arpens of land, dated 25th January, 1800; a survey, dated 20th February, certified 28th March, 1804, and a deed of transfer of the same, dated 5th of January, 1804.

The board require further proof of the date of the above concession.

On behalf of the United States. Pierre Roussel, being duly sworn, says that, sometime in March, 1804, (as he believes,) he received from Louis Labeaume a concession for which he never had applied; that some time in January or February, of that same year, Labeaume asked him if he wanted land, to which he replied that he would take it if it was given him; that the said concession did not remain in his possession; and further, that in the said month of March, he signed an assignment of 600 arpens of the same to the above claimant, but received nothing for the same; that he has since sold the 200 remaining arpens to another person; was at the time of receiving said concession twenty-five years of age, had a wife and child; never cultivated the same nor inhabited it, and that he claims no other land in his own name in this territory.

The board reject this claim. (See book No. 1, page 302.)

August 17, 1811.—The board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Pierre Roussel, claiming 600 arpens, and Pierre Roussel, claiming 200 arpens of land. (See book No. 1, page 302.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 317.)

January 4, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment. Having been authorized by a resolution of the board of commissioners of the 1st of December last, to receive evidence:

Pierre Roussel, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 333 and 334; No. 1, page 302; No. 5, page 317.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 25th January, 1800; also deeds of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 93.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Pierre Roussel, claiming 800 arpens of land. (See book No. 6, page 93.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 99.—*William Clark, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: William Clark has the honor to represent to you, that residing in this province since several years, he wishes to settle himself in it and form an establishment; therefore he has recourse to your goodness, praying that you will please to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant land of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

WILLIAM CLARK.

ST. LOUIS, *October* 28, 1800.

ST. LOUIS OF ILLINOIS, *October* 30, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the lands which he solicits, I do

grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *January* 1, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
99	William Clark.	800	Concession, 30th October, 1800.	C. Dehault Delassus	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 14, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of William Clark, claiming 800 arpens of land, situate as above; produces a concession from Charles D. Delassus, lieutenant general, dated October 30, 1800; a plat of survey as above; a certified extract of sale made by Clark to claimant, dated December 3, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 369.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

William Clark, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 332 and 333; book No. 5, page 369.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated October 30, 1800.

M. P. Leduc, being duly sworn, saith that the signature to said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 86.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

William Clark, claiming 800 arpens of land. (See book No. 6, page 86.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 100.—*Dominique Hugé, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Dominique Hugé has the honor of representing to you, that he would wish to form an establishment in this country, which he has been inhabiting from his infancy, therefore he has recourse to your goodness, praying you will please to grant him a concession for eight hundred arpens of land in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear the most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *October* 12, 1799.

DOMINIQUE HUGÉ.

ST. LOUIS OF ILLINOIS, *October* 14, 1799.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, in case it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
100	Dominique Hugé.	800	Concession, 14th October, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Situated on Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Dominique Hugé, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, L. G., dated October 14, 1799; a plat of survey as above; a certified extract of sale made by Hugé to claimant, dated May 4, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 371.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Dominique Hugé, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 335; book No. 5, page 371.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated October 14, 1799.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Delassus. (See book No. 6, page 85.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Dominique Hugé, claiming 800 arpens of land. (See book No. 6, page 85.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 101.—*Joseph Dequary, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Dequary has the honor to represent to you, that wishing to establish himself in the upper part of this province, where he has been residing for several years, therefore he has recourse to your goodness, hoping you will please to grant him a tract of land of eight hundred arpens in superficie, to be taken upon the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
JOSEPH × DEQUARY.
mark.

ST. LOUIS, *March* 6, 1802.

ST. LOUIS OF ILLINOIS, *March* 8, 1802.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it does not do prejudice to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, on a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
101	Joseph Decarry.	800	Concession, 8th March, 1802.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles from St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of John Baptiste (Joseph) Decarry, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 8th March, 1802; a plat of survey as above; a certified extract of sale made by Decarry to claimant, dated 4th June, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 371.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Decarry, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 335; book No. 5, page 371.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated 8th March, 1802.

M. P. Leduc, being duly sworn, saith that the signature to the aforesaid concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 85.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Decarry, claiming 800 arpens of land. (See book No. 6, page 85.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decisions in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 102.—*J. Bte. Dumoulin, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jno. Bte. Dumoulin, an inhabitant of this town, has the honor to represent to you that he would wish to form a plantation in this province, in which he has been residing several years; and having a numerous family, he claims of the benevolence of this government, and prays you to grant him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to his interest. Favor which the petitioner presumes to hope of your justice.

ST. LOUIS, *November* 3, 1800.

DUMOULIN.

ST. LOUIS OF ILLINOIS, *November* 7, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and to his heirs the land which he solicits, if it does prejudice to nobody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, which he shall deliver to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *January* 1, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
102	J. Bte. Dumoulin.	800	Concession, 7th November, 1801.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of John Baptiste Dumoulin, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, L. G., dated 7th November, 1800; a plat of survey as above; a certified extract of sale, made 12th May, 1803, by Dumoulin, to claimant.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 370.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

John Baptiste Dumoulin, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 334; book No. 5, page 370.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated November 7, 1800.

M. P. Leduc, being duly sworn, saith that the signature to the above-mentioned concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 87.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean B. Dumoulin, claiming 800 arpens of land. (See book No. 6, page 87.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 103.—*Joseph Hebert, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Hebert has the honor of representing to you, that wishing to form an establishment in the upper part of this province, in which he has been inhabiting since his childhood, therefore he prays you to grant

to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear the most advantageous and most convenient to the interest of your petitioner, who presumes to expect this favour of your justice.

ST. LOUIS, *April* 14, 1800.

his
JOSEPH × HEBERT.
mark.

ST. LOUIS OF ILLINOIS, *April* 15, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
103	Joseph Hebert.	800	Concession, 15th April, 1800.	Carlos Dehault Delassus.	James Rankin, D. S, 20th Feb., 1804. Certified by Soulard, 28th March, 1804. On Cuivre river, 65 miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Joseph Hebert, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles Dehault Delassus to the said Hebert, for 800 arpens, dated April 15, 1800; a survey of the same, dated February 20, and certified March 28, 1804; and a transfer, dated January 10, 1804. The board require further proof of the date of the above concession. (See book No. 1, page 303.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Joseph Hebert, claiming 600 arpens, and Joseph Hebert, claiming 200 arpens of land. (See book No. 1, page 303.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 317.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Hebert, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 336; book No. 1, page 303; No. 5, page 317.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated April 15, 1800, (also deed of conveyance.)

M. P. Leduc, being duly sworn, saith that the signature to the above concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 86.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Hebert, claiming 800 arpens of land. (See book No. 6, page 86.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 104.—*Regis Vasseur, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Regis Vasseur, an ancient inhabitant of this town, has the honor to represent to you, that wishing to settle himself in the upper part of this province, therefore he has recourse to your goodness, praying that you will please to grant to him a concession for eight hundred arpens of land in superficie, to be taken on the vacant lands of his Majesty's domain, in the place that will be found the most favorable to the interest of your petitioner, who presumes to expect this favor of your justice.

his
REGIS × VASSEUR.
mark.

ST. LOUIS, *December* 21, 1799.

ST. LOUIS OF ILLINOIS, *December* 23, 1799.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with the certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 31, 1832. Truly translated.

JULIUS DE MUN.

Regis Vasseur, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
104	Regis Vasseur.	800	Concession, December 23, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., February 20, 1804. Certified by Soulard, March 28, 1804. On Cuivre river, sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Regis Vasseur, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, L. G., dated September 23, 1799; a plat of survey as above; a certified extract of sale made by Vasseur to claimant, dated August 5, 1803. It is the opinion of the board that this claim ought not to be confirmed. (See page 370, book No. 5.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Regis Vasseur, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 334 and 335; book No. 5, page 370.) Produces a paper, purporting to be an original concession from Charles Dehault Delassus, dated December 23, 1799; also deeds of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of the above-named Carlos Dehault Delassus. (See book No. 6, page 85.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Regis Vasseur, claiming 800 arpens of land. (See book No. 6, page 85.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 105.—*Jean Louis Marc, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Jean Louis Marc has the honor to represent to you, that having resided in this province since several years, he would wish to establish himself; therefore he has recourse to your goodness, hoping that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which shall appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

St. Louis, *January* 20, 1800.

JEAN LOUIS MARC.

St. Louis of Illinois, *January* 24, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided that it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat of his survey, delivering the same to the said party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *April* 17, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
105	Jean Louis Marc.	800	Concession, 24th January, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Louis Marc, claiming 600 arpens, and said Marc, claiming 200 arpens, situate as above, produces a concession from Charles D. Delassus, L. G., dated 24th January, 1800; a plat of survey as above; a transfer from Marc to claimant, dated 9th January, 1804. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 366.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jean Louis Marc, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 345 and 349; minutes, No. 5, page 366;) produces a paper purporting to be an original concession from Carlos D. Delassus, dated January 24th, 1800; also, a plat of survey, part of the same being torn and missing, embracing 35 concessions, of 800 arpens each, and numbered from 1 to 35, inclusive, on which claimant is No. 9; also, a deed dated January 9th, 1804.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 144.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Louis Marc, claiming 800 arpens of land. (See book No. 6, page 144.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 106.—*James Haff, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: James Haff has the honor to represent that he would wish to settle himself in the upper part of this province, where he has resided since several years; therefore he has recourse to the beneficence of this government, praying that you may be pleased to grant him a tract of land of 800 arpens in superficie, to be taken on the domain of his Majesty, in any vacant place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

JAMES his × mark HAFF.

ST. LOUIS, *November* 14, 1800.

ST. LOUIS OF ILLINOIS, *November* 15, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to the party, together with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 20, 1834. Truly translated from record-book C, page 333.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
106	James Haff.	800	Concession, 15th November, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified 28th March, 1804, by Soulard, S. G. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—The board met. Present: Hon. B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of James Haff, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, lieutenant governor, dated 5th November, 1800; a plat of survey as above; a certified extract of sale made by Haff to claimant, dated 3d September, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 370.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R Conway, commissioners.

James Haff, by his legal representatives, claiming 800 arpens of land. (See record book C, pages 333 and 349; minutes, book No. 5, page 370. See book No. 6, page 537.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, F. H. Martin, commissioners.

James Haff, claiming 800 arpens of land. (See book No. 6, page 537.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 107.—*Louis Grimard, claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Grimard, alias Charpentier, has the honor to represent that he would wish to make an establishment in the upper part of this province, where he has been residing for some time; therefore he has recourse to your goodness, praying that you may be pleased to grant him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
LOUIS × GRIMARD.
mark.

ST. LOUIS, *November* 15, 1799.

ST. LOUIS OF ILLINOIS, *November* 17, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of any one, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to the said party, together with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 20, 1834. Truly translated from record book C, page 334.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
107	Louis Grimar, or Grimaud, alias Charpentier.	800	Concession, 17th November, 1799.	Charles Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified 28th March, 1804, by A. Soulard, S. G. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Louis Grimar, dit Charpentier, claiming 800 arpens of land, situate as above, produces a concession from Charles D. Delassus, L. G., dated 17th of November, 1799; a plat of survey as above; a certified extract of sale made by Grimar to claimant, dated 5th of August, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See No. 5, page 570.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield, F. R. Conway, commissioners.

Louis Grimar or Grimaud, alias Charpentier, by his legal representatives, claiming 800 arpens of land. (See record-book C, pages 334 and 349; minutes, book No. 5, page 370. See book No. 6, page 537.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

Louis Grimar or Grimaud, claiming 800 arpens of land. (See book No. 6, page 537.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 108.—*Jean Godineau, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jean Godineau has the honor to represent to you, that residing in this province since several years, he would wish to form in the same an establishment; in consequence, he has recourse to the kindness of this government, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
JEAN × GODINEAU.
mark.

ST. LOUIS, *May* 5, 1800.

ST. LOUIS OF ILLINOIS, *May* 7, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land demanded, in a vacant place of the royal domain; and this being executed, he shall make out a plat of survey delivering the same to said party, with

his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 11, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
108	Jean Godineau.	800	Concession, 7th May, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804 Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Godineau, claiming 800 arpens of land, situated as above, produces a plat of survey as above.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 369.)

March 21, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment, being authorized to receive evidence by a resolution of this board, taken the 9th instant.

Jean Godineau, by his legal representative, J. P. Labanné, claiming 800 arpens of land. (See book C, page 349. For survey, see book F, pages 54 and 55; minutes, No. 5, page 369.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 7, 1804; also, two deeds of conveyance from Godineau to Labeaume; also, a deed of conveyance from Benoist to Cabanné.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 135.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Godineau, claiming 800 arpens of land. (See book No. 6, page 135.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 109.—*Antoine Dejarlais, claiming* 800 *arpens.*

To DON CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Antoine Dejarlais has the honor to represent, that having resided for a long time in this country, he wishes to make an establishment in the same, therefore he has recourse to your goodness, praying that you may be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall appear most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

his
ANTOINE × DEJARLAIS.
mark.

ST. LOUIS, *March* 17, 1800.

ST. LOUIS OF ILLINOIS, *March* 19, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant him and his heirs the land he solicits, provided it is not to the prejudice of any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, &c,

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 24, 1834. Truly translated from book C, page 334, of record in the recorder's office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
109	Antoine Dejarlais.	800	Concession, 19th March, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified 28th March, 1804, by A. Soulard, surveyor general. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 23, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same (Jacques St. Vrain), assignee of Antoine Dejarlais, claiming 600 arpens of land, situated on Cuivre river, district of St. Charles, produces a concession from Charles D. Delassus to the said Dejarlais, for 800 arpens, dated March 19, 1800; a survey of the same, taken the 20th February, and certified 28th of March, 1804; and a deed of transfer of the same, dated the 10th December, 1803.

The board require further proof of the date of the above concession.

The board reject this claim. (See book No. 1, page 303.)

August 17, 1811.—The board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Antoine Dejarlais, claiming 600 arpens, and Antoine Dejarlais, claiming 200 arpens of land. (See book No. 1, page 303.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 317.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield, F. R. Conway, commissioners.

Antoine Dejarlais, by his legal representatives, claiming 800 arpens of land. (See record-book C, pages 334 and 349; minutes, book No. 1, page 303, and No. 5, page 317. See book No. 6, page 537.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Antoine Dejarlais, claiming 800 arpens of land. (See book No. 6, page 537.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 110.—*Benjamin Quick, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Benjamin Quick has the honor to represent, that he would wish to make an establishment in the upper part of this province, where he has been residing for some time, the petitioner pledging himself to submit to the duties and taxes which it may please his Majesty to establish; therefore the petitioner prays you, sir, to grant him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domains, in the place which will appear most advantageous to his interest; a favor which the petitioner presumes to expect of your justice.

BENJAMIN his × mark. QUICK.

ST. LOUIS, *March* 6, 1801.

ST. LOUIS OF ILLINOIS, *March* 10, 1801.

Whereas it is notorious that the petitioner possesses sufficient means to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of anybody, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 20, 1814. Truly translated from record-book C, page 335.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
110	Benjamin Quick.	800	Concession, 10th March, 1801.	Carlos Dehault Delassus.	James Rankin, D. S., 20th Feb., 1804. Certified 28th March, 1804, by A. Soulard, surveyor general. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Benjamin Quick, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to the said Quick for 800 arpens, dated March 10, 1801; a survey of the same, dated 20th February, and certified 28th March, 1804; and a transfer, dated December 6, 1803.

The board cannot act. (See No. 5, page 303.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Benjamin Quick, claiming 600 arpens of land, and Benjamin Quick, claiming 200 arpens. (See book No. 1, page 303.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 317.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

Benjamin Quick, by his legal representatives, claiming 800 arpens of land. (See record-book C, pages 335 and 349; minute-books, No. 1, page 303, and No. 5, page 317. See No. 6, page 538.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Benjamin Quick, claiming 800 arpens of land. (See book No. 6, page 538.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 111.—*Jean Derouin, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: John Derouin has the honor to represent to you, that he would wish to establish himself in this Upper Louisiana, where he has been residing since his infancy; therefore he prays you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
JEAN × DEROUIN.
mark.

ST. LOUIS, *October* 4, 1799.

ST. LOUIS OF ILLINOIS, *October* 5, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of his survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 27, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
111	Jean Derouin.	800	Concession, October 5, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Derouin, claiming 800 arpens of land, situate as above, produces a concession from Charles Dehault Delassus, lieutenant governor, dated October 5, 1799; a plat of survey as above; a certified extract of sale made by Derouin to claimant, dated September 3, 1803. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 365.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jean Derouin, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 343 and 349; minutes, No. 5, page 365.) Produces a paper purporting to be an original concession from Charles D. Delassus, dated October 5, 1799; also a plat of survey (part of said paper torn and missing) embracing 35 concessions of 800 arpens each, numbered from 1 to 35 inclusive, on which claimant is No. 4.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Charles D. Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 142.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Derouin, claiming 800 arpens of land. (See book No. 6, page 142.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 112.—*Joseph Hubert, claiming* 800 *arpens:*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Hubert has the honor to represent to you that, residing in this country since several years, he wishes to settle himself, and form an establishment in the same; therefore he has recourse to your goodness,

praying you to be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *March* 12, 1800.

his
JOSEPH × HUBERT.
mark.

ST. LOUIS OF ILLINOIS, *March* 16, 1803.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of (his) survey, delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 27, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
112	Joseph Hubert.	800	Concession, 16th March, 1800.	C. Dehault Delassus.	James Rankin, D. S., February 20, 1804. Certified by Soulard, March 28, 1804. Sixty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Joseph Hubert, claiming 600 arpens, and said Hubert, claiming 200 arpens of land, situate as above; produces a concession from Charles D. Delassus, lieutenant governor, dated 16th March, 1800; a plat of survey as above; a transfer from Hubert to claimant, dated 12th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 366.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Hubert, by Louis Labeaume's legal representatives, claiming 800 arpens of land. (See book C, pages 344 and 349; minutes, No. 5, page 366.)

Produces a paper purporting to be an original concession from Carlos D. Delassus, dated March 16, 1800; also a plat of survey, part of the same being torn and missing, embraces 35 concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 6; also deed, dated December 12, 1803.

M. P. Leduc, being duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 143.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, James H. Relfe, and F. H. Martin, commissioners.

Joseph Hubert, claiming 800 arpens of land. (See book No. 6, page 143.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 113.—*Jean Baptiste Bravier, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jean Baptiste Bravier has the honor to represent to you, that having resided in this province for a long time, he wishes to settle himself and make an establishment therein; therefore he has recourse to your goodness, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *April* 7, 1800.

his
J. B. × BRAVIER.
mark.

ST. LOUIS OF ILLINOIS, *April* 11, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat (of his survey), delivering the same to the party, with his certificate, in order to enable him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of land, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 26, 1833. Truly translated.

JULIUS DE MUN.

Jean B. Bravier, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
113	Jean B. Bravier.	800	Concession, 11th April, 1800.	C. Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified by Soulard, 28th March, 1804. Sixty-five miles north of St Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Jean Baptiste Bravier, claiming 600 arpens, and said Bravier, claiming 200 arpens of land, situate 65 miles north of St. Louis, district of St. Charles, produces a concession from Charles D. Delassus, dated 11th April, 1800; a plat of survey, dated 20th February, 1804, certified 28th March, 1804; a transfer from Bravier to claimant, dated 12th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 364.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jean Baptiste Bravier, by Louis Labeaume's representatives, claiming 800 arpens of land. (See book C, pages 345 and 349; minutes, No. 5, page 364.) Produces a paper purporting to be a concession from Carlos D. Delassus, dated April 11th, 1800; also a plat of the survey, part of the same being torn and missing, embracing 35 concessions of 800 arpens each, and numbered from 1 to 35 inclusive, on which claimant is No. 10; also deeds, dated December 12th, 1803, and July 11th, 1804.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of Carlos D. Delassus, and that the torn original survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 144.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Baptiste Bravier, claiming 800 arpens of land. (See book No. 6, page 144.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in Louis Lamalice's claim, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 114.—*Louis Ouvray, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Ouvray has the honor to represent, that having resided for a long time in this province, he would wish to make an establishment in the same; therefore he has recourse to your goodness, praying that you will please grant him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most advantageous to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 7, 1800. LOUIS × (his mark) OUVRAY.

ST. LOUIS OF ILLINOIS, *February* 9, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *July* 22, 1835. I certify the above to be truly translated from book F, page 54, of record in the recorder's office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
114	Louis Ouvray.	800	Concession, 9th February, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 20th February, 1804. Certified 28th March, 1804, by A. Soulard, S. G. On Cuivre river, St. Charles.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

October 18, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Louis Ouvray, claiming 800 arpens of land, situate as above, produces a plat of survey as above.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 369.)

July 4, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Ouvray, by his legal representatives, claiming 800 arpens of land, on river Au Cuivre. (For concession see record-book F, page 54; for survey, book C, page 349; minutes, book No. 5, page 369.)

Charles Sanguinet, duly sworn, says that he, witness, gave the original concession to his brother-in-law, H. Cosin, to have the same recorded in one of the upper counties; that said Cosin died a short time afterward, and since his death, witness has not been able to discover what had become of said paper. (See book No. 7, page 207.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Louis Ouvray, claiming 800 arpens of land. (See book No. 7, page 207.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 115.—*Jacob Eastwood, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jacob Eastwood has the honor to represent to you, that he would wish to form an establishment in the upper part of this province, where he has been residing for some time, promising (the petitioner) to submit to the taxes and charges which it will please his Majesty to impose; therefore the petitioner prays you, sir, to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to his interests; favor which the petitioner presumes to expect of your justice.

ST. LOUIS, *February* 5, 1801. JACOB EASTWOOD.

ST. LOUIS OF ILLINOIS, *February* 8, 1801.

It being evident that the petitioner has more than the means and number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 28, 1832. Truly translated.

JULIUS DE MUN.

CLASS 2. SURVEY FOR NOS. 115, 116, 117, 118, AND 119.

Don ANTONIO SOULARD, *Surveyor General of Upper Louisiana:*

I do certify that five tracts of land, of 800 arpens each, (making in all 4,000 arpens, as it is demonstrated in the foregoing figurative plat,) were measured, the lines run, and bounded, in favor of Don Santyago de St. Vrain, in presence of his agent, Albert Tyson; the said five concessions were bought last year, by the said proprietor, from the primitive owners, as it is proven by the deeds of sale recorded in the offices of this government. Each one of the tracts of land is designated, in the said figurative plat, with the name of the vendor; observing that the dotted lines were not run on the ground, on account of the bad weather which took place, but they shall have to be run at the demand of the interested. These lands have been measured with the perch of Paris, of eighteen French feet, lineal measure of the same city. Said lands are situated at about three miles to the westward of the river Mississippi, and sixty miles to the northwest of this town of St. Louis, and are bounded on the four sides by vacant lands of the royal domain. The said measurement and survey were taken without regard to the variation of the needle, which is of 7° 30′ east, as it is evident by referring to the above figurative plat, on which are noted the dimensions, direction of the lines, other boundaries, &c. Said surveys were taken by virtue of the decrees of the lieutenant governor, Don Carlos Dehault Delassus, as it is proven by the five petitions and decrees here annexed.

In testimony whereof, I do give the present, with the foregoing figurative plat, drawn conformably to the survey executed by the deputy surveyor, Mr. James Rankin, on the 6th and 7th of January of this present year, he having signed on the minutes, which I do certify.

ANTONIO SOULARD, *Surveyor General.*

ST. LOUIS OF ILLINOIS, *March* 5, 1804.

ST. LOUIS, *January* 1, 1833. Truly translated. JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
115	Jacob Eastwood.	800	Concession, 8th February, 1801.	Carlos Dehault Delassus.	James Rankin, D. S., 6th and 7th January, 1804. Certified by Soulard, 5th March, 1804. Sixty miles northwest of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Jacob Eastwood, claiming 800 arpens of land, situate as above, produces record of a concession from C. D. Delassus, lieutenant governor, dated 8th February, 1801, and a certificate of survey as above.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 419.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jacob Eastwood, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 330, 331, and 332; book No. 5, page 419.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 8th February, 1801; also, a plat and certificate of survey, dated 5th March, 1804, by Antonio Soulard; also, deeds of conveyances.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of Carlos Dehault Delassus, and that the signature to the plat and certificate of survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 81.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jacob Eastwood, claiming 800 arpens of land. (See book No. 6, page 81.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 116.—*T. Todd, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: T. Todd has the honor to represent to you, that he would wish to make an establishment in the upper part of this province, in which he resides since some time; the petitioner promising to submit himself to all the taxes and charges which his Majesty will be pleased to impose; therefore, the petitioner prays you to grant to him a tract of 800 arpens of land in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to his interest; favor which, your petitioner presumes to expect of your justice.

ST. LOUIS, *May* 12, 1801.

his
T. × TODD.
mark.

ST. LOUIS OF ILLINOIS, *May* 15, 1801.

Whereas it is evident that the petitioner has more than the means and number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the concession and title in form, from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 28, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
116	T. Todd.	800	Concession, 15th May, 1801.	C. Dehault Delassus.	James Rankin, D. S., 6th and 7th January, 1804. Certified by Soulard, 5th March, 1804. Sixty miles northwest of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of T. Todd, claiming 800 arpens of land, situate as above; produces the record of a concession from C. D. Delassus, L. G., dated 15th May, 1801. A plat of survey as above.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 419.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

T. Todd, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 330, 331, and 332; book No. 5, page 419.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 15th May, 1801; also, a paper purporting to be a plat and certificate of survey, dated 5th March, 1804, by Antonio Soulard; also, deed of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting

of Carlos D. Delassus, and the signature to the said plat and certificate of survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 82.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

T. Todd, claiming 800 arpens of land. (See book No. 6, page 82.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 117.—*Daniel Hubbard, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Daniel Hubbard has the honor to represent to you, that he would wish to form an establishment in the upper part of this province, in which he has been residing for some time, promising (the petitioner) to submit himself to all the taxes and charges which it may please his Majesty to impose. Therefore, sir, the petitioner prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *November* 17, 1800.

his
DANIEL × HUBBARD.
mark.

ST. LOUIS OF ILLINOIS, *November* 20, 1800.

Whereas it is notorious that the petitioner has more than the means and number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in the place indicated; and this being executed, he shall draw a plat of his survey, delivering the same, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands in the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 28, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
117	Daniel Hubbard.	800	Concession, 20th November, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 6th and 7th January, 1804. Certified by Soulard, 5th March, 1804. Sixty miles N. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Daniel Hubbard, claiming 800 arpens of land, situate as above, produces record of a concession from C. D. Delassus, L. G., dated 20th November, 1800, and a plat of survey as above.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 419.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Daniel Hubbard, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 330, 331, and 332; book No. 5, page 419.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 20th November, 1800; also, a plat and certificate of survey, dated 5th March, 1804, by Antoine Soulard; also, a deed of conveyance.

M. P. Leduc, duly sworn, says that the signature to the said concession is in the proper handwriting of Carlos D. Delassus, and that the signature to the plat and certificate of survey is in the proper handwriting of Antoine Soulard. (See book No. 6, page 82.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Daniel Hubbard, claiming 800 arpens of land. (See book No. 6, page 82.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 118.—*Felix Hubbard, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Felix Hubbard has the honor to represent to you, that he would wish to form an establishment in the upper part of this province, where he has been residing for some time, the petitioner promising to submit

to all taxes and charges which his Majesty may think fit to impose; therefore, sir, the petitioner prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
FELIX × HUBBARD.
mark.

St. Louis, *November* 18, 1800.

St. Louis of Illinois, *November* 20, 1800.

Whereas it is evident that the petitioner has more than the means and the number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of lands which he asks, in the place indicated; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him in obtaining the concession and title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 28, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
118	Felix Hubbard.	800	Concession, 20th November, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., January 6th and 7th, 1804. Certified by Soulard, 5th March 1804. Sixty miles N. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Felix Hubbard, claiming 800 arpens of land, situate as aforesaid, produces record of a concession from C. D. Delassus, L. G., dated November 20, 1800, and a plat of survey as aforesaid.

It is the opinion of this board that this claim ought not to be confirmed. (See book No. 5, page 418.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Felix Hubbard, by his legal representatives, John Mullanphy, claiming 800 arpens of land. (See book C, pages 330, 331, and 332; book No. 5, page 418.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated November 20, 1800; also, a plat and certificate of survey, dated March 5, 1804; also, a deed of conveyance.

M. P. Leduc, being duly sworn, saith that the signature to the said concession is in the proper handwriting of said Delassus, and that the signature to plat and certificate of survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 83.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Felix Hubbard, claiming 800 arpens of land. (See book No. 6, page 83.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 119.—*Eusebius Hubbard, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Eusebius Hubbard has the honor to represent to you, that he would wish to form an establishment in the upper part of this province, where he has been residing for some time; the petitioner promising to submit to all the taxes and charges which it may please his Majesty to impose; therefore, sir, the petitioner prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

EUSEBIUS HUBBARD.

St. Louis, *January* 4, 1803.

St. Louis of Illinois, *January* 7, 1803.

Whereas it is notorious that the petitioner has more than the means and number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the (party) interested in possession of the quantity of land which he asks, in the place indicated; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order that it shall serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 29, 1832. Truly translated.

JULIUS DE MUN.

Eusebius Hubbard, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
119	Eusebius Hubbard.	800	Concession, 7th January, 1803.	Carlos Dehault Delassus.	James Rankin, D. S., 6th and 7th of January, 1804. Certified by Soulard, March 5, 1804. Sixty miles N. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Eusebius Hubbard, claiming 800 arpens of land, situate 60 miles northwest of St. Louis, district of St. Charles. Produces a record of concession from Charles D. Delassus, L. G., dated January 7, 1803; a plat of survey, dated 17th (6th and 7th) January, 1804, certified March 5, 1804. It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 418.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Eusebius Hubbard, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 330 and 332; book No. 5, page 418.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 7, 1804; also a plat and certificate of survey, dated March 5, 1804, by Antonio Soulard; also, deeds of conveyances.

M. P. Leduc, duly sworn, says that the signature to the above-mentioned papers are in the respective handwriting of Carlos Dehault Delassus and Antonio Soulard. (See book No. 6, page 83.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Eusebius Hubbard, claiming 800 arpens of land. (See book No. 6, page 83.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 120.—*Louis Lajoie, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Lajoie has the honor to represent to you, that wishing to make an establishment in the upper part of this province, where he has been residing for some time, therefore he has recourse to the benevolence of this government, praying that you may be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear the most advantageous and the most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 17, 1800.

his
LOUIS × LAJOIE.
mark.

ST. LOUIS OF ILLINOIS, *February* 19, 1800.

Being assured that the petitioner has sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him in obtaining the title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of land, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 27, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
120	Louis Lajoie.	800	Concession, 19th February, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 19th February, 1804. Certified by Soulard, 20th March, 1804. Seventy-two miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

Jacques St. Vrain, assignee of Louis Lajoie, claiming 550 arpens of land, situate as aforesaid; produces a concession from Charles D. Delassus to said Louis Lajoie, dated February 19th, 1800; a survey of the same, dated 19th January, 1804, and certified 20th March, 1804; together with a deed of transfer of the same, dated 17th December, 1803.

The board require further proof of the date of the above concession.

On behalf of the United States.—Louis Lajoie, being duly sworn, says that he never applied for a concession; that about two years ago, in the winter, Louis Labeaume called on him and informed him that he was ready to give concessions to such as wanted some; that he, the witness, went to Gregoire Sarpy's where Labeaume lived at that time; that being there, Labeaume showed him some papers which he deemed to be concessions, but did not give him the same; that, not knowing how to write, he made his cross to a paper; that he never received anything for the land he made over to claimant; and, further, that he does not know where the said land lies; was, at the time of the above application to him, the said witness, by said Labeaume, of the age of 22 years; had a wife and child, and claims no other land, in his own name, in this territory.

The board reject this claim. (See book No. 1, page 302.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Louis Lajoie, claiming 550, and Louis Lajoie, claiming 250 arpens of land. (See book No. 1, page 302.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 316.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Louis Lajoie, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, page 326; book No. 1, page 302; No. 5, page 316.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 19th February, 1800; also, a plat and certificate of survey, dated 20th March, 1804, by Antonio Soulard; also, deeds of conveyances.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of Carlos Dehault Delassus, and the signature to plat and certificate of survey is in the proper handwriting of Antonio Soulard. (See book No. 6, page 81.)

December 17, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Louis Lajoie, claiming 800 arpens of land. (See page 81, of this book, No. 6.)

Louis Lajoie, being duly sworn, says that, under the Spanish government, he asked for a concession of 800 arpens of land; that on his demand, the said concession was granted to him; that he asked for said concession through Mr. Labeaume, who drew up the petition; that, at the time the grant was made, he, the deponent, lived in Florissant, and had a wife and two children; that he, in company with about 15 others, came to St. Louis for the purpose of asking land of the government; that he does not recollect of having ever given any testimony before the former board; that if he has, he must have been drunk at the time; that then he was oftener drunk than sober; that previous to obtaining the grant, he had not made any contract with any one for said land; that he recollects of having sold his interest in the grant to Dejarlais, when in a frolic, for a pint of whiskey; that he does not recollect of having signed any deeds for said land. Being asked what was his occupation at that time, he answered, drinking drams. The witness further says that he supported his family by working by the day, when sober; that since a few years he has left off drinking; that at the time the grant was made, the lieutenant governor, Charles Dehault Delassus, lived in a house on Main street, near the market place. (See book No. 6, page 399.)

December 28, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

In the case of Louis Lajoie, claiming 800 arpens of land. (See page 81 of this book, No. 6.)

Benito Vasquez, being duly sworn, and being shown the original deed of sale from Louis Lajoie to Dejarlais, (said deed dated July 10th, 1804,) signed by him, the said Benito, as witness, says that it is his own handwriting and signature. (See book No. 6, page 423.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Louis Lajoie, claiming 800 arpens of land. (See book No. 6, pages 81, 399, 423.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 121.—*F. Bellanger, claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: François Bellanger has the honor to represent that he would wish to make an establishment in the upper part of this province ——— (marked on the record illegible) ——— some time, therefore ——— (do, illegible) ———.

his
F. × BELLANGER.
mark.

December 16, 1799.

ST. LOUIS OF ILLINOIS, *December* 20, 1799.

Whereas we are assured that the petitioner has sufficient means to improve the land he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant part of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of land on the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 25, 1835. Truly translated from record-book C, page 325.

JULIUS DE MUN, *T. B. C.*

F. Bellanger, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
121	Fran. Bellanger.	800	Concession, 20th Dec., 1799.	C. Dehault Delassus.	James Rankin, D. S., 19th January, 1804. Certified by Soulard, 20th March, 1804. Seventy-two miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Francis Bellanger, claiming 550 arpens, situate as aforesaid, produces a concession from Charles Dehault Delassus, for 800 arpens, dated 20th December, 1799; a survey dated 19th January, 1804, and a transfer of the same, dated December 13th, 1803.

The board require further proof of the date of the above concession. The board reject this claim. (See book No. 1, page 301.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Francis Bellanger, claiming 550 arpens, and Francis Bellanger, claiming 250 arpens of land. (See book No. 1, page 301.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, pages 316 and 317.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

François Bellanger, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 325 and 326; book No. 1, page 301; No. 5, pages 316 and 317.) Produces a paper purporting to be a plat and certificate of survey, dated March 20, 1804, by Antoine Soulard.

M. P. Leduc, duly sworn, saith that the signature to said certificate of survey is in the proper handwriting of the said Antoine Soulard. (See book No. 6, page 87.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

François Bellanger, claiming 800 arpens of land. (See book No. 6, page 87.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 122.—*Bte. Joseph Billot, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Bte. Joseph Billot has the honor to represent to you that, residing in this country since a long time, he wishes to settle himself in it; therefore he has recourse to your goodness, hoping you will please to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 25, 1800.

his
BTE. JOSEPH × BILLOT.
mark.

ST. LOUIS OF ILLINOIS, *February* 29, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order that it shall serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 29, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
122	Bte. J. Billot.	800	Concession, 29th February, 1800.	C. Dehault Delassus.	James Rankin, D. S., 11th February, 1804. Certified by Soulard, 28th March, 1804. Fifty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Baptiste Billot, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles Dehault Delassus to said Billot, for 800 arpens, dated 29th February, 1800, a survey taken the 11th February, and certified 20th (28th) March, 1804; and a deed of transfer of the same, dated 10th January, 1804.

The board require further proof of the date of said concession.

On behalf of the United States.—Baptiste Billot, being duly sworn, says that, about two years ago, understanding that Louis Labeaume was dealing out concessions, he expressed a wish to have one, if possible to obtain it; that some days after, one Albert Tyson called on him, the witness, and tendered him a concession; that he then signed the petition for the same, and at the same time executed a deed of transfer of some part of it, for which he received an iron pot; and further, that he had then a wife and four children, and claims no other land in his own name in the territory.

The board reject this claim. (See book No. 1, page 304.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Baptiste Joseph Billot, claiming 600 arpens, and Baptiste Joseph Billot, claiming 200 arpens of land. (See book No. 1, page 304.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 318.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Baptiste Joseph Billot, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 329 and 330; book No. 1, page 304; book No. 5, page 318.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 29th February, 1800; also, a plat of survey and certificate, dated 28th March, 1804; also, deed of conveyance.

M. P. Leduc, duly sworn, saith that the signatures to the above-mentioned papers are in the respective handwriting of Carlos Dehault Delassus and Antoine Soulard. (See book No. 6, page 83.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Billot, claiming 800 arpens of land. (See book No. 6, page 83.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY.
JAMES H. RELFE.

Class 2. No. 123.—*Baptiste Delisle, jr., claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Baptiste Delisle, jr., has the honor to represent to you, that he would wish to establish himself in this country, in which he has been residing for some time; therefore he has recourse to the benevolence of this government, hoping you will please to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

his
BAPTISTE × DELISLE, Jr.
mark.

ST. LOUIS, *April* 21, 1800.

ST. LOUIS OF ILLINOIS, *April* 25, 1800.

Whereas we have been assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he petitions for, in a vacant place of the royal domain, and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 29, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
123	Baptiste Delisle, junior.	800	Concession, 25th April, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., February 11, 1804. Certified by Soulard, March 28, 1804. Fifty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, pursuant to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Baptiste Delisle, jr., claiming 600 arpens of land, situate as afore-

said; produces a concession from Charles Dehault Delassus to said Delisle for 800 arpens, dated October 9, 1799, (April 25, 1800;) a survey of the same, dated February 11, and certified 20th (28th) March, 1804; and a deed of transfer of the same, dated January 5, 1804.

The board require further proof of the date of said concession.

The board reject this claim. (See book No. 1, page 304.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Baptiste Delisle, jr., claiming 600 arpens of land, and Baptiste Delisle, jr., claiming 200 arpens. (See book No. 1, page 304.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 318.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment. Baptiste Delisle, jr., by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 329 and 330; book No. 1, page 304; No. 5, page 318.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated April 25, 1800; also, a plat and certificate of survey, dated March 28, 1804, by Antoine Soulard; also, deeds of conveyances.

M. P. Leduc, duly sworn, says that the signatures to the above papers are in the proper handwriting of Carlos Dehault Delassus and of Antoine Soulard. (See book No. 6, page 84.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Delisle, jr., claiming 800 arpens of land. (See book No. 6, page 84.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 124.—*Baptiste Delisle, sr., claiming* 800 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Baptiste Delisle has the honor to represent to you, that being one of the most ancient inhabitants of this Upper Louisiana, he would wish to form an establishment, therefore he has recourse to the benevolence of this government, hoping you will please to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear the most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *October* 7, 1799.

his
BAPTISTE × DELISLE.
mark.

ST. LOUIS OF ILLINOIS, *October* 9, 1799.

Whereas we have been assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 29, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
124	Baptiste Delisle, sr.	800	Concession, 9th October, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 11th February, 1804. Certified by Soulard, 28th March, 1804. Fifty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Baptiste Delisle, sr., claiming 600 arpens of land, situate as aforesaid; produces a concession from Charles Dehault Delassus to said Delisle for 800 arpens, dated April 25, 1800, (October 9, 1799;) a survey of the same, dated February 11, and certified 20th (28th) March, 1804; and a deed of transfer, dated 17th December, 1804.

The board require further proof of the date of said concession. The board reject this claim. (See book No. 1, page 304.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Baptiste Delisle, claiming 600 arpens, and Baptiste Delisle, claiming 200 arpens of land. (See book No. 1, page 304.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 318.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Baptiste Delisle, sr., by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 328, 329, and 330; book No. 1, page 304; No. 5, page 318.) Produces a paper, purporting to be an

original concession from Carlos Dehault Delassus, dated 9th October, 1799; also, a plat and certificate of survey, dated 28th March, 1804, by Antoine Soulard; also, deeds of conveyance.

M. P. Leduc, duly sworn, saith that the signatures to the above mentioned papers are in the proper handwriting of the said Carlos Dehault Delassus and Antonio Soulard. (See book No. 6, page 84.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Delisle, sr, claiming 800 arpens of land. (See book No. 6, page 84.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 125.—*Paul Dejarlais, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Paul Dejarlais has the honor to represent to you, that he would wish to establish himself in this Upper Louisiana, which he has been inhabiting for a long time; therefore he has recourse to your goodness, hoping that you will please to grant him a tract of land of 800 arpens in superficie, in a vacant place of his Majesty's domain, praying that you will give him permission to take the said tract of land in the manner which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *July* 9, 1800.

his
PAUL × DEJARLAIS.
mark.

ST. LOUIS OF ILLINOIS, *July* 11, 1800.

Whereas we are assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possesion of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 29, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
125	Paul Dejarlais.	800	Concession, 11th July, 1800.	C. Dehault Delassus.	James Rankin, D. S., 11th February, 1804. Certified by Soulard, 28th March, 1804. Fifty-five miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same (Jacques St. Vrain,) assignee of Paul Dejarlais, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to said Dejarlais for 800 arpens, dated July 11, 1800; a survey of the same, dated 11th February, and certified 20th (28th) March, 1804; and a deed of transfer of the same, dated the 13th December, 1803.

The board require further proof of the date of said concession.

On behalf of the United States. Paul Dejarlais, being duly sworn, says that some time in the spring of 1804, Labeaume called on him and told him that if he wanted lands he might have some; to which he, the witness, replied, that if he was to pay nothing for the same, he would like to have it; that accordingly, some time in June of that year (as he believes), Labeaume gave him a concession for 800 arpens of land; that the Spanish officers had not then left the country; and that when the said concession was given to him, he gave an assignment of 600 arpens of the same, for which he did not receive any thing; and further, that he had then a wife and children, and claims no other lands, in his own name, in the territory.

The board reject this claim. (See book No. 1, page 304.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Paul Dejarlais, claiming 600 arpens, and Paul Dejarlais, claiming 200 arpens of land. (See book No. 1, page 304.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 318.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Paul Dejarlais, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 328 and 330; book No. 1, page 304; No. 5, page 318.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 11th July, 1800; also, a plat and certificate of survey, dated 28th March, 1804, by Antonio Soulard; also, deeds of conveyance.

M. P. Leduc, duly sworn, says that the signatures to the aforesaid papers are in the proper handwriting of Carlos Dehault Delassus and of Antonio Soulard. (See book No. 6, page 84.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Paul Dejarlais, claiming 800 arpens of land. (See book No. 6, page 84.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 126.—*Baptiste Marion, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Baptiste Marion has the honor to represent to you, that wishing to form an establishment in the upper part of this province, where he has been residing for a long time, therefore the petitioner has recourse to your goodness, praying that you may be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

ST. LOUIS, *February* 17, 1800.

his
BAPTISTE × MARION.
mark.

ST. LOUIS OF ILLINOIS, *February* 21, 1800.

Being assured that the petitioner has means sufficient to improve the lands which he solicits, I do grant to him the land which he solicits, for him and his heirs, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land solicited, in a vacant part of the royal domain; and this being executed, he shall draw out a plat of survey, delivering the same to said party, with his certificate, in order to serve to him in obtaining the title in form from the intendant general, to whom alone corresponds the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 13, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
126	Baptiste Marion.	800	Concession, 21st Feb, 1800.	C. Dehault Delassus.	James Rankin, D. S., 11th February, 1804. Certified by Antoine Soulard, surveyor general, January 9, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Hempstead, assignee of the sheriff of St. Charles district, who sold the same as the property of John Campbell and White Matlock, assignees of Jacques St. Vrain, assignee of Baptiste Marion, claiming 600 arpens of land, and the said Marion claiming 200 arpens of land, situate in the district of St. Charles, produces record of concession from Charles D. Delassus, L. G., dated February 21, 1800; record of a plat of survey, dated March 28, 1804, certified January 9, 1806; record of a transfer from Marion to St. Vrain, dated January 10, 1804; record of a transfer from St. Vrain to Campbell and Matlock, dated August 29, 1805; record of a transfer from sheriff to claimant, dated June 29, 1808.

It is the opinion of this board that this claim ought not to be confirmed. (See book No. 5, page 455.)

November 29, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Baptiste Marion, by his legal representatives, Edward Hempstead's heirs and devisees, claiming 800 arpens of land. (See record-book C, page 423; book No. 5, page 455.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated February 21, 1800; also, deeds of conveyance.

M. P. Leduc, duly sworn, saith that the signature to the aforesaid concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 66.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Marion, claiming 800 arpens of land. (See book No. 6, page 66.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 127.—*Toussaint Tourville, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Toussaint Tourville has the honor to represent to you, that having resided, since a long time, in this country, and wishing to form a plantation, therefore he has recourse to your goodness, that you may be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken upon the vacant lands of the King's domain, in the place which may appear most convenient to the interest of your petitioner, who presumes to hope to obtain this favor from your justice.

ST. LOUIS, *January* 14, 1800.

his
TOUSSAINT × TOURVILLE.
mark.

ST. LOUIS OF ILLINOIS, *January* 18, 1800.

Being assured that the petitioner has means sufficient to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land solicited, in a vacant place of the royal domain; and this being executed, he shall draw a plat of survey, delivering the same to the party, with his certificate, in order that it may serve to him in obtaining the title in form from the intendent general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 13, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
127	Toussaint Tourville.	800	Concession, 18th January, 1800.	Carlos Dehault Delassus.	James Rankin, D. S, February 11, 1804. Certified by Antoine Soulard, S. G., January 9, 1806.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 10, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Hempstead, assignee of the sheriff of St. Charles district, who sold the same as the property of John Campbell and White Matlock, assignees of Jacques St. Vrain, assignee of Toussaint Tourville, claiming 600 arpens, and said Tourville, claiming 200 arpens of land, situate district of St. Charles. Produces record of a conces ion from Charles D. Delassus, L. G., dated 18th January, 1800; record of a plat of survey, dated 11th February, 1804, certified 9th January, 1806; record of a transfer from Tourville to St. Vrain, dated 12th February, 1800; record of a transfer from St. Vrain to Campbell and Matlock, dated 29th August, 1805; record of a transfer from sheriff to claimant, dated 29th January, 1808. It is the opinion of the board that this claim ought not to be granted. (See book No. 5, page 505.)

November 29, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Toussaint Tourville, by his legal representatives, claiming 800 arpens of land. (See record-book C, page 423; book No. 5, page 505.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th January, 1800; also, deeds of conveyance.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of the said C. D. Delassus. (See book No. 6, page 67.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Toussaint Tourville, claiming 800 arpens of land. (See book No. 6, page 67.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Lou's Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 128.—*Gabriel Constant, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR; Gabriel Constant has the honor to represent to you, that residing in this province since several years, he wishes to settle himself in it, and make a farm; therefore he has recourse to the goodness of the government, hoping that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken out of the vacant lands of the King's domain, in the place which will appear most advantageous to the interest of your petitioner, who presumes to hope this favor of your justice.

ST. LOUIS, *March* 20, 1800.

his
GABRIEL × CONSTANT.
mark.

ST. LOUIS OF ILLINOIS, *March* 24, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio

Soulard, shall put the interested in possession of the land solicited, in a vacant place of the royal domain; and this being done, he shall make out a plat of survey, delivering the same to the party, with his certificate, in order to serve to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

CLASS 2. SURVEY FOR NOS. 128, 129, 130, 131, 132, 133, 134, 135, 136, AND 137.

Don Antonio Soulard, *Surveyor General of Upper Louisiana:*

I do certify that ten tracts of land, of 800 arpens (each) in superficie, were measured, the lines run and bounded, in favor and in presence of Don Alberto Tyson, as it is demonstrated in the foregoing figurative plat; the said proprietor having acquired those ten concessions, as well in the last, as in the present year, from the primitive owners, as it is notorious by referring to the extra-judicial deeds of sale annexed to the petitions and decrees of the primitive owners.

Each of the tracts of land is designated, in the said figurative plat, with the name of the vendor, and with the number corresponding to that which is put on the margin of each petition, in order to fix, clearly, the situation of the respective tracts ceded by each vendor, and to facilitate, to the one and the others, the knowledge of the conditions contained in the different deeds of sale—observing, that the dividing lines could not be run on the ground, on account of the bad weather which took place, and they shall have to be run at the demand of the interested.

Said lands were measured with the perch of the city (of Paris, omitted) of eighteen French feet, lineal measure of the same city, according to the agrarian measure in this province, and are situated at about nine miles to the west of the bank of the river Mississippi, and at fifty-one miles to the north of this town of St. Louis; bounded on its four sides as follows: to the N. N. W. by lands of Don Santyago St. Vrain, Alberto Tyson, and of Don Francisco Janin; to the S. S. E. in part by vacant lands of the royal domain, and by lands of various proprietors; to the E. S. E. and W. N. W., by vacant lands of the royal domain. Said survey and measurement was done without having regard to the variation of the needle, which is 7° 30′ E.; as is evident by referring to the foregoing figurative plat, on which are noted the dimensions, directions of the lines, and other boundaries, &c. Said survey was executed by virtue of the decrees of Don Carlos Dehault Delassus, as it is obvious by the ten petitions and decrees here annexed.

In testimony whereof, I do give the present, with the figurative plat here above, drawn conformably to the survey executed by the deputy surveyor, James Rankin, on the 13th of February of this present year, who signed on the minutes, which I certify.

St. Louis of Illinois, *March* 20, 1804.

ANTONIO SOULARD, *Surveyor General.*

St. Louis, *December* 27, 1832. Truly translated.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
128	Gabriel Constant.	800	Concession, March 24, 1800.	C. Dehault Delassus.	James Rankin, D. S., 11th February, 1804. Certified by Soulard, 20th March, 1804. Fifty-one miles north of St. Louis, on Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Gabriel Constant, (claiming) 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to said Constant, for 800 arpens, dated 24th of March, 1800; a survey, plat, and certificate, dated as aforesaid; and a deed of transfer, dated 5th January, 1804.

The board require further proofs.

Witness on the part of the United States. Gabriel Constant, being duly sworn, says that he never applied for the aforesaid concession; that the above claimant offered him one, but cannot tell when. The board reject this claim. The said concession is not duly registered. (See book No. 1, page 286.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Gabriel Constant, claiming 800 arpens of land. (See book No. 1, page 286.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 474.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn, and F. R. Conway, commissioners.

Gabriel Constant, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 436, 438, and 439; book No. 1, page 286; No. 4, page 474.) Produces a concession dated 24th March, 1800, from Carlos Dehault Delassus; also, a deed of conveyance from said Constant to said Tyson; also, a plat and certificate of survey as above, (same produced by Toussaint Gendron, ten claims in one survey.)

M. P. Leduc, being duly sworn, saith that the signature to said concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 57.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Gabriel Constant, claiming 800 arpens of land. (See book No. 6, page 57.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 129.—*Antoine Desnoyers, by Albert Tyson, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Antoine Desnoyers has the honor to represent to you, that residing in this province since several years, he would wish to settle himself in it, and establish a farm; for these motives, he has recourse to the benevolence of this government, hoping that you may be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken upon the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

St. Louis of Illinois, *February* 3, 1800.

his
ANTOINE × DESNOYERS.
mark.

St. Louis of Illinois, *February* 7, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don Antoine Soulard, shall put the interested in possession of the quantity which he asks, in a vacant place of the royal domain; and this being executed, he shall draw out a plat of survey, delivering the same to the party, with his certificate, in order to serve to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
129	Antoine Desnoyers, by Albert Tyson.	800	Concession, 7th February, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1836.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose and James L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Antoine Desnoyers, claiming 600 arpens of land, situate as foresaid, produces a concession from Charles D. Delassus, to said Desnoyers, for 800 arpens, dated 7th February, 1800; survey, plat, and certificate of the same, as aforesaid, and a deed of transfer of the same, dated 5th January, 1804.

The board require further proofs.

Witness on the part of the United States. Antoine Desnoyers, being duly sworn, says that he is about twenty-one years of age; that he never applied for a concession; and that about three years ago claimant offered him one.

The board reject this claim, with the remark on the other side, (to wit: the said concession is not duly registered.) (See book No. 1, page 286.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Antoine Desnoyers, claiming 800 arpens of land. (See book No. 1, page 286.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—Board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Antoine Desnoyers, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 437, 438, and 439; book No. 1, page 286; No. 4, page 475.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 7th February, 1800, and a deed of conveyance from said Desnoyers to said Tyson; survey as above.

M. P. Leduc, duly sworn, says that the signature to the said concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 57.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Antoine Desnoyers, claiming 800 arpens. (See book No. 6, page 57.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 130.—*Gabriel Hunaut, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Gabriel Hunaut has the honor to represent to you, that having resided in this province several years, he wishes to make an establishment in it; therefore he has recourse to your goodness, hoping you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

his
GABRIEL + HUNAUT.
mark.

St. Louis, *May* 5, 1800.

ST. LOUIS OF ILLINOIS, *May* 9, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being done, he shall draw a plat of survey, delivering the same to the party, with his certificate, in order to serve to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
130	Gabriel Hunaut.	800	Concession, 9th May, 1800.	C. Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same, assignee of Gabriel Hunaut (Albert Tyson), claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus for 800 arpens, dated 9th May, 1800; survey, plat, and certificate, as aforesaid, and a transfer of the same, dated December 3d, 1803.

The board require further proofs.

Witness on the part of the United States. Gabriel Hunaut, being duly sworn, says that he never applied for a concession; that the claimant offered him one, but cannot tell when.

The board reject this claim. Remark as above, to wit: The said concession is not duly registered. (See book No. 1, page 286.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Gabriel Hunaut, claiming 800 arpens of land. (See book No. 1, page 286.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Gabriel Hunaut, by Albert Tyson, claiming 800 arpens of land. (See record-book C, pages 437, 438, and 439; book No. 1, page 286; No. 4, page 475.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 9th May, 1800; also, deeds of conveyance of the same; also, plat and certificate of survey as above.

M. P. Leduc, duly sworn, says that the signature to the above-mentioned concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 58.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Gabriel Hunaut, claiming 800 arpens of land. (See book No. 6, page 58.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 131.—*Charles Tibeaux, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Charles Baptiste Tibeaux has the honor to represent to you, that he would wish to form an establishment in the upper part of this province, which he has been inhabiting for a long while; therefore he has recourse to your goodness, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most advantageous to the interest of your petitioner, who presumes to hope this favor of your justice.

ST. LOUIS, *December* 4, 1799.

his
CHARLES × TIBEAUX.
mark.

ST. LOUIS OF ILLINOIS, *December* 7, 1799.

Being assured that the petitioner has sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land asked by him, in a vacant place of the royal domain; and this being done, he shall draw out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

Charles Baptiste Thibault, claiming 800 *arpens.*

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
131	Charles Baptiste Thibault.	800	Concession, 7th December, 1799.	Carlos D. Delassus.	James Rankin, D. S., Feb. 13, 1804. Certified by Soulard, March 20, 1804. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same (Albert Tyson,) assignee of Charles B. Thibault, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to said Thibault, for 800 arpens, dated December 7th, 1799; survey, plat, and certificate of the same, dated as aforesaid, and a deed of a transfer of the same, dated January 10, 1804.

The board require further proofs. The board reject this claim. Remark as above, (to wit: "The said concession is not duly registered.") (See book No. 1, page 287.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Charles B. Thibault, claiming 800 arpens of land. (See book No. 1, page 287.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Charles B. Thibault, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 438 and 439; book No. 1, page 287; No. 4, page 475.)

Produces a paper purporting to be a concession from Carlos Dehault Delassus, dated 7th December, 1799; also, a deed of conveyance for the same. Plat and certificate as above.

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 58.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Charles B. Thibault, claiming 800 arpens of land. (See book No. 6, page 58.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 132.—*Joseph Desnoyers, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Joseph Desnoyers has the honor to represent to you, that residing in this country since a long while, he would wish to make an establishment in it; therefore he has recourse to your goodness, praying you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in a place which will appear the most convenient to the interests of your petitioner, who presumes to hope this favor of your justice.

St. Louis, *January* 13, 1800.

JOSEPH his × mark. DESNOYERS.

St. Louis of Illinois, *January* 15, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall draw out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
132	Joseph Desnoyers.	800	Concession, January 15, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Joseph Desnoyers, (claiming) 600 arpens of land, situate as aforesaid, produces a concession from Charles Dehault Delassus to said Desnoyers for 800 (arpens), dated January 15, 1800; a survey, plat, and certificate of the same, dated as aforesaid; and a transfer of said land, dated as aforesaid.

The board require further proofs.

Witness on the part of the United States. Joseph Desnoyers, being duly sworn, says that he never applied for a concession; and that about two years ago he had one offered to him by claimant.

The board reject this claim, with the above remark, (to wit: the said concession is not duly registered.) (See book No. 1, page 286.)

August 27, 1810.—The board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Joseph Desnoyers, claiming 800 arpens of land. (See book No. 1, page 286.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 474.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn, and F. R. Conway, commissioners.

Joseph Desnoyers, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 437, 438 and 439; No. 1, page 286; and No. 4, page 474.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 15, 1800; also, deeds of conveyance for same; also, plat and certificate as above.

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 58.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Desnoyers, claiming 800 arpens of land. (See book No. 6, page 58.)

The board are unanimously of opinion that this claim ought not to be confirmed For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 133.—*Augustin Langlois, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Augustin Langlois has the honor of representing to you, that having for a long time been a resident in this province, and wishing to form an establishment in it, he has recourse to the benevolence of this government, praying that you may be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

AUGUSTIN LANGLOIS.

ST. LOUIS, *June* 2, 1800.

ST. LOUIS OF ILLINOIS, *June* 4, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don A. Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw out a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 26, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
133	Augustin Langlois.	800	Concession, 4th June, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose and, J. L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Augustin Langlois, claiming 600 arpens of land, situate as aforesaid, produces a concession from Carlos Dehault Delassus to the said Langlois for 800 arpens, dated June 4, 1800, with a survey, plat, certificate, and deed of transfer of the same, dated as aforesaid. The board require further proofs.

Witness on the part of the United States. Augustin Langlois, being duly sworn, says that he never applied for a concession, and that about three or four years ago, claimant offered him one. The board reject this claim. Remark as aforesaid, (to wit: that this claim is not duly registered.) (See book No. 1, page 287.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Augustin Langlois, claiming 800 arpens of land. (See book No. 1, page 287.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Augustin Langlois, claiming 800 arpens of land. (See book C, pages 438 and 439; book No. 1, page 287; No. 4, page 475.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated June 4, 1800, and deeds of conveyance for same. Plat as above.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 59.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Augustin Langlois, claiming 800 arpens of land. (See book No. 6, page 59.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 134.—*Louis Desnoyers, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Louis Desnoyers has the honor to represent to you, that residing in this province since a long time, he wishes to settle himself and make an establishment in it; therefore he has recourse to your goodness, praying you will be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *January* 13, 1800.

his
LOUIS × DESNOYERS.
mark.

ST. LOUIS OF ILLINOIS, *January* 15, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, which he shall deliver to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting of all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 27, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
134	Louis Desnoyers.	800	Concession, 15th January, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. Fifty-one miles north of St. Louis. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Louis Desnoyers, claiming 800 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to the said Louis Desnoyers, for 800 arpens, dated January 15, 1800; a survey, plat, certificate, and transfer of the same, dated as aforesaid. The board require further proofs.

Witness as aforesaid on the part of the United States. Louis Desnoyers, being duly sworn, says, that he never applied for a concession, and that claimant did, about three years ago, offer him one. The board reject this claim. Remark as aforesaid, (to wit: the said concession is not duly registered.) (See book No. 1, page 287.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Louis Desnoyers, claiming 800 arpens of land. (See book No. 1, page 287.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn, F. R. Conway, commissioners.

Louis Desnoyers, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 437, 438 and 439; book No. 1, page 287; No. 4, page 475. Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated January 15, 1800; also, deeds of conveyance for same, and plat and certificate.

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of said Carlos D. Delassus. (See book No. 6, page 59.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Louis Desnoyers, claiming 800 arpens of land. (See book No. 6, page 59.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 135.—*Amable Chartran, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Amable Chartran has the honor to represent to you, that residing since a long time in this province, he wishes to make an establishment in it; therefore he has recourse to your goodness, praying that you will be pleased to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant land of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

ST. LOUIS, *June* 16, 1800. AMABLE his × mark. CHARTRAN.

ST. LOUIS OF ILLINOIS, *June* 18, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the lands which he solicits, provided it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place in the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of land, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 27, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
135	Amable Chartran.	800	Concession, 18th June, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. Fifty-one miles north of St. Louis, on Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1802.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

Albert Tyson, assignee of Amable Chartran, claiming 800 arpens of land, situated on the waters of the river Cuivre, district of St. Charles. Produces a concession from Charles Dehault Delassus for 800 arpens, dated June 8, 1800; a survey and plat taken February 13, and certified March 20, 1804; and a deed of transfer for the same, dated January 3, 1804.

The board require further proof. Witness on the part of the United States absent.

The board reject this claim, and observe that the concession or warrant of survey is not duly registered. (See book No. 1, page 285.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Albert Tyson, assignee of Amable Chartran, claiming 800 arpens of land. (See book No. 1, page 285.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 474.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Amable Chartran, by Albert Tyson, claiming 600 arpens, and said Chartran 200 arpens of land. (See book C, pages 436, 438, and 439; book No. 1, page 285; No. 4, page 474.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 18th June, 1800; also plat and certificate as above.

M. P. Leduc, duly sworn, says that the signature to said concession is in the proper handwriting of the said Carlos Dehault Delassus. (See book No. 6, page 59.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Amable Chartran, claiming 800 arpens of land. (See book No. 6, page 59.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 136.—*François Desnoyers, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: François Desnoyers has the honor to represent to you, that residing in this province since a long time, he wishes to settle himself in it and improve a farm; therefore he has recourse to your goodness, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interests of your petitioner, who presumes to expect this favor of your justice.

St. Louis, *January* 13, 1800.

his
FRANCOIS × DESNOYERS.
mark.

St. Louis of Illinois, *January* 15, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it does not prejudice any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *December* 27, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
136	François Desnoyers.	800	Concession, 15th Jan, 1800.	Carlos Dehault Delassus.	James Rankin, D. S., 13th February, 1804. Certified by Soulard, 20th March, 1804. Fifty-one miles north of St. Louis. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 8, 1806.—The board met, pursuant to adjournment. Present: Hon. Clement B. Penrose, and James L. Donaldson, esq.

The same, (Albert Tyson,) assignee of Francis Desnoyers, claiming 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus to the said Francis Desnoyers, dated as aforesaid, for 800 arpens; a survey, plat, certificate, and transfer of the same, dated as aforesaid. The board require further proofs.

The board reject this claim, remarks as aforesaid (to wit: the said concession is not duly registered.) (See book No. 1, page 287.)

August 27, 1810.—Board met. Present: John B. C. Lucas, Frederick Bates, and Clement B. Penrose, commissioners.

Albert Tyson, assignee of Francois Desnoyers, claiming 800 arpens of land. (See book No. 1, page 287.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 475.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Francis Desnoyers, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 438 and 439; book No. 1, page 287; No. 4, page 475.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated 15th January, 1800; also, deeds of conveyance for the same; plat and certificate as above, (produced by Toussaint Gendron, ten claims in one survey.)

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 59.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

François Desnoyers, claiming 800 arpens of land. (See book No. 6, page 59.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 137.—*Toussaint Gendron, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Toussaint Gendron has the honor to represent that he would wish to establish himself in the upper part of this province, where he has been residing for some time; therefore he has recourse to your goodness, praying that you will please grant him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most favorable to the interest of your petitioner, who presumes to expect this favor of your justice.

his
TOUSSAINT × GENDRON.
mark.

St. Louis, *April* 3, 1800.

ST. LOUIS OF ILLINOIS, *April* 5, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 25, 1835.

I certify the above to be truly translated from book A, pages 31 and 32 of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
137	Toussaint Gendron.	800	Concession, 5th April, 1800.	C. Dehault Delassus.	James Rankin, D. S., Feb., 13, 1804. Certified by Soulard, March 20, 1804. Fifty-one miles north of St. Louis. On Cuivre river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 15, 1809.—Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

John Mullanphy, assignee of Toussaint Gendron, claiming 800 arpens of land, situate on the river Cuivre, in the district of St. Charles, produces to the board a concession from Don Carlos Dehault Delassus, lieutenant governor, dated the 5th of April, 1800, to the said Toussaint Gendron; also a conveyance from the said Gendron to claimant, dated the 5th of September, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 193.)

November 27, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Toussaint Gendron, by Albert Tyson, claiming 800 arpens of land. (See book C, pages 438 and 439; book No. 4, page 193.) Produces a paper, purporting to be the original survey for 800 arpens of land, taken on the 13th of February, and certified 20th March, 1804: said plat of survey comprising 10 concessions of 800 arpens each.

M. P. Leduc, being duly sworn, saith that the signature to said plat of survey is in the proper handwriting of Antonio Soulard, surveyor general. (See book No. 6, page 57.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Toussaint Gendron, claiming 800 arpens of land. (See book No. 6, page 57.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 138.—*Daniel Quick, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Daniel Quick has the honor to represent, that wishing to establish himself in the upper part of this province, where he has been residing for some time, he promises to submit to the duties and taxes which it may please his Majesty to establish; therefore, the petitioner prays you, sir, to grant him a tract of land of 800 arpens in superficie, to be taken in the King's domain, at the place which will appear the most advantageous to the interest of the petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 3, 1801.

his
DANIEL × QUICK.
mark.

ST. LOUIS OF ILLINOIS, *February* 5, 1801.

Whereas it is notorious that the petitioner possesses more than the means and number of hands (population) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not to the prejudice of any person, and the surveyor, Don Antonio Soulard, shall put the party interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall make out a plat, delivering the same to said party, together with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone belongs, by royal order, the distributing and granting all classes of lands belonging to the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *August* 21, 1834. Truly translated from record-book C, pages 324 and 325.

JULIUS DE MUN, *T. B. C.*

Daniel Quick, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
138	Daniel Quick.	800	Concession, 5th February, 1801.	Carlos Dehault Delassus.	James Rankin, D. S., January 2, 1804. Certified 5th March, 1804, by A. Soulard, surveyor general. One hundred and thirty miles N. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

Jacques St. Vrain, assignee of Daniel Quick, claiming 550 arpens of land, situate in the district of St. Charles, produces a concession from Charles Dehault Delassus for 800 arpens to the said Daniel Quick, dated February 5, 1801, a certificate of survey of the same, dated 5th March, 1804, and a deed of transfer, dated December 5, 1803.

The board cannot act on this claim. (See book No. 1, page 301.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Daniel Quick, claiming 550 arpens, and Daniel Quick, claiming 250 arpens of land. (See book No. 1, page 301.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 316.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

Daniel Quick, by his legal representatives, claiming 800 arpens of land. (See record-book C, page 324; minutes, book No. 1, page 301; No. 5, page 316. See book No. 6, page 538.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Daniel Quick, claiming 800 arpens of land. (See book No. 6, page 538.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 139.—*Joseph Jamison, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jos. Jamison has the honor to represent to you, that he would wish to form a plantation in the upper part of this province, in which he has been residing for some time; the petitioner engaging himself to submit to all the taxes and charges which his Majesty will please to impose; therefore he supplicates you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty, in the place which will appear most convenient to the interest of your petitioner; favor which the petitioner presumes to expect of your justice.

JOSEPH JAMISON.

ST. LOUIS, *February* 8, 1802.

ST. LOUIS OF ILLINOIS, *February* 9, 1802.

Whereas it is notorious that the petitioner has more than the means and the number of hands (populacion) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land which he asks, in the place indicated; and this being executed, he shall draw a plat of his survey, which he shall deliver to the party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *January* 1, 1833. Truly translated.

JULIUS DE MUN.

Don ANTONIO SOULARD, *Surveyor General of the settlements of Upper Louisiana:*

I do certify that a tract of land of eight hundred arpens in superficie was measured, the lines run and bounded, in favor and in presence of Joseph Jamison; said measurement was done with the perch of the city of Paris, of eighteen French feet in length, lineal measure of the same city, conformably to the agrarian measure of this province, which land is situated at about 130 miles to the northwest of this town, and 13 miles to the west of the river Mississippi; bounded to the north and east by vacant lands of the royal domain; to the south by lands of Dorresto Flubbert, and to the west by lands of Daniel Quick. Which surveys and measurements were executed without regard to the variation of the needle, which is 7° 30′ east, as can be verified by referring to the foregoing figurative plat, on which are noted the dimension, direction of the lines, and other boundaries, &c. Said survey was taken by virtue of the decree of the lieutenant governor and sub-delegate of the royal Fiscal, Don Carlos Dehault Delassus, dated December 1, 1800, here annexed. In testimony whereof, I do give the present, with the foregoing

figurative plat, drawn conformably to the survey executed by the deputy surveyor, Mr. James Rankin, on the 2d of January, 1804, who has signed on the minutes, which I do certify.

ANTONIO SOULARD, *Surveyor-General.*

ST. LOUIS OF ILLINOIS, *February* 10, 1804.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
139	Joseph Jamison.	800	Concession, 9th February, 1802.	Carlos Dehault Delassus.	James Rankin, D. S., 2d Jan., 1804. Certified by Soulard, 10th Feb., 1804. One hundred and thirty miles N. W. of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

May 28, 1806.—The board met, agreeably to adjournment. Present: Hon. Clement B. Penrose.

The same, (Jacques St. Vrain,) assignee of Joseph Jamison, 600 arpens of land, situate as aforesaid, produces a concession from Charles D. Delassus, dated February 9, 1802; a survey of the same, dated 10th February, 1804; and a deed of transfer, dated December 5, 1803.

The board cannot act. (See book No. 1, page 304.)

August 17, 1811.—Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Jacques St. Vrain, assignee of Joseph Jamison, claiming 600 arpens, and Joseph Jamison, claiming 200 arpens of land. (See book No. 1, page 304.)

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 318.)

December 19, 1832.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Jamison, by his legal representative, John Mullanphy, claiming 800 arpens of land. (See book C, pages 327 and 328; books No. 1, page 304; No. 5, page 318.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 9th February, 1802; also, a plat and certificate of survey, dated 10th February, 1804, by Antonio Soulard; also, deed of conveyance.

M. P. Leduc, being duly sworn, saith that the signatures to the above-mentioned concession and certificate of survey are in the proper handwriting of said Delassus and Soulard. (See book No. 6, page 87.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Jamison, claiming 800 arpens of land. (See book No. 6, page 87.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 140.—*Charles Miville, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Charles Miville has the honor to represent to you, that he would wish to obtain a concession, in order to form an establishment in the upper part of this province, which he has been inhabiting for a long while; the petitioner promising to submit himself to the taxes and charges which it may please his Majesty to impose; therefore the petitioner prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of his Majesty's domain, in the place which will appear most advantageous to his (the petitioner's) interest; favor which the petitioner presumes to expect of your justice.

ST. LOUIS, *November* 16, 1799.

his
CHS. × MIVILLE.
mark.

ST. LOUIS OF ILLINOIS, *November* 18, 1799.

Whereas it is notorious that the petitioner possesses more than the means and the number of hands (population) necessary to obtain the concession which he solicits, I do grant to him and his heirs the land he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested (party) in possession of the quantity of land he asks, in a vacant place of the royal domain; which being executed, he shall make out a plat of (his) survey, delivering the same to said party, with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *April* 29, 1833. Truly translated.

JULIUS DE MUN, *T. B. C.*

Don ANTONIO SOULARD, *Surveyor General of Upper Louisiana:*

I do certify that two tracts of land, of 800 arpens each, making the quantity of 1,600 arpens in superficie, as it is evinced by the foregoing figurative plat, have been measured, the lines run and bounded, in favor of Don Louis Labeaume, and in presence of his agent, Albert Tyson; which two concessions have been purchased last year by the said proprietor from the original owners, as can be seen by the deed of sale, recorded in this government, and by another deed (*familiar*) inserted below one of the petitions here annexed. Each of the tracts of land are designated in the said figurative plat by the name of the vendor; observing that the dotted line could not

be run on the spot on account of the bad weather which occurred, and it shall be run whenever the interested (party) shall require it. The said lands were measured with the perch of the same city, according to the agrarian measure of this province, and are situated at about 100 miles north of this town of St. Louis; bounded north by the banks of Salt river; south by the lands of William Jamison; east by vacant lands of the royal domain, and west by other lands of Carlos Fremon Delauriere. The said survey and measurement were executed without regard to the variation of the needle, which is of 7° 30′ E., as is evinced by the foregoing figurative plat, on which is noted the dimensions and courses of the lines, and other boundaries, &c. This survey was executed by virtue of the decree of Don Carlos Dehault Delassus, as it is proven by the petitions and decrees here annexed. And in order that the whole be available, according to law, I do give the present, with the foregoing figurative plat, drawn conformably to the operations executed by the deputy surveyor, James Rankin, under date of January 4, of this present year, and who signed on the minutes, to which I certify.

St. Louis of Illinois, *March* 5, 1804.

ANTONIO SOULARD, *Surveyor General.*

Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
140	Charles Miville.	800	Concession, 18th November, 1799.	Carlos Dehault Delassus.	James Rankin, D. S., 4th January, 1804. Certified by Soulard, 5th March, 1804. One hundred miles north of St. Louis.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Louis Labeaume, assignee of Charles Miville, claiming 600 arpens of land, and said Miville, claiming 200 arpens of land, situate on Salt river, district of St. Charles, produces record of a concession from Delassus, lieutenant governor, dated 18th November, 1799; record of a plat of survey, dated 4th January, and certified 5th March, 1804; record of a transfer from Miville to claimant, dated 9th December, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 456.)

March 25, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Charles Miville, by Louis Lebeaume's representatives, claiming 800 arpens of land. (See book C, pages 341 and 342; minutes, No. 5, page 456.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated November 18, 1799; also, a plat and certificate of survey, taken January 4th, and certified by Soulard, March 5, 1804; also, a deed dated December 20, 1811.

M. P. Leduc, duly sworn, says that the signature to the concession and to the plat of survey are in the respective handwriting of Carlos Dehault Delassus and Antonio Soulard. (See book No. 6, page 141.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Charles Miville, claiming 800 arpens of land. (See book No. 6, page 141.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 141.—*Joseph Marié, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: Joseph Marié has the honor to represent to you, that he would wish to establish himself in the upper part of this province, where he has been residing for several years; therefore, he has recourse to your goodness, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which shall be most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

St. Louis, *January* 8, 1801.

JOSEPH his × mark. MARIÉ.

St. Louis of Illinois, *January* 10, 1801.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to anybody, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested. (Book No. 2, page 48, No. 34.)

SOULARD.

St. Louis, *March* 28, 1833. Truly translated.

JULIUS DE MUN.

Joseph Marié, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
141	Joseph Marié.	800	Concession, January 10, 1801.	Carlos Dehault Delassus.	James Rankin, D. S. Certified, November 15, 1807, by A. Soulard, ex-surveyor general. On Salt river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 27, 1811—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Fremon Delauriere, assignee of Joseph Marié, claiming 800 arpens of land, situate on Salt river, district of St. Charles. Produces record of a concession from Delassus, lieutenant governor, dated January 10, 1801; record of a certified extract of sale made by Marié to claimant, dated the 1st of March, 1804.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 458.)

March 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

Joseph Marié, by his legal representatives, claiming 800 arpens of land. (Book D, page 291; minutes, No. 5, page 458.) Produces a paper, purporting to be a concession from Carlos Dehault Delassus, dated January 10, 1801; also an affidavit, by Antoine Soulard.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 116.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

In the case of Joseph Marié, claiming 800 arpens of land. (See No. 6, page 116.) Claimant produces a certified plat of survey by A. Soulard, dated November 15, 1807.

M. P. Leduc, duly sworn, says that the signature to the said plat and certificate of survey is in the proper handwriting of Antoine Soulard, surveyor general. (See No. 6, page 536.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, F. H. Martin, commissioners.

Joseph Marié, claiming 800 arpens of land. (See book No. 6, pages 116 and 536.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 142.—*Jean Baptiste Geffié, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Jean Baptiste Geffré, alias Gasçon, has the honor to represent that, wishing to form an establishment in the upper part of this province, where he has been residing since a number of years; therefore, sir, the petitioner prays that you will grant him a piece of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most suitable to the interest of your petitioner, who presumes to expect this favor of your justice.

JEAN BAPTISTE his × mark. GEFFRÉ.

ST. LOUIS, *October* 7, 1800.

ST. LOUIS OF ILLINOIS, *October* 9, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person; and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land which he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to said party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

Recorded at the desire of the interested. (Book No. 2, folio 47, No. 33.)

SOULARD.

ST. LOUIS, *March* 20, 1833. Truly translated.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
142	Jean B. Geffré.	800	Concession, 9th October, 1800.	C. Dehault Delassus.	James Rankin, D. S. Certified November 9th, 1807, by A. Soulard, ex-surveyor general. On Salt river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 20, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates commissioners.

Charles Fremon Delauriere, assignee of Jean Baptiste Geffré, claiming 800 arpens of land, situate on Salt river, district of St. Charles. Produces record of a concession from Charles D. Delassus, lieutenant governor, dated 9th October, 1800; record of a plat of survey, certified by A. Soulard, 15th November, 1807; record of a certified extract of sale made by Geffré to claimant, dated 10th May, 1805.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 438.)

March 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

Baptiste Geffré, (Jean Baptiste Geffré,) by his legal representative, Henry Vouphul, claiming 800 arpens of land. (See book D, page 290; minutes, No. 5, page 438.) Produces a paper purporting to be a concession from C. Dehault Delassus, dated 9th October, 1800; also, an affidavit of Antonio Soulard.

M. P. Leduc, duly sworn, says that the signature to the concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 116.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

In the case of Baptiste Geffré, claiming 800 arpens of land, (see No. 6, page 116,) claimant produces a certified plat of survey, by A. Soulard, dated 15th November, 1807.

M. P. Leduc, duly sworn, says that the signature to the said plat and certificate of survey is in the proper handwriting of said Antonio Soulard. (See book No. 6, page 536.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jean Baptiste Geffré, claiming 800 arpens of land. (See book No. 6, pages 116 and 536.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE,

Class 2. No. 143.—*André Pelletier, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: André Pelletier has the honor to represent to you, that wishing to settle himself in the upper part of this province, where he has been residing for some time, therefore he has recourse to the benevolence of this government, praying that you may be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to hope this favor of your justice.

his
ANDRE × PELLETIER.
mark.

ST. LOUIS, *May* 13, 1800.

ST. LOUIS OF ILLINOIS, *May* 15, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land solicited, in a vacant place of the royal domain; which being executed, he shall draw a plat of survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 13, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Name and date of claim.	By whom granted.	By whom surveyed, date, and situation.
143	André Pelletier.	800	Concession, May 15, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

December 6, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Hempstead and Claibourne Rhodes, assignee of Antoine Dejarlais, assignee of Andrew Pelletier, claiming 800 arpens of land, situate in the district of St. Charles. Produces record of a concession, not signed, dated May 15, 1800; record of a transfer from Pelletier to Dejarlais, dated January 14, 1804; record of a transfer from Dejarlais to Rhodes, without date; record of a transfer from Rhodes to Hempstead for one half of this tract, dated June 25, 1803.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 480.)

November 29, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

André Pelletier, by his legal representatives, claiming 800 arpens of land. (See book D, pages 258 and 259; book No. 5, page 480.) Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated May 15, 1800, and deed of conveyance.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of Carlos Dehault Delassus. (See book No. 6, page 66.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

André Pelletier, claiming 800 arpens of land. (See book No. 6, page 66.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 144.—*Pierre Lord, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Pierre Lord has the honor of representing to you, that wishing to make an establishment in the upper part of this province, where he resides since several years, the petitioner having a numerous family, has recourse to your goodness, praying that you may be pleased to grant to him a concession of 800 arpens of land in superficie, to be taken upon the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner; favor which he presumes to hope of your justice.

his
PIERRE × LORD.
mark.

ST. LOUIS, *December* 9, 1799.

ST. LOUIS OF ILLINOIS, *December* 14, 1799.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested party in possession of the quantity of land solicited, in a vacant place of the royal domain; and this being executed, he shall draw a plat of survey, which he shall deliver to the said party, with his certificate, in order to serve to him to obtain the concession and title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands of the royal domain.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 18, 1832. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
144	Pierre Lord.	800	Concession, 14th December, 1799.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 23, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Hempstead, assignee of sheriff of St. Charles district, who sold the same as the property of John Campbell and White Matlock, assignees of Louis Labeaume, assignee of Pierre Lord, claiming 800 arpens of land, situate in Bay de Roy, district of St. Charles. Produces record of a concession from Charles D. Delassus, lieutenant governor, dated 9th (14th) December, 1799; record of a plat of survey, dated 8th February, and certified 15th April, 1803; record of a transfer from Labeaume to Campbell and Matlock, dated 20th April, 1805; record of a transfer from sheriff of St. Charles district to claimant, dated 29th June, 1808.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 445.)

November 29, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Pierre Lord, by his legal representatives, Edward Hempstead's heirs and devisees, claiming 800 arpens of land. (See book C. page 424; book No. 5, page 445.) Produces a paper, purporting to be an original concession from Carlos Dehault Delassus, dated 14th December, 1799; also, deeds of conveyance.

M. P. Leduc, duly sworn, saith that the signature to said concession is in the proper handwriting of said Carlos Dehault Delassus. (See book No. 6, page 67.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Pierre Lord, claiming 800 arpens of land. (See book No. 6, page 67.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 145.—*Joseph Lafleur, claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Lafleur has the honor to represent to you, that wishing to form an establishment in the upper

part of this province, where he has been residing for some time, therefore he prays you to grant to him a tract of land of eight hundred arpens in superficie, to be taken on the vacant lands of the King's domain, in the place which will appear most advantageous to the interest of your petitioner.

ST. LOUIS, *September* 16, 1800. JOSEPH his × mark. LAFLEUR.

ST. LOUIS OF ILLINOIS, *September* 18, 1800.

Being assured that the petitioner has sufficient means to improve the land which he solicits, I do grant to him and his heirs the land he solicits, if it is not prejudicial to any one, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land petitioned for, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whole alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *December* 24, 1832. Truly translated from a copy certified by A. Soulard, on the 10th January, 1805.

JULIUS DE MUN.

No.	Name of original claimant	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
145	Joseph Lafleur.	800	Concession, 18th September, 1800.	Carlos Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 19, 1808.—Board met. Present: Hon. Clement B. Penrose and Frederick Bates.

Edward Hempstead, assignee of Albert Tyson and wife, assignee of Joseph Lafleur, claiming 800 arpens of land unlocated. Produces to the board a certified copy of the concession, said to have been dated 18th September, 1800, certified 11th January, 1805; a deed of conveyance from said Lafleur to Albert Tyson, dated 11th January, 1805; and a deed of conveyance from Albert Tyson and wife to claimant, dated 21st September, 1807.

Antoine Soulard, duly sworn, says that he had the original concession in this claim in his hands in 1805, and that the copy produced and written by him is a true copy; says that he knows Louis Lafleur, and that he was in the country at the time the concession bears date.

Albert Tyson sworn, says that he had the said original concession in his possession in 1805, and lost it with other papers that year; that he has it not in his possession, nor does he know what has become of it. Laid over for decision. (See book No. 3, page 360.)

July 9, 1810.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Edward Hempstead, assignee of Albert Tyson, assignee of Louis Lafleur, claiming 800 arpens of land. (See book No. 3, page 360.) It is the opinion of the board that this claim ought not to be confirmed. (See book No. 4, page 420.)

November 29, 1832.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

Joseph Lafleur, by same as above (Edward Hempstead), claiming 800 arpens of land. (See book D, pages 225 and 226; book No. 3, page 360; No. 4, page 420.) Produces a paper purporting to be a copy of a concession from Carlos Dehault Delassus, dated September 18, 1800; said copy certified by Antoine Soulard on the 10th January, 1805; also, a deed of conveyance.

M. P. Leduc, duly sworn, saith that the signature to said copy of concession is in the proper handwriting of said Antoine Soulard. (See book No. 6, page 68.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Lafleur, claiming 800 arpens of land. (See book No. 6, page 68.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 146.—*Joseph P. Lamarche, sr., claiming* 800 *arpens.*

To Don CARLOS DEHAULT DELASSUS, *Lieutenant Governor of Upper Louisiana:*

SIR: Joseph Philip Lamarche has the honor to represent to you, that wishing to establish himself in the upper part of this province, where he has resided for some time, therefore he has recourse to the benevolence of this government, praying that you will be pleased to grant to him a tract of land of 800 arpens in superficie, to be taken on the vacant lands of the royal domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

ST. LOUIS, *February* 8, 1800. JOSEPH PH. his × mark. LAMARCHE.

ST. LOUIS OF ILLINOIS, *February* 10, 1800.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, if it is not prejudicial to anybody, and the sur-

veyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

St. Louis, *March* 25, 1833. Truly translated.

JULIUS DE MUN.

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
146	Joseph Philip Lamarche.	800	Concession, 10th February, 1800.	Carlos Dehault Delassus	James Rankin, D. S. Certified by Soulard, 15th November, 1807. On the waters of Salt river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 25, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Fremon Delauriere, assignee of Joseph P. Lamarche, claiming 800 arpens of land, situate on Salt river, district of St. Charles. Produces record of concession from Delassus, L. G., dated 10th February, 1800; record of a plat of survey, dated 15th November, 1807, signed Soulard; record of transfer from Lamarche to claimant, dated 25th May, 1805.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 449.)

March 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn and A. G. Harrison, commissioners.

Joseph Philip Lamarche, by his legal representative, Henry Vouphul, claiming 800 arpens of land. (See book D, page 292; No. 5, page 449.)

Produces a paper, purporting to be an original concession, dated 10th February, 1800, from Carlos Dehault Delassus.

Albert Tyson, duly sworn, says that the signatures to the concession are in the proper handwriting of said Delassus and Soulard. (See book No. 6, page 116.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

In the case of Joseph Philip Lamarche, claiming 800 arpens of land. (See No. 6, page 116.) Claimant produces a paper purporting to be a certified plat of survey, dated November 15th, by A. Soulard.

M. P. Leduc, duly sworn, says that the signature to the said plat and certificate of survey is in the proper handwriting of Antoine Soulard, surveyor general. (See book No. 6, page 535.)

August 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Philip Lamarche, claiming 800 arpens of land. (See book No. 6, pages 116 and 535.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class. 2. No. 147.—*François Lami Duchouquet, claiming* 800 *arpens.*

To Don Carlos Dehault Delassus, *Lieutenant Governor of Upper Louisiana:*

Sir: François Lami Duchouquet, for a long time inhabitant of this town, has the honor to represent to you that he would wish to form an establishment in the upper part of this province; therefore he prays you to grant to him a tract of land of 800 arpens in superficie, on the vacant lands of his Majesty's domain, in the place which will appear most convenient to the interest of your petitioner, who presumes to expect this favor of your justice.

F. DUCHOUQUET.

St. Louis, *October* 12, 1799.

St. Louis of Illinois, *October* 14, 1799.

Whereas we are assured that the petitioner possesses sufficient means to improve the lands which he solicits, I do grant to him and his heirs the land which he solicits, provided it is not prejudicial to any person, and the surveyor, Don Antonio Soulard, shall put the interested in possession of the quantity of land he asks, in a vacant place of the royal domain; and this being executed, he shall draw a plat of his survey, delivering the same to the party, with his certificate, in order to serve to him to obtain the title in form from the intendant general, to whom alone corresponds, by royal order, the distributing and granting all classes of lands, &c.

CARLOS DEHAULT DELASSUS.

Registered at the desire of the interested. (Book No. 2, page 49, No. 35.)

SOULARD.

St. Louis, *March* 28, 1833. Truly translated.

JULIUS DE MUN.

François Lami Duchouquet, claiming 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
147	F. L. Duchouquet.	800	Concession, 14th October, 1799.	C. Dehault Delassus.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Charles Fremon Delauriere, assignee of Louis Labeaume, assignee of François Duchouquet, claiming 400 arpens, and said Duchouquet claiming 400 arpens of land, situate on Salt river, district of St. Charles. Produces the record of a concession from Charles D. Delassus, lieutenant governor, dated 14th October, 1799; a plat of survey signed Fremon Delauriere, deputy surveyor, dated 27th September, 1805; a transfer from Duchouquet to Labeaume, dated 7th December, 1803; a transfer from Labeaume to claimant, dated 15th July, 1806.

It is the opinion of the board that this claim ought not to be confirmed. (See book No. 5, page 412.)

March 12, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn, A. G. Harrison, commissioners.

François Lami Duchouquet, by his legal representative, Henry Vouphul, claiming 800 arpens of land. (See book D, pages 293 and 294; minutes, No. 5, page 412.)

Produces a paper purporting to be an original concession from Carlos Dehault Delassus, dated 14th October, 1799.

M. P. Leduc, being duly sworn, says that the signature to the concession is in the proper handwriting of C. D. Delassus. (See book No. 6, page 117.)

June 26, 1834.—The board met, pursuant to adjournment. Present: J. S. Mayfield and F. R. Conway, commissioners.

In the case of François Lami Duchouquet, claiming 800 arpens of land, (see No. 6, page 117), claimant produces a plat and certificate of survey, signed by Fremon Delauriere, deputy surveyor, dated 27th December, 1807.

M. P. Leduc, duly sworn, says that the signature to the said plat and certificate of survey is in the proper handwriting of said Fremon Delauriere, deputy surveyor, whose commission as such has already been filed before this board. (See book No. 6, page 536.)

August 25, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

François Lami Duchouquet, claiming 800 arpens of land. (See book No. 6, pages 117 and 536.)

The board are unanimously of opinion that this claim ought not to be confirmed. For reasons, see decision in the claim of Louis Lamalice, No. 80.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

Class 2. No. 148.—*Joseph Fenwick, claiming* 20,000 *arpens.*

To the Lieutenant Governor of Upper Louisiana:

Joseph Fenwick, a Roman Catholic, father of ten children, owner of a number of slaves, and of a great number of cattle of all kind, has the honor to represent that, having come from the United States to these parts, with the consent and recommendation of his excellency the governor general, the Baron de Carondelet, in order to form an extensive establishment, as well for agricultural purposes as for raising horses, cattle, and (*parcherie*—supposed to mean *tanyard*), he has made choice, on the waters of the river St. Francis, of a tract of land suitable for the above-mentioned purposes, containing twenty thousand arpens, on his Majesty's domain, and which cannot be prejudicial to any person, on account of its remoteness from all other settlements. Therefore, may it please you to grant to him, his heirs or assigns, a concession for the said twenty thousand arpens of land, to be taken in the aforesaid place. The petitioner shall never cease to pray for the preservation of your days.

ST. GENEVIEVE, *August* 10, 1796.

JOSEPH FENWICK.

Don ZENON TRUDEAU, *Lieutenant Governor of the western part of Illinois, &c.:*

Don Antonio Soulard, surveyor of this jurisdiction of Illinois, shall survey, in favor of the party interested, the twenty thousand arpens of land in superficie, in the place where he solicits the same, provided it belongs to his Majesty's domain; and he shall deliver to him the plat and certificate of survey, in order that, together with this decree, it will serve to the said party as a title to his property, until one in better form shall be delivered to him by the general government of the province, to which he shall have to apply in due time.

ST. LOUIS, *August* 18, 1796. ZENON TRUDEAU.

ST. LOUIS, *September* 4, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
148	Joseph Fenwick.	20,000	Concession, 18th August, 1796.	Z. Trudeau.	On the St. Francis river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

John Smith T., assignee of Joseph Fenwick, claiming 20,000 arpens of land, situate on the river St. Francis, district of St. Genevieve. Produces the record of a concession from Zenon Trudeau, L. G., dated 18th of August, 1796.

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, book No. 5, page 421.)

June 12, 1833.—F. R. Conway, esq., appeared, pursuant to adjournment.

Joseph Fenwick, by his legal representatives, John Smith T., claiming 20,000 arpens of land, situated on the waters of St. Francis river. (See minutes, No. 5, page 421; record-book C, page 504.) Produces a paper purporting to be an original concession granted by Zenon Trudeau, dated 18th August, 1796. (See minutes, No. 6, page 175.)

October 29, 1834.—The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, and J. H. Relfe, commissioners.

In the case of Joseph Fenwick, claiming 20,000 arpens of land. (See book No. 6, page 175.)

M. P. Leduc, duly sworn, says that the concession and signature affixed to it is in the proper handwriting of Zenon Trudeau, who was, at the time of the date of said concession, lieutenant governor of Upper Louisiana. (See book No. 7, page 58.)

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Fenwick, claiming 20,000 arpens of land. (See book No. 6, page 175; No. 7, page 58.)

A majority of the board are of opinion that this claim ought not to be confirmed, F. R. Conway, commissioner, voting for the confirmation. (See book No. 7, page 243.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

The majority of the board who rejected the claim of Joseph Fenwick to 20,000 arpens of land on the St. Francis river, and numbered 148 in the report, offer the following reasons for the grounds of their opinion: The claimant was an emigrant from the State of Kentucky, and proposed to establish himself in Upper Louisiana, and make certain improvements, if a grant of land should be given to him of 20,000 arpens, on the river St. Francis. His proposition, as set forth in his petition, was acceded to. The following year, viz.: on 26th May, 1797, as a citizen of the United States and an inhabitant of Kentucky, he makes a similar proposition, asking for 3,000 arpens between the mouth of Apple creek and the river St. Côme, promising to remove to, settle, and cultivate the same, if it should be granted. Lieutenant Governor Trudeau made the grant on the 10th of June, 1797, and, from the records of this office, it appears that Joseph Fenwick complied with the conditions set forth in his petition, and this government has confirmed to said Fenwick the claim of 3,000 arpens; but there is no evidence of his having made any improvement, or establishment, as promised in his petition for the 20,000 arpens on the river St. Francis.

Class 2. No. 149.—*James Clamorgan, claiming* 536,904 *arpens.*

To Don CHARLES DEHAULT DELASSUS, *Lieutenant Colonel of the stationary regiment of Louisiana, and Lieutenant Governor of New Madrid and dependencies, &c.:*

James Clamorgan, merchant, residing in the town of St. Louis, has the honor to represent that he has been strongly encouraged by his excellency, the governor general of this province, to establish a rope manufactory, for the purpose of making cordage for the use of his Majesty's ships, and especially to supply the Havana, at which place his excellency desires that the petitioner should send the cordage under his protection, conformably to the notice he has given to you on that subject, in order that, in all cases, the petitioner should have recourse to your goodness, so as to be favored by all your power, particularly in this undertaking, which may become very important to the prosperity of this dependency, and very profitable, in time, to all the inhabitants of this Upper Louisiana, so much the more, as the petitioner is connected in correspondence and matters of interest with a powerful house in Canada, which can procure hereafter a sufficient number of farmers to come to this country to teach the cultivation of hemp, and its fabrication into different kinds of cordage in the most perfect manner, thereby fulfilling the views of the general government, which desires this undertaking to succeed by all just and honest means which it will be possible to use, in order to exempt his Majesty from drawing, henceforth, from foreign countries, an article so important to the fitting out of his navy. In hopes of obtaining this end, the petitioner has made the most pressing demands to obtain from his correspondents in Montreal a considerable number of people fit for this cultivation, whom we are compelled by necessity to attract to this country, although, for the present, political circumstances in Canada appear opposed to it, but in more peaceful times, this object may indubitably be obtained.

Meanwhile, the petitioner is obliged to secure beforehand a title from you, sir, which will guaranty to him the property of a quantity of arable land, proportionate to his views, in order to form an extensive establishment, as soon as circumstances will appear favorable to his undertaking, and when his correspondents will be able to cause to emigrate to this country, without hurting their feelings, the number of people necessary to give a start to this culture, so much desired by the government.

The petitioner hopes, sir, that, in consideration of the above statement, and of the particular recommendations of his excellency, the governor general of the province, you will be pleased to grant him the quantity of land he wishes to obtain, as much in order to favor him in all that may contribute to the execution and future prosperity of his undertaking, as it will also facilitate to him the means of drawing from foreign parts an emigration of cultivators, who, perhaps, cannot be obtained but after a considerable lapse of time, and under promises of rewards which the petitioner shall be obliged to fulfil. Therefore, he supplicates you to grant him, in the name of his Majesty, the tract of land lying on the western side of the river Mississippi, to begin from the place opposite the head of an island situated at about one hundred arpens below the little prairie, which is distant about

thirty miles from the village of New Madrid, in descending the current, and continuing to follow said current, until one is placed on the same western side, right opposite the mouth of the river commonly called river *à Carbono*, which is on the eastern side of the Mississippi. So that, from the said place, situated opposite the mouth of the aforesaid river Carbono, a line be drawn toward the interior, running southwest or thereabout; said line shall be prolonged paralled to the one which will have to be drawn from the place situated opposite the head of the island lying as here above stated, at about one hundred arpens below the said little prairie; these two said lines shall run in the depth, in a southwestern direction or thereabout, and shall be the boundaries of each of those two opposite sides, until the extremities of the said two lines be sufficiently prolonged in the said direction, so as to reach the banks of the branches of the river St. Francis, the most distant from the Mississippi; which banks (of said branches) of the river St. Francis, shall be the boundary and limit to the third side of the land demanded, and the banks of the Mississippi shall be the fourth (side of the same,) to begin from the head of the aforesaid island of the little prairie, and descending the current on the western side, till the place situated opposite the said river, called river Carbono; in order that as soon as it is in the power of the petitioner, he may select and improve, in the said tract demanded, the land which is most suitable for the cultivation of hemp; a great part of this same tract being overflowed by ponds and impracticable low swamps, which will prevent the improving of the whole in all its extent. And the petitioner to enjoy and dispose of the same for ever, as if a thing to him belonging, and to his heirs or assigns; and even to distribute the said lands, or part of them, if he thinks proper, in favor of such person or persons whom he may judge fit, in order to attain, as much as in his power lies, the accomplishment of his project. And the petitioner shall never cease to render thanks to your goodness.

Done at New Madrid, this 1st day of August, 1796.

J. CLAMORGAN.

NEW MADRID, *August* 9, 1796.

Having examined the statement contained in this petition; being satisfied as to the means of the petitioner, and of his late partnership with the house of Todd, which may facilitate to him the accomplishments of the undertaking he proposes, the profits of which, if it succeeds, will devolve in part to the benefit of this remote country, so miserable on account of the actual want of population; due attention being paid to the particular recommendations made to me by the Baron de Carondelet, governor general of these provinces: (*Attando* ha tenido a bien el nombrar de comandante de est puesto y dependencias de huscar.) Supposed meaning: *Considering that he thought fit to recommend to the commandant of this post and dependencies*, "*to seek*, by all possible means, the mode of increasing the population and of encouraging agriculture in all its branches, and particularly that of hemp." It appearing to me that what the petitioner proposes will contribute to the attainment of this last recommendation, I do grant to him and his heirs the land which he solicits, in the place where, and in the same terms as, he asks the same, provided it is not prejudicial to any person. And when he establishes the said land, he shall have it surveyed, not compelling him to have it done immediately, as its extent is so considerable that it would occasion a ruinous expense to him if he was to execute said survey before the arrival of the families which he must send for to Canada; but as soon as they arrive, and he settles them on said land, he shall have to secure his property by having the same surveyed, in order afterward to have recourse to the governor general to obtain the approbation and the title in form for this, his concession.

CARLOS DEHAULT DELASSUS.

ST. LOUIS, *September* 9, 1834. Truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
149	James Clamorgan.	536,904	Concession, 9th August, 1796.	Carlos Dehault Delassus.	R. A. Nash, D. S., from January 30, to February 12. Received for record by Soulard, 28th of February, 1806. Below New Madrid.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 21, 1833.—The board met, pursuant to adjournment. Present: A. G. Harrison and F. R. Conway, commissioners.

James Clamorgan, by his legal representative, Pierre Chouteau, claiming 536,904 arpens, being 458, 963 acres of land. (See record-book C, page 81; Spanish records of concessions, book No. 3, page 7, No. 7.) Produces a paper purporting to be an original concession, dated August 9, 1796, by Carlos Dehault Delassus, commandant of New Madrid; also, a plat of survey made from the 30th of January to the 12th of February, 1806, certified by Soulard (to have been received for record) February 28, 1806; also, an original deed of conveyance from Clamorgan to Chouteau.

M. P. Leduc, being duly sworn, says that the decree of concession, and the signature affixed to it, are in the proper handwriting of Carlos Dehault Delassus; that the petition and signature to the same are in the proper handwriting of James Clamorgan; and that the signature to the record of survey is in the proper handwriting of Soulard. (See minutes, No. 6, page 179.)

August 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James Clamorgan, claiming 536,904 arpens of land. (See book No. 6, page 179.)

The board are unanimously of opinion that this claim ought not to be confirmed, the conditions not having been complied with. (See book No. 7, page 244.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

Class 2. No. 150.—*John Godfrey, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
150	John Godfrey.	640	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

July 1, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

John Godfrey, assignee of John Coleman, who was assignee of Jacob Swaney, claiming 640 acres of land on the Marameck. (See record-book E, page 317, and Bates's decisions, page 91, where the same is "not granted." See book No. 7, page 203.)

September 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

John Godfrey, claiming 640 acres of land. (See book No. 7, page 203.)

The board are unanimously of opinion that this claim ought not to be granted. (See book No. 7, page 246.)

F. R. CONWAY,
JAMES H. RELFE,
F. H. MARTIN.

Class 2. No. 151.—*Martin Fenwick, claiming* 500 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor of the western part of Illinois, and Commandant of St. Louis:*

Martin Fenwick, of the State of Kentucky, professing the Catholic and Roman religion, has the honor to represent to you, that having determined to come and settle himself in these parts, he supplicates you to grant him a concession for five hundred arpens in superficie, situated between Apple river and *riviere à la Viande*, (Meat river,) alias river of Cape St. Côme, the said Fenwick promising to build on and cultivate the same, in the time prescribed by the ordinances, and to conform himself to the laws and constitution of the kingdom, as a good, faithful, and loyal subject.

MARTIN FENWICK.

NEW BOURBON, *May* 26, 1797.

ST. LOUIS, *June* 10, 1797.

The surveyor, Don Antonio Soulard, shall put this party in possession of the five hundred arpens of land he solicits, and his survey being executed, he shall deliver it (the plat and certificate) to him, in order to enable him to solicit the concession from the governor general of these provinces, who is, by these presents, informed that the petitioner is a son of Don Joseph Fenwick, the same whom his lordship has recommended in order that lands should be granted to him, his family, and to the Catholic and Roman settlers he would bring with him, to establish themselves in this western part of Illinois.

ZENON TRUDEAU.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, May* 4, 1835.

I certify the foregoing to be a true translation of the original filed in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
151	Martin Fenwick.	500	Concession, 10th June, 1797.	Z. Trudeau.	

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Martin Fenwick, claiming 500 arpens of land, situate as aforesaid (Apple creek, district of St. Genevieve). Produces record of a concession from Zenon Trudeau, lieutenant governor, dated 10th June, 1797.

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, book No. 5, page 422.)

April 24, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and James H. Relfe, commissioners.

Martin Fenwick, claiming 500 arpens of land. (See record-book D, page 44; minutes, No. 5, page 422.) Produces a paper purporting to be an original concession from Zenon Trudeau, dated 10th June, 1797.

The following testimony was taken before James H. Relfe, one of the commissioners, at St. Genevieve, on the 22d of April, 1825:

Barthelmi St. Gemme, aged about sixty years, being duly sworn, deposeth and saith that he was well acquainted with Zenon Trudeau, and he was lieutenant governor in Upper Louisiana, in the year 1797. He further says, that the signature to the concession is in the proper handwriting of the said Zenon Trudeau, that he has often seen him write. Witness further says that he knew the claimant, and he was the son of Joseph

Fenwick; that there was a large and respectable family of them; and that the claimant, at the date of the grant, was a citizen and resident in the then province of Upper Louisiana, and continued so until long after the change of government. BARTHELMI ST. GEMME.

(See book No. 7, page 129.)

September 15, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Martin Fenwick, claiming 500 arpens of land. (See book No. 7, page 129.)

The board are unanimously of opinion that this claim is destitute of merit, an alteration being apparent in the original petition on file, as noted in the translation; the name of a river *à Brazeau* having been altered into that of a river *à la Viande*, alias St. Côme, thus increasing the distance, for location of grant, several miles; and the conditions not having been complied with. (See book No. 7, page 246.)

F. R. CONWAY,
JAMES H. RELFE,
F. H. MARTIN.

Class 2. No. 152.—*Jacques Clamorgan, claiming* 500,000 *arpens.*

To Don ZENON TRUDEAU, *Lieutenant Governor of Upper Louisiana:*

Nothing has made the petitioner so proud as the encouragement and emulation you have given to his industry, for the purpose of accomplishing the discovery of the Indian nations extending themselves to the Pacific ocean. The petitioner being charged with that mission by the general government, you condescended to give him hopes that he would have the honor of your protection and support; you did more, you solicited from the general government the aid claimed by the petitioner, in order to proceed with vigor, in an enterprise in which his Majesty himself appeared to be occupied. In fact, his Majesty granted to the petitioner an exclusive privilege for trading ten whole years with the nations of Upper Missouri, not only in order to open a new branch of commerce in furs, but also to get information about, and topographical knowledge of, the immense territory which was to be explored. Those objects could not be attained but by making great sacrifices among the Indian nations, in order to concilitate to us their esteem and friendship. In consequence of your recommendations, sir, his excellency, the Baron de Carondelet, laid before his Majesty an account of the excessive expenses to which the petitioner had been subjected in this arduous enterprise of facilitating communications then so extensive. His Majesty, in his goodness, determined, in favor of the petitioner, that a sum of ten thousand dollars should be paid annually to him, in order to contribute to the expenses occasioned by the discovery of the nations and territories of Upper Missouri, as also in keeping away foreigners, who, from Hudson's bay and Lake Superior, transported their goods, in order to bribe the credulous natives inhabiting the said Upper Missouri. His excellency, the Baron de Carondelet, as well as you, sir, communicated immediately, by official letters to the petitioner, the generosity of his Majesty in his favor; but it had not its intended effect, on account of the impediments thrown in the way by the intendant Morales, who pretended at the time to have in the King's coffers no funds appropriated to that object! In consequence of that state of contradiction between the two powers, the petitioner has remained a victim of his zeal and activity in rendering himself useful in compliance to the wishes of the general government and to the intentions of his Majesty.

In these unfortunate circumstances, the petitioner presumes to claim of your goodness that you will be pleased to grant to him, on the western side of the river Mississippi, some leagues above the mouth of the Missouri, the tract of land bounded on one side by the little river called Lacharette, alias Dardenne, and on the other by the little river called Au Cuivre, one on the south the other on the north, will serve as boundaries to those two sides. The petitioner wishes, moreover, that you would be pleased to grant to him sixty arpens of land in front, on the banks of the Mississippi, immediately adjoining the mouth of the first above-named river Lacharette, in descending the current of the Mississippi; and again, sixty arpens in front, also on the banks of the Mississippi, adjoining immediately to the upper side of the mouth of the second above-named river Au Cuivre; and ascending the current of the Mississippi. The depth of the three different above-described tracts of land to be extended by two lines, starting from the banks of the Mississippi, one from the most southern, and the other from the most northern point (of the front) of the above-demanded tracts, which two lines shall be run parallel, on each side, in a westerly direction, until they reach the top of the high hills in the rear, and from there, the said two lines to be continued and prolonged in the same westerly direction, until they reach a point at the distance of about two hundred arpens from the foot of said hills; and then those two extreme points shall be connected together by a straight line which shall be run so as to form the fourth side of the said three tracts here above demanded. The said lines encompassing in their extent all the waters of the above-mentioned rivers Lacharette, alias Dardenne, and Au Cuivre, in order that, hereafter, the petitioner may erect saw and grist mills thereon, also place there a number of cattle, have slaughter-houses, and send salt meat to the capital. And the petitioner shall render thanks to your goodness.

J. CLAMORGAN.

ST. LOUIS, *March* 1, 1797.

Don ZENON TRUDEAU, *Captain in the regiment of Louisiana, Lieutenant Colonel by brevet, and Lieutenant Governor of the western part of Illinois:*

Cognizance being taken of the statement made by Don Santyago Clamorgan, and the governor general, the Baron de Carondelet having particularly recommended to me to facilitate and protect the discovery and commerce of Upper Missouri, in which the above-named Clamorgan has engaged in my entreaties; considering the losses which said enterprise has occasioned to him, and the new expenses to which he shall have to contribute on account of the same undertaking, and how important it is to favor and extend the discoveries here before mentioned, without prejudice to the royal treasury, and to the interest and welfare of these settlements, but on the contrary, in contributing to their prosperity, by drawing new inhabitants: For these considerations, and on account of the said Clamorgan having rendered himself worthy and deserving of the favors of the government, the surveyor of this jurisdiction (as soon as the occupations of his place will permit) shall survey, in favor of the party interested, the extent of land he solicits, in the way and manner described in the foregoing document, which, together with the plat and certificate of survey, and of the boundaries which shall be set (to said land) will form the title of

concession, which, in due time, he shall have to lay before the general government of the province, in order to get its approbation and record.

ZENON TRUDEAU.

ST. LOUIS, *March* 3, 1797.

ST. LOUIS, *August* 16, 1834. Truly translated from record book D, pages 314 and 315.

JULIUS DE MUN, *T. B. C.*

No. 1.

NEW ORLEANS, *May* 26, 1794.

I have read, sir, with much interest, the memorial you have addressed to me. It contains political views which do honor to your understanding, and are in accordance with the ideas I have laid before the court two years ago. We are, perhaps, very near the moment when we shall see them realized, but time and pains are needed to convince the ministers of their utility. The grand objects which for the present absorb all the attention of the different powers will, perhaps, delay for some months the approbation of this plan, but I do not despair to see it adopted before the end of the year.

Some errors have crept in among your details, which the enthusiasm for what is good, and too full conviction of your own ideas, have hidden from you; but in the main they are just, and the means of execution well combined.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

LE BARON DE CARONDELET.

MONS. CLAMORGAN.

No. 2.

NEW ORLEANS, *July* 22, 1794.

SIR: I have, indeed, received the political memorial you directed to me under the double cover which you mention. The letter annexed to it, for Mr. Delassus, was also received at the same time, and suspecting some mistake, and also conjecturing what might be the contents of it, I threw it into the fire.

I have already had the honor to tell you my sentiments on one part of the contents of your memorial, which I have read with the greatest interest. Let us wait till the storm which agitates the political atmosphere be somewhat dissipated, and then we shall see what the future situation of Europe will permit us to do for the welfare of Louisiana, which, I hope, will advance more in the last five years of this century, than it has done ever since the beginning of it, up to the period of my coming into the province.

Your views, sir, are in perfect accordance with mine. True wealth is to be found only in agriculture, and this requires a competent population and easy outlets. Louisiana is susceptible of all these advantages, but present circumstances are not favorable to our views. Let us then have patience for awhile, and, by remaining attentive spectators of passing events, we may seize on the first opportunity of success.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

LE BARON DE CARONDELET.

MONS. DE CLAMORGAN.

No. 3.

NEW ORLEANS, *May* 11, 1796.

SIR: In consequence of what you wrote to me in your letter of 10th April, I send to Mr. Trudeau some medals for the company, and among them a very fine gilt one, which I intend for the great Maha chief, in order to flatter him most. I also send several commissions, leaving a blank for the names, so that Mr. Trudeau may have them filled up; but it is to be wished, as much for the company as for the King, that there should be but one single chief decorated with a great medal, one with a small one, and two captains in each nation; for hereafter, those chiefs will require compensations adequate to their grades. I send also five flags by Mr. Chouteau, and when, in execution of the treaty concluded with the United States, we shall abandon the bluffs, the commandant will send to Mr. Trudeau ten swivels for the service of the company's forts.

Mr. Chouteau is also bearer of a commission, such as you desired, for Mr. Mackay. Finally, I send to Mr. Trudeau the order that Mr. Todd may take an interest in the order of discoveries.

There are no objections to Mr. Todd having the exclusive trade of the Sac and Fox nations in the country east of the Missouri, and even on the said Missouri, during the term of his contract; but it would not be proper to have it extended to the western side before we positively know and are perfectly acquainted with the force and situation of the nations situated on the (last) above-mentioned side of said river. Besides, I must avoid to have those nations at variance with the Osages, whom Messrs. Chouteau are beginning to keep in subjection, and who will be an impediment to the aggrandizement of our settlements, as long as we cannot keep them in peace.

I am concerned to see that our settlers of Upper Mississippi, who might acquire true wealth by agriculture, prefer to devote themselves to the fur trade, which is as dangerous as it is precarious. The working of the lead mines would also afford great profits, because we might furnish the Havana with this article, and yet we are constantly destitute of it, for want of labor; at this moment there is none, either in the king's or in private warehouses.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

LE BARON DE CARONDELET.

MONS. DE CLAMORGAN.

No. 4.

NEW ORLEANS, *July* 9, 1796.

SIR: I have received the account of Mr. Mackay's travel to the Maha nation, as also his instructions given to the party going to the discovery of the South sea. I would be so much the more flattered, should this last (expedition) succeed, as it is confidently reported that a Spanish squadron has sailed from Europe, in order to go and dislodge the English from Nootka sound, and it would be a curious fact if our people were to reach the same point at the same time.

I thought that I had written to you that the establishment of a fort at the river St. Peter had already been proposed to the court, which is occupying itself of the means required to put Louisiana in a respectable state of defence; but time is needed, for everything remains yet to be done, and the political circumstances of Europe attract all the attention.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

LE BARON DE CARONDELET.

MONS. DE CLAMORGAN.

ST. LOUIS, *August* 26, 1834. The above letters are truly translated from the original.

JULIUS DE MUN, *T. B. C.*

No. 5.

NEW ORLEANS, *September* 18, 1796.

SIR: I have just received the agreeable news of the approval of the "Spanish company formed in 1794, (these are the proper words of the royal decree made in the council of state held on the 27th of last May"), for the purpose of making discoveries to the westward of the Missouri, as also of the regulations and instructions under which your lordship has sanctioned and granted to the said company the exclusive privilege of the fur trade with all the nations of Indians on said Missouri, who inhabit beyond the nation of Poncas, offering three thousand dollars as a reward to the first who will reach the South sea.

2d. The permission granted to the said company to arm and maintain armed in the forts which it has or may have hereafter, at the expense of his Majesty, the one hundred men who are thought to be necessary; the whole being under your lordship's orders, for the end designated, which you will watch with the greatest care, &c.

I hope, sir, that, in consequence of these favors and privileges, the company will derive new vigor, and will make the greatest efforts in order to correspond to the intentions of his Majesty, and exclude the English from those parts.

The house of Todd is also approved of by the King, who has added to all these favors, that of the reduction of the duties, from fifteen to six per cent. for all the colony.

We will see if Leglise gets the prize of $3,000.

I have the honor to be, with the most perfect consideration, sir, your very humble and obedient servant,

LE BARON DE CARONDELET.

MONS. CLAMORGAN.

The above letter, No. 5, is truly translated from record-book D, page 316.

JULIUS DE MUN, *T. B. C.*

No. 6.

NEW ORLEANS, *October* 26, 1796.

In a royal order, under date of the 11th of June of this year, the most excellent Sor. Don Diego de Gardoqui, Secretary of State, and of the Universal Despacho, &c., among other things, tells me the following:

"In the council of state, held on the 27th of last month, extracts of your lordship's last letters, up to the 10th of February, were laid before the King, together with the topographical plat of the rivers Mississippi and Missouri, on which are demonstrated the progress of the Spanish company of discoveries, to the westward of this last river, established on the 12th of May, 1794, as also the encroachments of the English companies upon the Spanish possessions. His Majesty being well informed of all the occurrences in that province, and of the means which your lordship has proposed, with the advice of the intendant and of the English merchant, Don Andrew Todd, of Michilimackinac, his Majesty has condescended to grant, with the unanimous accordance of the said council, the following points and favors:

1st. The approval of the Spanish company formed in 1794, for the purpose of making discoveries to the westward of the river Missouri, under the instructions and regulations with which your lordship has permitted, and granted to said company the exclusive privilege of the trade with all the nations of the Indians on the said Missouri, who inhabit beyond the nation of Poncas, offering a reward of $3,000 to the first who reaches the South sea.

2d. The permission that the company may arm at its own expense, and maintain armed in the forts which said company has or may have hereafter, the one hundred men who are considered necessary; the whole to be under your lordship's orders for the purpose indicated, the accomplishment of which your lordship shall have to watch with the greatest care.

3d. That all the duties on imports and exports shall be reduced, for the present, to six per cent., as your lordship and the intendant have proposed, both taking care, with the greatest exactness possible, to observe and lay before his Majesty, at the end of the first year, the results which are expected from so munificent a disposition.

Finally, that your lordship give to understand to all the magnitude of these concessions, and the immense

benefits which the sovereign munificence has condescended to accumulate in the treaty of amity, limits and navigation; benefits which are of reciprocal utility to his beloved subjects, to the United States, and to the Indian nations allied and friendly to the two contracting parties; and that your lordship shall so order, that all the important objects which are expected from these dispositions shall be duly executed. All which I do communicate to your lordship, by order of his Majesty, for your intelligence and for their execution.

I forward the same to you for your satisfaction and government.

May God have you in his keeping many years.

EL BARON DE CARONDELET.

Sor. Don. SANTYAGO CLAMORGAN.

No. 7.

NEW ORLEANS, *November* 5, 1796.

Under date of the 3d instant, the intendant of these provinces writes to me what follows:

"The meaning which I give to the article in the royal order of the 11th June of this year, upon which Don Santyago Clamorgan, director of the Spanish company of discoveries to the westward of the Missouri, has founded the demand which your lordship has been pleased to enclose in your official note of 31st ultimo, is, that the cost of arming, and the maintenance of the one hundred men whom the company wants for the forts it has or may have hereafter, must be on its own account, and in this opinion, besides the literal interpretation of said article, to wit, *the permission that the company may arm at its own expense, and maintain armed, &c.*, I am, moreover, confirmed, 1st, by the circumstance of the permission of arming having ever been granted, for, it appears to me that, had it been intended to be on the King's account, it would only have been necessary to notify that the one hundred men were to be furnished to the company; 2d, by said royal order not mentioning any sum, as it would have been indispensable in order to enable the royal treasury to make the disbursement; and, finally, by his Majesty not having appropriated funds for this no small expenditure, which cannot be supported by his royal coffers in this province, particularly in their present state of scarcity and embarrassment, without being deprived of the means necessary to maintain the troops, the civil officers, the squadron of galleys, the works at Pensacola, and other extraordinary contingencies which occur every day. In consequence of all this, I find myself under the obligation to oppose the delivery of the said sum of ten thousand dollars, and to beg of your lordship, that, in case my reasons should not appear well founded, to consult his Majesty on this matter, and in order that, by his royal declaration, I shall be sheltered from the responsibility which would result to me were I to accede to the demand of Mr. Clamorgan on the terms he has established it."

I transmit the same to you for your knowledge and government.

May God have you in his keeping many years.

EL BARON DE CARONDELET.

Sor. Don SANTYAGO CLAMORGAN.

The above two letters, Nos. 6 and 7, are truly translated from the originals.

JULIUS DE MUN, *T. B. C.*

No. 8.

NEW ORLEANS, *November* 8, 1796.

I see no objection to your levying in the country of Illinois the one hundred militia-men whom his Majesty has granted for the forts of the Missouri company, but I cannot answer for the reimbursement of the ten thousand dollars, because it depends on his Majesty's decision, although I am confident that when he sees my representation he will order it to be made, since I have solicited and supported the same.

It is all I have at present to answer to your official letter on this subject.

May God our Lord have you in his keeping many years.

EL BARON DE CARONDELET.

Sor. Don SANTYAGO CLAMORGAN.

No. 9.

NEW ORLEANS, *May* 24, 1797.

SIR: I have received the letter you directed to me under date of the 15th of last April.

Your claim is accompanied by the best reasons possible, and would not suffer any difficulties, were it not for the obligation I am under to take all the sureties necessary to the responsibility of my place, in order to justify, in the clearest manner, the extraordinary use made of the funds confided to me by his Majesty. Therefore, I have written on this subject to Mr. Dehault Delassus, and according to the explicit answer which I expect of him, I will order what shall appear to me most advisable.

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

JUAN VENTURA MORALES.

Mr. CLAMORGAN.

No. 10.

ST. LOUIS, *July* 3, 1797.

Under date of April 5 of this current year, the governor general, Baron de Carondelet, writes to me as follows:

"I have read your official note dated 11th of last March, in which you state the motives which have induced you to grant to Mr. Clamorgan the tract of land situated between the two rivers Charette and Cuivre,

both emptying into the Mississippi; also sixty arpens to the north and sixty arpens to the south of said rivers, which serve to determine the situation of said land, having the Mississippi in front. Two parallel lines are to be drawn, running in the interior of the country until they reach at the distance of two hundred arpens beyond the foot of the first hills, conformably to the solicitation of the party interested. All which I do approve, Clamorgan having deserved this favor from the government."

I transmit the same to you for your knowledge and government.

May God have you in his keeping many years.

ZENON TRUDEAU.

Sor. Don SANTYAGO CLAMORGAN.

ST. LOUIS, *August* 28, 1834. The three last letters, Nos. 8, 9, 10, are truly translated from record-book D, pages 315 and 316.

JULIUS DE MUN, *T. B. C.*

B.

No. of survey and certificate of confirmation.	To whom confirmed or granted.	Area of survey.
10	Isaac Hosteller	400 arpens.
11	John Wealthy	400 do.
16	William Stewart	400 do.
23	Toussaint Cerré	400 do.
29	James Green	800 do.
30	Antoine Janis and Peter Chouteau, under Jos. Langlois and Joseph Generaux	240 do.
53	Peter Sommalt, son of Christopher	300 do.
54	Christopher Sommalt, sr	550 do.
55	Jacob Sommalt	450 do.
56	Perry Brown	300 do.
57	Peter Hoffman	300 do.
58	Nicholaus Coontz	400 do.
60	Squire Boone	700 do.
61	Comod, *alias* Leonard Price	650 do.
63	Andrew Sommalt, son of Jacob	200 do.
64	James Flaugherty	600 do.
67	John Walker, under Henry Groff, *alias* Groves	400 do.
127	Thomas Caulk, under Peter Valigne	300 do.
165	George R. Spencer, under Michael Prybolt	450 do.
205	John Tayon	400 do.
280	Isaac Welden, or his legal representatives	400 do.
284	Francis Hosteller's representatives	500 do.
285	John Coontz's legal representatives	600 do.
287	Jacob Zoomalt, under Angus Gillis	350 do.
289	Francis Smith	250 do.
290	George Gatty	450 do.
291	John Cook	600 do.
292	William McConnell	800 do.
293	George Hoffman, jr	400 do.
294	Adam Zoomalt	600 do.
296	Andrew Zoomalt, sr	580 do.
297	James Baldridge	400 do.
304	Warren Cottle	650 do.
306	Robert Burns	600 do.
308	Francis Duquette	260 do.
312	Thomas Caulk	400 do.
353	Ira Cottle	400 do.
354	Warren Cottle, jr	640 acres.
417	John Parkett	650 arpens.
418	Daniel Kiesler	600 do.
424	Godfrey Kroh (or Crow)	600 do.
453	John Howell	404 arp. 50 p's.
456	George Fallis	350 do.
460	Jeremiah Grojean, under Louis Crow	200 do.
462	Christian Denni's legal representatives	400 do.
469	Christopher Clark, under Richard Taylor	240 do.
524	Ira Cottle, under William Hays	600 do.
657	Elisha Goodrich	400 do.
731	Louis Jeanett's representatives	640 acres.
735	John A. Smith	640 do.
737	Henry Zoomalt, jr	640 do.
739	Jacob Coontz	640 do.
743	John Tourney	600 arpens.
749	John B. Belland, under Louis Marchant	160 do.

B.—*Continued.*

No. of survey and certificate of confirmation.	To whom confirmed or granted.	Area of survey.
754	William Farnsworth	640 acres.
755	Isaac Cottle	640 do.
756	Sylvanus Cottle	500 arpens.
757	Jonathan Woods	640 acres.
765	Noel Herbert	640 do.
762	Etienne Bernard, under Lauren Deraucher	500 arpens.
825	Robert Baldridge	640 acres.
885	Jonathan Cottle	640 do.
887	Francis Howell	640 do.
888	Angus Gillis, under Jacob Sommalt	640 do.
891	William Crow	640 do.
929	Martrom Lewis, or his representatives	650 arpens.
931	Melkiah Baldridge	640 acres.
935	Benjamin Jones's heirs	640 do.
947	Daniel Kichelie	640 do.
948	Christian Wolf	640 do.
979	Michael Reybold's representatives	640 do.
991	James Beatty	640 do.
1198	Jacques Clamorgan, for use of Edward Hempstead, under Jacques Eglise	1066 arpens.
1640	Noel A. Prieur	400 do.
1641	James Kerr	1200 do.
1652	Baptiste Roy	800 do.
1653	Joseph Roy	800 do.
1654	Toussaint Cerré	1000 do.
1655	Toussaint Cerré	160 do.
1669	Arend Rutgers	7056 do.
1687	Bernard Pratte and Joseph Beauchemin	1600 do.
1696	John Scott, under Thomas Johnson	500 do.
1704	Peter Chouteau, under Charles Tayon	510 do.
1719	Charles Tayon, under Baptiste Belland	160 do.
1731	Pelagie Labbadie, under Etienne Bernard	160 do.
1738	James Morrison, under Joseph Beauchamp	240 do.
1742	James W. Cochran	800 do.
1754	Antoine Janis	160 do.
1756	Paul Lacroix	1600 do.
1757	Widow Labbadie	160 do.
1771	Milton Lewis	352 do.
1773	Thomas Howell	350 do.
1776	Nathaniel Simonds, or Marshal Cottle's representatives	300 do.
1777	Lewis Crow	640 acres.
1778	Andrew Walker	640 do.
1779	Peter Chouteau, or P. Dessonet's representatives	640 do.
1780	Christopher Soomalt	640 do.
1781	Abraham Keithley	300 arpens.
1782	Samuel Lewis	640 acres.
1783	David Conrad	640 do.
1784	Peter Teague	640 do.
1785	John McConnell	640 do.
1786	Joseph Voisard	640 do.
1787	George Hoffmann	640 do.
1788	Arthur Burns	640 do.
1790	Henry Stephenson	640 do.
1795	Nathaniel Simonds	640 do.
1796	John Weldon	500 arpens.
1798	Thomas Howell	640 acres.
1799	Robert Spencer	640 do.
1801	Daniel Baldridge	640 do.
1807	David Edwards	640 do.
1808	Etienne Bernard, assignee of Mary Ann, widow of Jos. Violet	400 do.
205	Joseph St. Mary (New-Madrid claim)	160 do.
253	Baptiste Chartier (New-Madrid claim)	250 arpens.
149	John Baker, sr. (New-Madrid claim)	250 do.

C.

Abstract of lands sold within and conflicting with the claim of J. Clamorgan, situated and embracing parts of townships Nos. 46, 47, 48, *ranges* 2, 3, *and* 4, *east of* 5*th principal meridian.*

Township 46. *Range* 2, *east.*

All the land within said claim sold.

Township 47. *Range* 2, *east.*

Sec.		Acres sold.
1.	S. W. quarter	208.32
2.	S. E. quarter	160.00
10.	S. fractional half and N. E. quarter	376.00
11.	N. half and S. W. quarter	480.00
12.	W. half of N. E. quarter, W. half of N. W. quarter, and S. W. quarter	406.18
14.	S. half of S. E. fractional quarter	38.52
21.	N. fractional half	285.21
22.	W. half of S. W. quarter	80.00
25.	West fractional half	104.07
26.	S. W. fractional quarter and N. half of N. E. quarter	97.44
27.	S. half	145.56
28.	N. E. fractional quarter and S. fractional half	201.57
29.		399.03
32.	S. fractional half	123.72
33.	N. W. quarter of N. W. quarter	40.00
34.	E. fractional half	87.61
35.	E. fractional half and N. W. fractional quarter	364.80
36.	W. half S. E. quarter and E. half of N. E. quarter	535.41

Township 48. *Range* 2, *east.*

25.	All sold except 120 acres (viz. S. E. qr. of N. E. qr. and West half of S. W. qr	378.25
35.	N. E. quarter of S. E. quarter, W. half of N. E. quarter, and E. half of N. W. quarter	200.00
36.	N. E. fractional quarter and N. E. quarter of N. W. quarter	92.30

Township 46. *Range* 3, *east.*

1.	All sold except E. half of N. E. quarter (80 acres)	344.73
4.	Reserved for 16th section (school land).	
5.	S. W. fractional quarter and S. E. quarter of S. E. quarter	61.66
6.		449.90
7.		44.66
8.	N. fractional half	176.94
9.	S. E. fractional quarter	47.95
12.		105.15
15.	E. fractional half of N. W. quarter	78.57
26.	S. E. fractional quarter	103.52

Township 47. *Range* 3, *east.*

7.	E. half of S. E. quarter	80.00
8.	S. fractional half	163.22
16.		272.24
17.		432.21
22.		473.25
25.	N. fractional half	13.72
26.	S. W. fractional quarter	133.35
27.	S. E. fractional quarter and E. fractional half of N. W. quarter	219.47
30.	N. E. fractional quarter	153.19
31.	E. half W. half of N. W. quarter and N. W. quarter of S. W. quarter	232.84½
32.	N. W. fractional quarter, S. E. quarter, E. half of S. W. quarter, and S. W. qr. of S. W. qr.	400.44
33.	N. W. fractional quarter	48.37
34.	N. E. fractional quarter	144.02
35.	N. W. fractional quarter and S. E. fractional quarter	110.22

Township 48. *Range* 3, *east.*

31.	W. fractional half of S. W. quarter	41.58

Township 46. *Range* 4, *east.*

5.		252.09
6.	N. E. fr. qr. N. W. qr. S. E. qr. E. half of S. W. qr. and S. W. fr. qr. of S. W. qr	532.34
7.	N. W. fr. qr. S. E. fr. qr. E. half of N. E. qr. and S. W. qr. of N. E. qr	263.31
8.	S. W. fractional quarter and W. half of N. W. quarter	166.07

Township 47. *Range* 4, *east.*

Sec.		Acres sold.
19.		76.66
28.		82.19
29.	S. E. fractional quarter	70.64
31.	W. fractional half	176.82
32.	N. E. fractional quarter	80.95
33.	N. W. fractional quarter	89.60

Township 48. *Range* 4, *east.*

25.	S. E. fractional quarter (S. of Mississippi river)	3.39
36.	N. E. fractional quarter (S. of Mississippi river)	101.95

U. S. REGISTER'S OFFICE, *at St. Louis, Missouri, September* 4, 1835.

I certify that the foregoing abstract, as far as it purports, is correctly copied from the files in this office.

N. P. TAYLOR, *Clerk Register's office.*

By Trudeau, prior to date of Clamorgan's grant of 3d March, 1797.

	Arpens.
Antonio Janis, under Langlois, 1st December, 1796	240
Jno. Howell, 22d February, 1797	404 50 per.
Toussaint Cerré, 1st July, 1796	160
Charles Tayon, under Belland, 7th March, 1796	160
Palazie Labbadie, under Bernard, 7th March, 1796	160
J. Morrison, under Beauchamp, 18th June, 1796	240
Antonio Janis, 15th January, 1796	160
	1,524 50 per.

By Trudeau, subsequent to Clamorgan's grant. Surveyed 19th December, 1799.

	Arpens.
William Stewart, 4th February, 1798	400
Toussaint Cerré, 30th May, 1798	400
James Green, 14th January, 1799	800
T. Caulk, under P. Valigne, 15th December, 1797	300
C. Clark, under Taylor, 17th June, 1797	240
Ira Cottle, under Hays, 24th January, 1798	600
Elisha Goodrich, 23d August, 1799	400
J. B. Belland, under Marchant, 1st July, 1798	160
James Kerr, 4th March, 1798	1,200
Arend Rutgers, 14th April, 1799	7,056
P. Chouteau, under Tayon, 28th January, 1798	500
	12,066

By Carlos Dehault Delassus.

	Arpens.
John Wealthy, 2d April, 1799	400
Peter Sommalt, son of Christopher, 9th November, 1799	300
Christopher Sommalt, sr., 9th November, 1799	550
Jacob Sommalt, 9th November, 1799	450
Perry Brown, 26th October, 1799	300
Peter Hoffman, 29th November, 1799	300
Nicholas Coontz, 29th August, 1799	400
Squire Boon, 10th November, 1799	700
Coonrod, alias Leonard Price, 9th November, 1799	650
Andrew Sommalt, 9th November, 1799	200
James Flaugherty, 25th October, 1799	600
J. Walker, under Groff, 20th November, 1799	400
G. R. Spencer, under Ribault, 5th December, 1799	450
John Tayon, 5th October, 1799	400
Isaac Weldons, rep., 21st September, 1799	400
Francis Smith, 6th November, 1799	250
George Getty, 8th September, 1799	450
John Cook, 28th December, 1799	600
Warren Cottle, 8th October, 1799	650
Robert Burns, 11th December, 1801	600
John Parkett, 9th November, 1799	650

By Carlos Dehault Delassus—Continued.

	Arpens.
Daniel Keesleler, 26th November, 1799	600
Godfrey Crow, 7th November, 1799	600
George Fallis, 15th January, 1800	350
J. Grossjean, under Crow, 9th November, 1799	200
Christian Dennis, rep., 16th June, 1800	400
Noel A. Prieur, 3d February, 1801	400
Baptist Roy, 29th December, 1799	800
Joseph Roy, 29th December, 1799	800
Toussaint Cerré, 28th October, 1799	1,000
B. Pratt and J. Beachemin, 30th January, 1800	1,600
John Scott, under Johnson, 20th October, 1799	500
James W. Cochran, 5th July, 1800	800
Paul La Croix, 15th December, 1799	1,600
Widow Labbadie, 8th December, 1802	160
Milton Lewis, 15th December, 1800	352
Thomas Howell, 10th October, 1799	350
John Weldon, 20th December, 1803	500
	20,912
E. Hempstead, under J. Eglise, survey 20th January, 1798	1,066
	21,978

By the original Board of Commissioners and Recorder Bates, under second section act of Congress.

	Arpens.
Isaac Hosteller	400
Francis Hosteller, representative	500
John Coontz, representative	600
J. Zoomalt, under Gillis	350
William McConnell	800
George Hoffman, jr	400
Adam Zoomalt	600
Andrew Zoomalt, sr	580
James Baldridge	400
Francis Duquette (ten years' possession)	260
Thomas Caulk	400
Ira Cottle	400
John Tourney	600
Sylvanus Cottle	500
E. Bernard, under Derocher	500
Malthom Lewis	650
N. Simons	300
Mary Ann, widow of J. Violet	400
	8,640

By original Board of Commissioners and Commissioner Bates, under the second section of act of Congress.

	Acres.
Warren Cottle, jr	640
Louis Zeanetts, representative	640
John A. Smith	640
Henry Zoomalt	640
Jacob Coontz	640
William Fairnsworth	640
Isaac Cottle	640
Jonathan Woods	640
Noel Hebert	640
Robert Baldridge	640
Jonathan Cottle	640
Francis Howell	640
A. Gillis, under Sumalt	640
William Crow	640
Mekia Baldridge	640
Benjamin Jones (heirs)	640
Daniel Kichlie	640
Christian Wolf	640
Michael Reybolds, representative	640
James Beatty	640
Lewis Crow	640
Andrew Walker	640
P. Chouteau, or Dessonnets, representative	640
Christopher Zumalt	640

By the original Board, &c.—Continued.

	Acres.
Abraham Keithley	300
Samuel Lewis	640
David Conrad	640
Peter Teague	640
John McConnell	640
Joseph Voisard	640
George Hoffman	640
Arthur Burns	640
Henry Stephenson	640
Nathaniel Simonds	640
Thomas Howell	640
Robert Spencer	640
Daniel Baldridge	640
David Edwards	640
	23,980
Joseph St. Mary, New-Madrid claim	160
	24,140

	Arpens.
B. Chartier, New-Madrid claim	250
John Baker, sr., New-Madrid claim	250
	500

RECAPITULATION.

	Arpens.
Granted by Trudeau, prior to 3d of March, 1797	1,524 50 per.
Granted by Trudeau, subsequent to March, 1797	12,066
Granted by C. D. Delassus	21,978
Granted by commissioner and recorder under second section	8,640
Two New-Madrid claims located	500
	44,708 50 per.

	Acres.
One New-Madrid claim located	160
Granted by commissioners and recorder under the second section of the act of Congress	23,980
	24,140

Of the claims granted by Zenon Trudeau and C. D. Delassus, in the above list, in almost every instance the survey took place prior to the change of government.

James Clamorgan, claiming 500,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
152	James Clamorgan.	Not ascertained.	Concession, March 3d, 1797.	Z. Trudeau.	On Cuivre and Dardenne, on the Mississippi.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

November 14, 1811.—Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

James Clamorgan, claiming 500,000 arpens of land, situate on rivers Mississippi, Dardenne, and Cuivre, district of St. Charles. Produces a concession from Zenon Trudeau, L. G., dated 3d March, 1797; also, four letters to claimant from Zenon Trudeau, Juan Ventura Morales, and Baron de Carondelet.

It is the opinion of the board that this claim ought not to be confirmed.

James Clamorgan, claiming 60 arpens, front on the Mississippi, Chorette, and Dardenne, back to the hills, about 200 arpens, district of St. Charles. Produces same concession and papers as in the preceding claim.

It is the opinion of the board that this claim ought not to be confirmed.

James Clamorgan, claiming 60 arpens of land, front on the Mississippi, commencing above the mouth of Cuivre, up the Mississippi, and back to the hills. Produces same concession and papers as in the foregoing claim.

It is the opinion of the board that this claim ought not to be confirmed. (See minutes, No. 5, page 417.)

June 21, 1833.—The board met, pursuant to adjournment. Present: A. G. Harrison and F. R. Conway, commissioners.

James Clamorgan, by his legal representatives, claiming a tract of land on the Cuivre and Dardenne;

quantity not ascertained. (See record-book D, page 314; minutes, No. 5, page 417; Spanish record of concession, No. 3, page 21, No. 13.)

Produces in evidence six letters, purporting to be original letters from Baron de Carondelet to James Clamorgan; also, a certificate of James Mackay, and one of Charles Sanguinette, both sworn to before a magistrate; also, a paper purporting to be a translation from Spanish into French of a letter from Baron de Carondelet to Clamorgan, translated by M. P. Leduc, and certified by him to have been so translated from the original letter in the proper handwriting of the said Carondelet; also, a paper purporting to be a receipt from Risdon H. Price for two original letters from Baron de Carondelet to James Clamorgan.

M. P. Leduc, duly sworn, says that the signatures to the six above-mentioned letters are in the proper handwriting of Baron de Carondelet, and that the translation here above produced, is a faithful translation made by him from the original letter written in Spanish, in the proper handwritiug of said Baron de Carondelet.

L. E. Lawless, agent of claimants, being duly sworn, says that the two original letters described in the receipt were delivered by him to said R. H. Price, on the day of the date of said receipt signed by said Price. To the best of deponent's belief, the concession, as recorded, was, at same date, in the possession of said Price, and that said Price is at present out of this State. Deponent further thinks that said documents have remained in the possession of said Price, and are now out of the reach of the present claimants. Deponent further states that said Price obtained said documents for the purpose of laying the same before Congress, in order to obtain the confirmation of said claim. (See minutes, book No. 6, page 179.)

June 29, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

In the case of James Clamorgan, claiming lands on Cuivre and Dardenne, (see page 179, No. 6,) the following testimony was taken:

Pascal Cerré, being duly sworn, deposes and says, that he was well acquainted with Charles Sanguinette, sr., who died some twelve or fifteen years ago; that he was a man of probity, and in every way to be relied on; likewise he was a man of considerable property. The deponent further states that he was acquainted with James Mackay, and that he was a man of respectability and property; that, about forty years since, Mackay made a voyage of discovery and trading up the Missouri river. The deponent knows the outfit was made at Clamorgan's house, and believes that Mackay was concerned and interested with Clamorgan in the enterprise.

Jesse Richardson, being duly sworn, says that he is 57 years of age; that he has lived in the now State of Missouri, and in that vicinity, since 1799. This deponent says he knew James Clamorgan, deceased, and always understood, among the old inhabitants of the country, that the said Clamorgan had been in the employment of the Spanish government, and that the Spanish government was largely indebted to said Clamorgan, and that by way of remunerating said Clamorgan for his services, and compensating him for what the government owed him, large grants of land were made to said Clamorgan, particularly a large tract lying on the Mississippi, and on the rivers Dardenne and Cuivre. This tract was looked upon by the old inhabitants under the Spanish government, as said Clamorgan's property. Deponent says that he knew James Mackay; he was a man of probity and of high standing under the Spanish government. Charles Sanguinette, deceased, was a man of good reputation, and this affiant believes that the statements of said Mackay and Sanguinette are entitled to full credit, any statements they made in relation to this claim, or on any other subjects.

Question by commissioners. Do you know the quantity and boundaries of said tract?

Answer. I do not know the boundaries of said tract. I understood it was very large, embracing a great portion of the lands lying in the fork of the Missouri and Mississippi. This affiant has always heard the people expressing their fears that this claim would be confirmed, and deprive those settled on it of their possessions. This affiant understood the land was about 500,000 arpens; that it lies on the Mississippi, extending from above the mouth of the Cuivre to below the mouth of the Dardenne and back, for quantity.

Question by commissioners. Did you ever hear of this claim spoken of as fraudulent?

Answer. Never; but on the contrary. I always understood that it was made to Clamorgan, to pay him what the Spanish government owed him as a reward for his services. I never heard any person who was interested against this claim pretend that it was fraudulent, or any person whatever.

Question by commissioners. Have you any interest in this claim?

Answer. No. I have feared that it would interfere with a claim I have, not confirmed, but, on inquiry, I believe there is no danger. (See minutes, No. 6, page 205.)

July 16, 1833.—The board met, pursuant to adjournment. Present: L. F. Linn and F. R. Conway, commissioners.

In the case of James Clamorgan, claiming land on Cuivre and Dardenne. (See page 179 of this book, No. 6.)

Jean Elie Tholozan, being duly sworn, says that he believes it was about the year 1816, that he gave to Risdon H. Price the concession and all the papers he had in his possession relating to this claim, in order to have said claim presented to Congress for confirmation; that he has heard that said Price is now out of this State, and does not know where those papers are, and neither to whom to apply for them. (See No. 6, page 234.)

September 26, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

In the case of James Clamorgan, claiming land on Dardenne and Cuivre. (See book No. 6, pages 179 and 234.)

The board are unanimously of opinion that this claim ought not to be confirmed, believing it to have been disregarded by both Trudeau, the lieutenant governor, who made the grant, and by his successor, Delassus. For a full opinion and notice of interferences, see the report of the board to commissioner of the General Land Office. (See book No. 7, p. 249.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

24TH CONGRESS.] No. 1341. [1ST SESSION.

APPLICATION OF MISSOURI FOR AN EXTENSION OF THE RIGHT OF PRE-EMPTION TO CERTAIN SETTLERS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

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

Your memorialists, the general assembly of the State of Missouri, would respectfully present for your consideration, the propriety of further extending the laws relative to pre-emption rights, so as to include all persons who have, or may settle on any unappropriated lands belonging to the United States. Such is the condition of the new States having public lands lying within their limits, that we deem such an extension not only proper, but just and necessary to the harmony and prosperity of their citizens. It is well known that these States receive annually a large emigration; and the surveyed lands bearing but a small proportion to those which are unsurveyed, and the best of those which have been in market having been selected, it necessarily happens that emigrants must and will settle upon such as are good and valuable, whether they have been surveyed or not. This is a result unavoidable, from the circumstances mentioned, and it would be unreasonable, under such a state of things, to expect any other consequence. Besides, a vast number of our citizens have settled on the public lands under the belief that so soon as the lands should be brought into market, they would be entitled to a pre-emption right, and have, consequently, gone on to make fine and valuable improvements on the lands upon which they have settled. Believing, as we do, that it comports with the spirit of our government and its institutions, that such measures in relation to the public lands should be adopted as will be calculated to afford to the citizens of the country, upon easy and generous terms, the means of getting homes for themselves and families; and that it was never contemplated that these lands should be made a matter of speculation by the government, we earnestly recommend that the generosity which has hitherto been shown to such as have settled on lands that have been in market, will be extended to all those who have, or hereafter may settle upon such lands as are unappropriated, of whatever character they may be. And, as the best of these lands which have been in market have been selected, and none but such as are of an inferior quality remain unsold, it is respectfully recommended that the price of the latter description be graduated to its corresponding value. If such were the case, they would soon be in the hands of industrious citizens, and brought into a state of cultivation, and the State receive the benefit of taxes, which would arise from their being in the possession of private individuals. We, therefore, respectfully pray for the passage of a law, giving to actual settlers on all unappropriated lands, a pre-emption right to one quarter-section of land to every person who has, or may hereafter settle on said lands, to extend until the year one thousand eight hundred and forty; and, also, there are many poor, but meritorious citizens, who have settled on these lands. We would further pray that they be allowed the indulgence of five years, from and after the time of settling on said lands, the right to enter the same, in quantities not exceeding one quarter-section each, upon the condition, that if in that time such person should not enter the same, that the lands so settled upon, together with the improvements which they may have made on the same, shall be liable to entry as other public lands.

Approved, January 27, 1835.

24TH CONGRESS.] No. 1342. [1ST SESSION.

APPLICATION OF MISSOURI FOR A GRANT OF 500,000 ACRES OF LAND, FOR PURPOSES OF EDUCATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

A Memorial to Congress for Land.

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

The general assembly of Missouri represent that they are very desirous of establishing in this State a good system of common schools, so as to render the opportunity of education co-extensive with the State. They are aware that the information of the people is the best security of republican government. The State is, as yet, too young and embarrassed to raise the requisite funds by taxation. The United States have granted to several of the new States, particularly to Ohio, Indiana, and Illinois, large quantities of the public lands for public purposes; and the General Assembly presume that Congress intends placing the State of Missouri on an equality with the other States. They therefore ask that a grant of five hundred thousand acres of the public lands be made to the State of Missouri, for the purposes of education generally, so as to enable the assembly to raise a fund to be devoted to the purposes of common schools throughout the State.

JOHN JAMESON, *Speaker of the House of Representatives.*
LILBURN W. BOGGS, *President of the Senate.*

Approved, March 7, 1835.

DANIEL DUNKLIN.

24TH CONGRESS.] No. 1343. [1ST SESSION.

APPLICATION OF MISSOURI FOR THE ESTABLISHMENT OF A NEW LAND DISTRICT IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

To the Congress of the United States:

Your memorialists, the legislature of Missouri, would respectfully represent, that much inconvenience is sustained by a great number of its citizens for the want of an additional land office; the present offices are so remotely situate from each other, that purchasers undergo considerable expense and trouble in purchasing their lands. Your memorialists therefore pray Congress to establish a new land district, bounded as follows, (to wit:) beginning at a point on the Missouri river, where the range line between ranges eight and nine strikes the same; thence south with said range line, to a point where the said line intersects the township line between townships thirty-eight and thirty-nine; thence west with said township line to the range line between ranges twenty-three and twenty-four; thence north along said range line to the Missouri river; thence down the middle of the main channel thereof to the beginning; and the land office be as near the centre of the district as practicable.

JOHN JAMESON, *Speaker of the House of Representatives.*
LILBURN W. BOGGS, *President of the Senate.*

Approved, March 14, 1835.

DANIEL DUNKLIN.

24TH CONGRESS.] No. 1344. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A DONATION OF LAND TO SETTLERS WHO WERE REMOVED BY THE TREATY WITH THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE, DECEMBER 16, 1835.

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

Your memorialists, the general assembly of the Territory of Arkansas, respectfully represents to your honorable body that, by the treaty of the general government and the Choctaw Indians, the settlers in the ceded country, by order of the then Secretary of War, were required to remove from it. In obedience with the order, a large and respectable number of the citizens of this Territory immediately quit their country, and surrendered their homes and farms to the Indians, and sought other homes for themselves and children in the wilderness. As a remuneration for their losses thus sustained, we humbly pray your honorable body to pass a law giving to each settler so removed from the lands ceded to the Choctaws, a donation of one quarter-section of land, to be located on any of the unappropriated lands of the United States in this Territory. Your honorable body cannot but bear in mind that those settlers who resisted the power of the government, and were removed by force, have already received a donation of three hundred and twenty acres of land, while those who removed quietly, and in obedience with the will and orders of the government, are left to sue for a much smaller and more righteous remuneration.

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

Approved, November 3, 1835.

WM. F. FULTON.

24TH CONGRESS.] No. 1345. [1ST SESSION.

APPLICATION OF ARKANSAS FOR A PROVISION FOR RECLAIMING ALLUVIAL LANDS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

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

The petition of your memorialists, the general assembly of the Territory of Arkansas, would respectfully represent to your honorable body that there are vast bodies of alluvial lands in the bottoms of the Mississippi and Arkansas rivers, which are now subject to annual or occasional inundations, the draining of which they would respectfully recommend to your honorable body as entirely practicable and expedient. The accomplishment of this magnificent project will be attended with results important both to our Territory and to the United States; to the Territory of Arkansas, both in point of wealth and health; and to the general government, by immediately

pouring into the national treasury an immense revenue. We would beg leave further to represent, that a levee on the west bank of the Mississippi river, from the Louisiana line to the mouth of the Arkansas, and continuing on the south bank of the last-mentioned river to the Pine Bluffs, a total distance of 300 miles; and a levee also on the north bank of the Arkansas river, commencing at Gordon's bayou, and continuing up said river a distance of about 150 miles, would reclaim at least 1,500 acres of land. The distance from the line of Louisiana to the mouth of the Arkansas is about 120 miles; from the mouth of the Arkansas to the Pine Bluffs, 180 miles; from Gordon's Bayou to a point opposite Pine Bluffs on the north bank of the Arkansas, 150 miles. It is also computed that the cost will be about $500 per mile, which, for the whole distance of 450 miles, will be $225,000. The country thus to be reclaimed would be one of the finest cotton countries on earth, and meet with immediate sale, which at the government price would place in the Treasury the sum of $2,750,000. Without enlarging upon these data, your memorialists believe that some action will be had on the subject by Congress; and your memorialists, as in duty bound, will ever pray.

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

Approved, November 3, 1835.

WM. F. FULTON.

24TH CONGRESS.] No. 1346. [1ST SESSION.

APPLICATION OF ARKANSAS FOR LAND FOR ROAD FROM FORT SMITH TO THE SOUTHWEST CORNER OF THAT TERRITORY, AND FOR PUBLIC BUILDINGS AT THE SEAT OF GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

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

Your memorialists, the general assembly of the Territory of Arkansas, most respectfully represent that the continuation of a road shortly to be completed by the United States, terminating at Fort Smith, from that point along the western boundary of the Territory to the southwest corner thereof, would be alike advantageous to the government and Territory. Fort Smith is already a point conspicuous for its importance to the general government, its situation, immediately at the crossing of Arkansas river, gives to it such advantages as will one day make it necessary that that point should be owned and rebuilt by the United States; a road therefrom connecting the south with this point cannot fail to be an object worthy of attention. Your memorialists therefore request that such steps be taken, and such appropriations made, as will cause the proposed road to be opened, and as in duty bound, will ever pray, &c.

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

The memorial of the general assembly of the Territory of Arkansas respectfully represents to your honorable body, that by the act of Congress, approved on the 2d March, 1831, entitled an act granting a quantity of land to the Territory of Arkansas, for the erection of a public building at the seat of government of said Territory, ten sections of the unappropriated public land in the Territory of Arkansas were granted to the said Territory for the purpose of raising a fund for the erection of a public building at Little Rock, the seat of government. And that the said lands have been disposed of and a public building commenced. Your memorialists represent that the said fund is insufficient for the purpose of completing said building, and that unless the Congress of the United States will make a further appropriation for the purpose of completing said public building, the work will be entirely useless to the Territory. Your memorialists therefore respectfully request your honorable body to make a further appropriation of ten sections of the public lands within the said Territory, for the purpose of completing said public building; and your memorialists, as in duty bound, will ever pray, &c.

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

Approved, November 3, 1835.

WM. F. FULTON.

24TH CONGRESS.] No. 1347. [1ST SESSION.]

APPLICATION OF ARKANSAS THAT CAPT. HENRY M. SHREEVE MAY BE ALLOWED TO ENTER SIX SECTIONS OF LAND IN THE RAFT OF RED RIVER FOR RECLAIMING THE SAME.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

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

Your memorialists, the general assembly of Arkansas Territory, would respectfully state that a distinguished officer in the engineer department of the United States, Capt. Henry M. Shreeve, has petitioned of your honorable body the right to enter six sections of land at government price, in the great Raft on Red river, now inun-

dated by water, that may be reclaimed hereafter by his labor. Your memorialists, impelled by a sense of the high obligation due this distinguished officer for the many inestimable services he has already rendered to this Territory in removing the obstructions in its rivers, and those we expect to receive, would respectfully ask your honorable body to take into consideration his petition, and would urge, in behalf of his claim, if individual services and the invention of useful machinery should ever entitle *one* to call on the munificence of his country, Capt. Shreeve assuredly deserves this privilege. Your memorialists are perfectly apprized that this government has always deprecated the principle of bestowing gifts on its public officers; but your memorialists conceive this to be an extraordinary exception to the general rule, and could say, without the fear of contradiction, that the many obstacles which present themselves to the safe navigation of the Mississippi river, and which once proved so destructive both to human life and property, by the ingenuity of this individual has been entirely removed, and the wealth and commerce of five millions of people now proudly floats with safety and ease upon its expanded bosom. Your memorialists would further say, that the petition in question does not ask for a donation of land, but a mere right to enter six sections of land at government price, which may be reclaimed by the labor of the petitioner; which land is now, and ever would remain, useless to the government, if it was not for the enterprise and ingenuity of this individual; an undertaking once thought to be the mere idle speculation of the theorist, we now see almost in a state of completion, under the superintendence of your petitioners, a consummation of which will throw thousands of dollars in the Treasury of the Union. A petition like this, so deeply founded in justice, and so reasonable in its request, induces your memorialists in duty bound ever to pray.

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

Approved, October 24, 1835. WM. F. FULTON.

24TH CONGRESS.] No. 1348. [1ST SESSION.

NUMBER OF SPANISH CLAIMS TO LAND DEPENDING IN THE COURTS OF FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

TREASURY DEPARTMENT, *December* 9, 1835.

SIR: In compliance with a resolution of the House of Representatives, dated the 23d February last, directing the Secretary of the Treasury "to report to the House, at its next session, the number of Spanish claims to land in Florida now depending in the courts of that territory, under the act of Congress of 1828, the amount of land claimed, the nature of the claim, and by whom granted, with a schedule of those made by the same officers and for the same objects, of those confirmed by the Supreme Court of the United States, and whether the lands covered by those titles are reserved from survey, or sufficiently designated to be laid down on the township plats:"

I have the honor to submit copies of letters from this department, addressed to the Commissioner of the General Land Office, and to R. K. Call, esq., assistant counsel of the United States, employed under the authority of the act of the 23d May, 1828, together with their respective reports upon the several heads of inquiry, and which contain all the information thereon, in the possession of the department.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

No. A.

TREASURY DEPARTMENT, *March* 11, 1835.

SIR: I enclose a copy of a resolution of the House of Representatives, dated the 23d ult., requiring certain information in relation to claims, arising under the act of May, 1828; and have to call your attention to that part of the resolution inquiring whether the lands covered by titles, similar to those which have been confirmed by the Supreme Court, are reserved from survey, or sufficiently designated to be laid down on the plats of survey, so that it may be in your power to furnish the information in season, to enable the department to comply with the resolution. General Call, the assistant counsel of the United States, has been requested to furnish the necessary information, to enable the department to answer the other heads of inquiry embraced in the resolution.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. B.

TREASURY DEPARTMENT, *March* 11, 1835.

SIR: As the assistant counsel for the United States, in the defence of claims arising under the act of 1828, I have herewith enclosed a resolution of the House of Representatives, dated the 23d ultimo, requiring this department to report certain information, in regard to the number, quantity and character of the claims arising under that act; and have to request that you will prepare and submit to the department, in time to enable it to comply with the resolution, a statement exhibiting the information required. In describing the character or nature of the claim, you will report your opinion, whether it comes within the purview of those already decided or confirmed by the Supreme Court.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

R. K. CALL, Esq., *Washington.*

No. C.

GENERAL LAND OFFICE, *March* 14, 1835.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, covering a copy of the resolution of the House of Representatives of the 23d ultimo, respecting the Spanish claims to land in Florida, now depending in the courts of the Territory, under the act of Congress of 1828, and requesting a report upon so much of that resolution as requires information "whether the lands covered by those titles are reserved from survey, or sufficiently designated to be laid down on the township plats," and beg leave to report:

That as this office has no knowledge of the particular claims now depending in the courts of Florida, it is not in my power to say whether the lands embraced thereby have, or have not, been surveyed, or whether the title papers, under which they are held, give such descriptions of the precise localities and boundaries of the claims, as would allow of their being laid down on the township plats, without an actual survey in each case, connecting the boundaries of the claim with the township and sectional lines of the public surveys.

In reference to the unconfirmed claims in Florida, generally, it is proper, perhaps, to state the following facts:

The land offices in that Territory were established by the act of the 3d of March, 1823, (Land Laws, page 841,) and the lands are, by the 10th section, directed to be offered for sale in the same manner, and with *the same reservations and exceptions*, and on the same terms and conditions, in every respect, as the other public lands of the United States. To ascertain, therefore, what lands were thus reserved and excepted from sale, it becomes necessary to look at the preceding legislation in respect to those parts of the country over which Spain and other foreign powers have, at different times, exercised jurisdiction. By reference to the act of the 3d March, 1811, (Land Laws, p. 586,) which established the offices at New Orleans, Opelousas, Ouachita, and St. Louis, it will be seen by the proviso to the 10th section, that, until the decision of Congress thereon, no tract of land can be offered for sale, the claim to which had been, in due time and according to law, presented to the proper officers authorized to receive and act upon the notices of such claims. And by the 3d section of the act of the 17th February, 1818, (Land Laws, p. 720,) it will be seen that the same provision is made applicable to the claims in the land districts in Missouri and Arkansas created by that law.

Under these provisions of law, it is conceived that no lands can be sold in Florida, the claims to which have been, in due time and according to law, filed with the proper officers, for the purpose of being investigated, until the decision of Congress thereon.

With respect, however, to those claims in Florida, over 3,500 acres, which were not reported against, special provision is made in the 12th section of the act of the 8th February, 1827, (Land Laws, p. 928,) by authorizing the holders thereof to furnish, within a limited time, to the surveyor general of the Territory, such information as would enable him to exhibit them with accuracy upon the township maps, and by directing their reservation from sale. Under this section, the instructions contained in the enclosed paper, marked No. 1, were given to the surveyor general of Florida, on the 26th February, 1827.

In consequence of your having referred to this office, on the 23d of October last, a letter to you from General R. K. Call, of the 11th of that month, suggesting the propriety of reserving from the approaching sales at St. Augustine, those lands which had been surveyed as public property, but were held under Spanish titles, which have not been finally rejected, with an endorsement thereon, stating that the department approved of his suggestion, and requiring the necessary instructions to be given to the land officers upon the subject,—the necessary orders were given to them on the 25th of October last. Copies of those letters are herewith enclosed, marked 2, 3, and 4.

As the assistant counsel on the part of the United States, to whom will be referred for a report the other clauses of the resolution, resides at the same place as the surveyor general for the Territory, and can readily have access to the plats of all the surveys which have been made in Florida, I would most respectfully beg leave to suggest, that as he will thus have the means of ascertaining "whether the lands covered by these titles are reserved from survey, or sufficiently designated to be laid down on the township plats," his request should also furnish the desired information on those points.

All of which is respectfully submitted.

ELIJAH HAYWARD.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 1.

Extract of a letter from the Commissioner of the General Land Office, to Robert Butler, esq., surveyor general, &c., Tallahassee, Florida, dated February 26, 1827.

SIR: I now have the satisfaction to transmit a paper containing a copy of the act to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes.

You will perceive, that the 7th and subsequent sections of this bill provide for the surveying and connecting with the township lines, the private confirmed claims, and for designating on the township plats the unconfirmed claims over 3,500 acres, which have been filed with the commissioners. The 7th section of this act has invested you with extensive powers and very responsible duties, both executive and judicial, and for the due execution of which it will be indispensably necessary that you commit the surveying and laying down of the private claims, only to your most experienced and judicious deputies, in the fidelity and judgment of whom you have the most implicit confidence.

No. 2.

TALLAHASSEE, *October* 11, 1834.

SIR: I have received a letter from one of the claimants of land in East Florida, complaining that the lands advertised to be sold in that district, in December next, include a large quantity of land claimed by individuals, under grants from the Spanish government, some of which have been confirmed, but which have not been surveyed, owing to absence or non-residence of the claimants at the time the public surveys were made. I am

inclined to believe this is the case in many instances, and should these lands be sold by the government it may give rise to great embarrassment.

To avoid the inconvenience, I would respectfully suggest that the register and receiver of that district may be instructed to withhold from sale any lands which they may have reason to believe covered by grants to individuals, which have not been finally rejected.

Very respectfully, your obedient servant, R. K. CALL.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Copy of the endorsement on the above letter.

"The department approves the suggestion made by General Call, and refers this letter to the Commissioner of the General Land Office, that the proper instructions may be given.

"L. W.

"TREASURY DEPARTMENT, *October* 23, 1834."

No. 3.

GENERAL LAND OFFICE.

SIR: Your letter of the 11th instant, to the Secretary of the Treasury, respecting the propriety of withholding from sale certain lands in East Florida, which are represented upon the township plats as public property, having been referred to this office, I enclose herewith, for your information, a copy of my letter of this date to the land offices at St. Augustine, directing them to reserve those lands from sale.

I am, very respectfully, &c., &c.

ELIJAH HAYWARD.

R. K. CALL, Esq., *Receiver, Tallahassee, Florida.*

No. 4.

GENERAL LAND OFFICE, *October* 25, 1834.

GENTLEMEN: It having been represented to this office, that some of the land claims in your district which have been confirmed, are not represented upon the township plats; and the unconfirmed claims which were, in due time, and according to law, presented to the officers authorized by law to receive the evidence in support of private claims and to decide therein, being by law reserved from sale until the final decision of Congress thereon; you are hereby required to withhold from entry, all such tracts of land represented upon the township plats as public property, as you may be satisfied, either by an examination of the records and documents in your office, or by the evidence of credible persons, are included in the limits of any confirmed claims, or of any unconfirmed claim, the title to which was in due *time and according to law*, filed with the commissioners, or the register and receiver, for the purpose of being investigated; marking the boundaries of such claims upon the township maps, by pencil lines, as accurately as practicable.

At the close of each month, you will forward to this office an abstract of the lands reserved under this order, specifying the name of the claimant in each case, and giving the necessary references to the claims, as entered in the reports of the commissioners, or of the register and receiver.

I am, very respectfully,

ELIJAH HAYWARD.

REGISTER AND RECEIVER, *Land Office, St. Augustine, Florida.*

No. D.

TREASURY DEPARTMENT, *March* 14, 1835.

SIR: From the enclosed copy of a letter from the Commissioner of the General Land Office, you will perceive that the Land Office is not in possession of the information necessary to enable me to comply with the last clauses of the resolution transmitted with my letter of the 11th instant. I must, therefore, rely on your exertions to obtain all the information embraced by the call.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

R. K. CALL, Esq., *at Mrs. Pittman's, Washington.*

No. E.

BALTIMORE, *November* 4, 1835.

SIR: I have the honor herewith to enclose my report on the land claims of Florida, made in pursuance to your letter of the 11th March last. You will find it voluminous and dull in in its details, but it will give you a faithful description of the claims now depending in court, and will inform you of the manner in which similar claims have been disposed of by the court. I regret very much, that I am compelled to send it to you in so rude a form, but the indisposition of one of my children renders it necessary I should hasten to the South, and I have not time to make out a fair copy. You will, therefore, I hope, excuse the original draft with all its imperfections. I believe, however, you will find it correct in all its details.

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

R. K. CALL.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 1.

Abstract—Mill grants.

No.	Names of Claimants.	Number of acres.	Date of concession.	By whom granted.	Remarks.
1	John Breward.....	16,000	Aug. 24, 1816.	Gov. Coppinger.	Mill constructed in 1819.
2	John Rodman, assignee.....	16,000	.....	do.	
3	Mary A. Mills.....	10,240	.....	do.	
4	Z. Kingsley.....	16,000	Dec. 2, 1816.	do.	
5	Villalobus and Fougeres.....	12,000	Oct. 29, 1817.	do.	
6	James Hall.....	16,000	1803.	Gov. White.	Permission only to build a mill; no mill built.
7	Horatio S. Dexter.....	16,000	.....	.....	No grant produced. No mill built.
8	Andrew Burgevin.....	16,000	May 21, 1819.	Gov. Coppinger.	No mill built.
9	William Drummond.....	5,760	Sept. 13, 1816.	do.	No mill built.
10	James Dell.....	16,000	Mar. 29, 1816.	do.	No mill built.
11	John W. Low.....	16,000	1816.	do.	Mill constructed in 1817.
12	Charles W. Clark.....	16,000	1819.	do.	No mill built.
13	Henry Young.....	16,000	1816.	do.	No mill built.
14	F. M. Garvin and others.....	16,000	1817.	do.	No mill built.
15	John M. Hanson and others..	16,000	1813.	.....	No mill built; no original grant produced.
16	Ralph King.....	5,000	.....	.....	No mill built; no original grant produced.
17	Chas. Lawton, ex'r of Darley.	23,040	1817.	.....	No mill built; no original grant produced.
18	Horatio S. Dexter.....	2,560	1801.	.....	Permission only to build a mill.
19	Susan Follis.....	16,000	1803.	.....	No mill built.
20	Heirs of William Hobkirk....	16,000	1816.	Gov. Coppinger.	No mill built.

No. 2.

Abstract of grants alleged to have been made for services rendered the Spanish government.

No.	Names of Claimants.	Number of acres.	Date of concession.	By whom granted.	Remarks.
1	Heirs of J. M. Arredondo.....	40,000	Oct. 12, 1811.	Gov. White.	No original grant produced, or found in the archives. Aguilar's certificate.
2	Heirs of F. M. Arredondo....	256,000	April 2, 1809.	do.	do. do. do. do. do.
3	Heirs of F. M. Arredondo....	50,000	.....	do.	do. do. do. do. do.
4	Joseph Delespin and others...	10,000	Nov. 10, 1817.	Gov. Coppinger.	do. do. do. do. do.
5	Heirs of Rodrigues.....	30,000	1794.	Gov. Quesada.	do. do. do. do. do.
6	Heirs of F. M. Arredondo....	38,000	Mar. 24, 1817.	Gov. Coppinger.	Original grant produced.
7	Joseph F. Rotenbury.....	50,000	.....	do.	Granted subsequent to January 24, 1818. Argued, submitted.
8	George J. F. Clark.....	15,000	Oct. 20, 1816.	do.	No original grant; certified copy by Aguilar.
9	Same.....	2,000	July 10, 1814.	Gov. Kendelan.	do. do. do. do.
10	Same.....	2,000	Feb. 16, 1811.	do.	do. do. do. do.
11	Same.....	2,000	July 12, 1812,	do.	do. do. do. do.
12	Same.....	1,000	1815.	Gov. Estrada.	do. do. do. do.
13	Domingo Acasta.....	8,000	Mar. 20, 1816.	Gov. Coppinger.	do. do. do. do.
14	Pedro Miranda.....	363,640	Nov. 26, 1810.	Gov. White.	Said to be a forgery.
15	Michael Lozerns.....	43,000	April 6, 1817.	Gov. Coppinger.	No original grant; certified copy by Aguilar.
16	Moses E. Levy.....	30,000	Mar. 25, 1817.	do.	Original grant produced.
17	Heirs of F. M. Arredondo....	15,000	Mar. 24, 1817.	do.	do. do.
18	Heirs of F. M. Arredondo....	15,000	Mar. 20, 1817.	do.	
19	Heirs of Elizabeth Wiggins..	300	Nov. 30, 1817.	do.	No original grant; certified copy by Aguilar.

No. 3.

Abstract of claims under grants, on condition of habitation and cultivation.

No.	Names of Claimants.	Number of acres.	Date of concession.	By whom granted.	Remarks.
1	Oliver Ohara.....	15,000	Sept. 5, 1803.	Gov. White.	No proof of habitation or cultivation, the consideration of the grant.
2	Ann Buyck and others.....	50,000	July 2, 1802.	do.	No proof of habitation or cultivation.
3	Charles Hill.....	100	Sept. 13, 1798.	do.	No proof of habitation or cultivation.
4	Philip Wilmer.....	200	Sept. 15, 1803.	do.	No proof of habitation or cultivation.

No. 4.

Abstract of Miscellaneous cases.

No.	Names of Claimants.	Number of acres.	Date of concession.	By whom granted.	Remarks.
1	Charles Edmonson.....	1,000	.....	Gov. Coppinger.	Granted subsequent to Jan. 24, 1818. Submitted to the court.
2	Anthem Gay.....	500	.....	do.	do. do. do.
3	Anthem Gay.....	500	.....	do.	do. do. do.
4	John Sanches.....	400	.....	.....	No grant; certificate of survey under an alleged *verbal order* of survey.
5	Nicol Turnbull and others....	57,000	.....	.....	British claim, not recognized by the Spanish Government.
6	Thomas Dalcour's executors..	10,000	.....	.....	Submitted to the court.
7	Francis R. Sanches.....	500	.....	.....	No grant; certificate of survey under an alleged verbal order of survey.
8	Joseph S. Sanches.....	400	.....	.....	Same situation.
9	John Mizzell.....	800	.....	.....	Same situation.
10	Gahel W. Purpell.....	300	Aug. 21, 1813.	.....	Granted for services and cultivation. No habitation or cult. proved.
11	Thomas Backhouse.....	500	.....	.....	Granted subsequent to January 24, 1818.
12	Elizabeth Wiggins.....	300	Aug. 6, 1815.	Gov. Kendelan.	No proof of habitation or cultivation.
13	Jose B. Rogers.....	100	.....	Gov. Coppinger.	Granted subsequent to January 24, 1818.
14	Pablo Salote.....	2,500	.....	.....	Granted subsequent to January 24, 1818.
15	Zephaniah Kingsley.....	300	.....	.....	Same situation.
16	Heirs of Delia Brodaway.....	500	Sept. 15, 1815.	.....	Original grant not produced.

To the Hon. LEVI WOODBURY, *Secretary of the Treasury:*

SIR: In obedience to the instructions contained in your letter of the 11th of March, enclosing a copy of a resolution adopted by Congress, on the 23d of February last, requiring me, as the assistant counsel of the United States, to render a statement exhibiting the number, quantity, and character of the land claims now depending in the courts of Florida, and requesting me to state whether, in my opinion, they are embraced by the decisions of the Supreme Court of the United States, given in similar cases, I have the honor to submit the following report:

In the superior court for the district of East Florida, held at St. Augustine, there are now depending, including those which have been argued, and submitted for decision, sixty cases, in which actions have been brought by individuals against the government, to establish titles to land. Those several cases embrace the quantity of one million one hundred and eight thousand three hundred and ninety acres. In addition to these, there are eighteen cases in which petitions have been filed in that court, but which have not yet been placed on the docket for trial, presenting claims for land to the amount of thirty-three thousand nine hundred and twenty-six acres.

In the superior court, for the same district, held at Jacksonville, there are fourteen cases depending, in which are claimed thirty thousand three hundred and ninety-six acres of land.

In the Southern Judicial District there are two claims, amounting to upward of one hundred thousand acres (100,000). In these cases, decrees have been rendered against the government, and appeals will be prosecuted to the Supreme Court of the United States.

In the western and middle districts, there is one case depending to establish the title to an island in the river Appalachicola, presented as a gratuity, by the Creek and Seminole Indians, to John Forbes, in the year 1811. This river being the boundary between the two districts, the petitioners brought their suit in both, and by agreement of counsel, it has remained on the docket, to abide the decision of the Supreme Court in the case of Colin Mitchell and others *vs.* the United States.

In order to comply more effectually with the instructions contained in your letter, and the resolution of Congress, I have divided the claims into classes, and arranged them in different abstracts, on each of which I shall present a brief report.

The prefixed abstract, No. 1, contains a list of claims under what are denominated mill grants. If these grants were intended to convey the land to the claimants, which, from their phraseology, is at least an exceedingly doubtful proposition, it was on the condition precedent, of constructing a water saw-mill. In only three of these cases, those of John Breward, John W. Low, and Horatio Dexter, have the conditions been performed. They are generally for sixteen thousand acres each, a quantity so great, when compared with the limited and parsimonious concessions made on conditions of habitation and cultivation, in the absence of all authority to support them, it is difficult to resist the conviction, that they were not designed to convey a title to the land, but a mere usufruct for the enjoyment of the timber, or that they were made in violation of the laws and usages of the Spanish government. That they were intended only to confer the privilege of erecting a water saw-mill, and of using the pine trees on a certain quantity of land, is, I think, rendered manifest, not only by the terms in which those grants are expressed, but by the continued and universal usage of the Spanish government during the whole period of its existence in East Florida. For although the concessions for this purpose commenced as early as the year 1793, yet not a single instance is to be found in which one of them was confirmed by the Spanish authorities, and the land conveyed in fee simple to the grantees. In support of this fact, I beg leave to refer you to the report of the register and receiver, acting as land commissioners, on mill grants hereunto annexed, marked C, and the testimony of Antonio Alvarez, keeper of the public archives, marked D. Mr. Alvarez has been employed in one of the offices of the archives of the province, since the year 1807, has an intimate knowledge of the documents, and the usage and custom of the government, and from his general intelligence on the subject of the land titles of the country, he has been frequently examined as witness by both parties, in the cases now depending in court. In the case of Zephaniah Kingsley, claiming sixteen thousand acres of land under one of those concessions, the witness was asked in the fourth interrogatory, "Do you know of a single instance where a concession was made upon condition of building a saw-mill, that was followed up by a royal title? If you do, please state the case, and annex a copy of such royal title and concession." To this the witness answers, "No." In the fifth interrogatory, the witness is asked to examine his office, and see if there is any such royal title to be found in it, and if there is not, to state the fact. To this he answers, "There are none." Now here is a whole class of cases, embracing a quantity of land nearly equal to the entire amount confirmed by the Spanish govern-

ment to individuals, and yet the archives of the country furnishes no precedent for the confirmation of one of them. If during the whole period, from the year 1793 until the year 1821, none of these grants were confirmed, does it not offer a strong argument in favor of the proposition, that if Florida had remained under the dominion of Spain, that they never would have been confirmed. The quantity of land claimed under these several mill grants, amounts in the aggregate to three hundred and twelve thousand six hundred acres, while the whole amount confirmed to grantees for habitation and cultivation, the paramount object of the laws and ordinances of Spain, from the 29th day of October, 1790, until the year 1821, was only one hundred and seventy-nine thousand nine hundred and twenty-seven and a half acres, as will fully appear from the document marked A, herewith exhibited, and to which I beg leave to call your attention. It is signed by the keeper of the public archives, and presents an abstract of all the real or royal titles given by the Spanish government under the royal order of 1790. The quantity of land contained in each of these grants will be found worthy of consideration. It will go far to prove the conformity of the usage and custom of the province, with the laws of the Indies, and the royal order of 1790, which authorized the granting of lands to individuals, in proportion to their ability to cultivate and improve them, and on the condition of habitation and cultivation. Until the year 1816, the largest grant ever confirmed by the Spanish authorities to any individual, for any purpose, was for three thousand two hundred and seventy-five acres, as will fully appear from the two documents marked A and B, containing a list of all the confirmed grants, and from the testimony of Antonio Alvarez, taken in the case of Benjamin Charis. In his answer to the third interrogatory, he says, "The largest quantity of land confirmed by a royal (real) title, previous to the year 1816, was to John McQueen, a copy of which is hereunto annexed." This grant will be found in the document marked D, and contains the quantity before mentioned of three thousand two hundred and seventy-five acres.

On the 6th day of April, 1816, Governor Coppinger confirmed to George J. F. Clark a grant for 16,000 acres of land, as a reward for a valuable invention which he professed to have accomplished, in the construction of a saw-mill to be propelled by animal power. This appears to have been the first departure from the established usage of the province, and the first violation of the laws and ordinances of Spain. It was the commencement of that system of extravagance and prodigality in the exercise of the granting power, which characterized the administration of Governor Coppinger, and which continued to increase from that period until the surrender of the province to the United States, on the 10th day of July, 1821. It may not be uninteresting to examine the abstracts marked A and B, and discover in what numbers, and for what large quantities, grants were confirmed from the year 1816, until the month of June, 1821. It will be found, by this examination, that near ten times the quantity was granted within that short period, which had been disposed of previously from the year 1790. This sudden and extraordinary change in the practice of Governor Coppinger, might seem to justify the belief that there had been a corresponding change in the law regulating the granting power. Such, however, was not the case. The laws of the Indies, the royal orders of 1790 and 1815, and the local regulations predicated on those authorities, remained in full force, unchanged and unrepealed, as is fully shown by the testimony of Alvarez, taken in open court, in the case of Villalobus and Fergues, and where the witness was asked, "Are you acquainted with all the royal titles granted by the Spanish governors of this province, for land to individuals?"

And answered, "All the royal titles exist in my office. I am acquainted with them in that way. I know they are all in my office."

"Were not all the royal titles granted under the royal orders of 1790 and 1815?" To this he answered, "Yes."

"Were not the regulations of Governor White in force in this province, from their publication in 1803, until the transfer of the province to the United States?" To this he answered, "Yes."

Again, in the case of John W. Low, the same witness was asked, in the second interrogatory, to state particularly whether all the grants or concessions of land in East Florida, made since 1790, were not made under either one or the other of the royal orders of 1790 and 1815, and if not, under what royal order were they made? To this interrogatory, the witness answered, "I believe that all the grants of land made in East Florida since 1790, are founded upon the royal order, communicated to this government on the 29th of October, 1790, and the royal order of the 29th of March, 1815." The first of these royal orders will be found in Clark's Land Laws, page 996, and the second at page 1009–10. The regulations of Governor White, to which the last refers, and on which it is based, will be found at page 1001 of the Land Laws.

That these royal orders were in force, and that they constituted the only rule for making grants in the province, is abundantly shown by Governor Coppinger himself, even in the very acts by which he violated them. For in every title confirmed by him, from the commencement to the close of his administration, without one single exception, he writes one or the other of these royal orders, and refers to it as his authority for making the grant. Hence, it appears that although there was a manifest and most extraordinary change in the mode of exercise of the granting power, yet there was no change in the law. When we consider the time at which this change occurred—when we consider that Don Onis was commissioned to negotiate with this government for the cession of Florida, as early as the year 1816, it is a fair presumption, in the absence of any law to sustain these grants, that they were made in anticipation of the transfer of the country, and designed as a fraud on the government of the United States. This, however, in the opinion of the Supreme Court of the United States, seems to constitute no objection to the validity of these grants. In the case of Clark, 8 Peters, we find the following remark: "It is stated that the practice of making large concessions, commenced with the intention of ceding the Floridas, and these grants have been treated as frauds on the United States." "The increased motives for making them, have been stated in argument, and their influence cannot be denied. But (say the court) admitting the charge to be well founded—admitting the Spanish government was more liberal in its cessions, after contemplating the cession, than before—ought this circumstance to affect bonafide titles to which the United States made no objection?" Now, with the most profound respect for the opinion of the Supreme Court of the United States, I cannot admit that the proposition is correctly stated, or that the deduction is properly drawn from the premises. There is a vast difference, I conceive, between the liberality of the "*Spanish government*," and the unlawful and unauthorized acts of a Spanish governor, who thinks proper to transcend his power in making grants, because he perceives that the country is about to be transferred to a foreign government. The government of Spain, in the person of the King, possessing sovereign and unbounded power over the royal domain, had an undeniable right, in some instances, to exercise liberality in its disposal. While the governor of a province, acting under fixed and limited rules prescribed by law, could not go beyond the law for the purpose of being liberal, and if he did, all such grants made by him must be absolutely null and void.

In the case of Clark, when the governor, in making the grant, writes the royal order of 1790, in the usual form, the court seems to have regarded the recital as an immaterial fact, and to have considered the grant as not

professing to have been made under that order. But the court appears not to have been aware of the fact, that it was customary, in issuing perfect titles to land, for the officer to write the authority on which the grant was made. If the court could have examined the two hundred and fifty-six cases found in the public archives, an abstract of which is contained in the document marked A, and have seen that in every case, whether the grant was made to a foreigner or native, the royal order of 1790 was recited as the authority for making the grant, I doubt not but that it would have arrived at a very different conclusion, and that the claim of Clark must have been rejected. In that case, at page 448, 8th Peters, the court observes, "it is too plain for argument, that if the validity of the grant depends on its being in conformity with the royal order of 1790, it cannot be supported." That all grants made in East Florida, except those for military services under the royal order of 1815, were made under the royal order of 1790, I have already shown by the testimony of Mr. Alvarez. This fact is further supported by the statement of the register and receiver acting as land commissioners In their report, at pages 22, 23, they observe, "that this order of 1790 relates entirely to foreigners who should take the oath of allegiance to the King, but as the number of acres prescribed by the laws of the Indies, to be given to each native-born subject of his Majesty, were intended evidently for the earliest infancy of a settlement, it became customary, as it was doubtless equitable, to grant to subjects of his Majesty the same number of acres as, by the royal order of 1790, was granted to foreigners."

An important fact was assumed in the case of Clark, which appears to have had great weight with the court, though in reality it never existed. It was contended that the governors of Florida made regular reports of their proceedings to their superior officer, to whom they were responsible. That the grants made by them were, therefore, known to the King, and from the fact thus assumed, an argument was founded that they were legally made and approved, because there was no evidence produced to show that they were disapproved by the Crown. That the court attached much importance to both the fact and the argument, is shown by the frequency with which they recur to them in delivering the opinion. At page 458, 8 Peters, the court observes, "The regular reports of the governors must have kept their superiors informed of their proceedings." Again, at page 464, they say, "If it be shown by the person holding the concession, that it was made by the officer authorized to grant lands, that it was the duty of this officer to give a regular account of his official transactions, that no grant ever made by the person thus intrusted, had ever been disapproved, courts ought to require very full proof that he had transcended his powers before they so decide. We do not think this full proof has been given in the present case" And again, at page 451, they say, "The connection between the Crown and the governor justify the presumption that he acts according to his orders. Should he disobey them his hopes are blasted, and he exposes himself to punishment." It would seem, from the opinion of the court, thus expressed, that the facts to which it alludes, were well established. Such, nevertheless, was not the case; there was no proof on the record, in the case of Clark, to sustain the position; and it is positively and conclusively disapproved by the testimony of Alvarez, who appears to have had a familiar and perfect knowledge of the proceedings of the governors of the province, since the year 1807. I beg leave, again, to refer you to the testimony of this intelligent witness, examined in the case of John Breward: it will be found in the document marked D, hereunto annexed. He is a native Spaniard, with all his feelings and prejudices enlisted in behalf of the claimants. But I believe his statements are faithfully given, and worthy of every consideration.

In the sixteenth interrogatory, the witness was asked "Did any of said governors ever undergo a residentia in said provinces, if yea, which of them and when?" To this he answers, "I know of no governor of East Florida who underwent any such residentia."

Seventeenth, "Did any of said governors ever render any account to the King, captain general, intendant of Cuba, or any other officer, of the land granted by him, except the single case of the exchange of lands for a vessel with John Russell?" To this he answers, "The governors of East Florida never rendered an account of the lands granted by them, except in the case of the exchange of four thousand acres of land for a schooner, with John Russell." The facts presented on the record in each of the mill grants, now depending in court, are so essentially different from those supposed to have existed in the cases heretofore decided, as to justify the belief that they will be rejected on a final adjudication.

There is another most objectionable feature presented in most of those mill grants, which my duty impels me to lay before you. These grants generally confer a right on the grantee to erect a water saw-mill on some stream designated in the grant, and to use the pine-trees on the adjacent land to the extent of five miles square. Now, if any land whatever can be taken under such a grant, it must be that contained in a square of five miles at the place designated. And yet most of these grants have been surveyed in four or five different tracts, many of them more than one hundred miles distant from each other, covering the best land to be found, instead of the pine forest designated in the grant, which was intended to supply timber for the saw-mill. These different surveys and locations were generally made by the public surveyor, without any order or decree of the governor making the grant. Surely it requires no argument to prove the absurdity of such claims, and yet they are gravely prosecuted in the courts of the Territory. Whether the lands embraced in these claims "are reserved from survey, or sufficiently designated to be laid down on the township plats," are matters on which I have no information.

With regard to these claims, it only remains for me, in obedience to the instructions contained in your letter of the 11th of March last, to add my opinion whether they come within the provision of those cases already decided by the Supreme Court of the United States. The case of Francisco Richard, reported in 8th Peters, was a mill grant for 16,000 acres of land. This grant was confirmed by the Supreme Court of the United States, and until that confirmation there was not an instance in the Territory of Florida, where land was held in fee simple, under a grant of that description. The case of Richard, however, differs materially from most of those now depending in court. In that case the condition of building the mill had been performed, and it was on this ground confirmed by the court. In all the remaining cases, except those of John W. Low, John Breward, and the heirs of Horatio Dexter, claiming 2,560 acres of land, the conditions of building a mill have not been complied with. In the case of the heirs of Dexter, the mill was built in 1801. It was destroyed in 1812, and has been since that time abandoned. These three cases may perhaps come within the principles settled by the court in the case of Richard; but the non-performance of the conditions in all the others, must, I conceive, exclude them from favorable consideration. The agent of the Duke of Alagon, in a letter to the governor of East Florida, on the subject of the land titles of that province, alluding to these mill grants, made the following remarks: "No royal order, nor the regulations, speak of the concession of lands for the establishment of foretoises, and much less for such as are treated of, which cannot offer any benefits to the public of this province."—(White's Compilation, 254.) This letter was referred by the governor to Savandia, the same officer of the crown, who, in reply, when speaking of cases of this description, where the conditions had not been performed, says, as "it is certain that many individuals who have obtained such concessions have remained inactive, without having for so long a time advanced the establishment of said works, it appears just that such concessions which have remained in inactivity, should be declared null and of no effect."

This was approved of by Governor Coppinger, in the following terms: "I conform to the foregoing opinion, and let it be complied with."—(White's Compilation, 257.)

Waiving the objection arising from the want of power in the governor to make such concessions, it would seem, from these proceedings, that, in all cases where the conditions were not performed, the grants were declared "null and of no effect" by the Spanish authorities. Such should be the result under our government.

Respectfully, your obedient servant,

R. K. CALL.

Report on the cases contained in Abstract No. 2.

You will perceive from this abstract, and the remarks made on each of the claims which it contains, that, with a very few exceptions, none of the original title papers have been produced. and I may add, that their absence has in no manner been accounted for.

The counsel for the government have had recourse to the public archives, where those documents should have been deposited and preserved, and after the most diligent search and inquiry, no trace of them is to be found. For the practice of the Spanish government, in granting and preserving the evidence of titles to land in East Florida, I beg leave to refer you to the testimony of Antonio Alvarez. taken in the case of Elizabeth Wiggins, hereunto annexed, marked D, and an extract from the report of the register and receiver, acting as commissioners, marked E. These two documents, and the authorities to which they respectively refer, will give you a comprehensive view of the laws and ordinances of Spain, and the practice under them, in making grants of land in East Florida.

You will perceive that, in every case contained in this abstract, where the original title papers are not produced, the claim is presented under a concession, and not a perfect grant: and that in every case the copy of the concession offered in evidence is certified by the same person, Thomas de Aguilar. Alvarez states that all the original concessions made by the governors were deposited in the office of the secretary, whose duty it was at the time of making the concession to furnish a certified copy of it for the grantee. That this office was held from the year 1809 until 1821 by Thomas de Aguilar. That the original royal or real titles were signed by the governor, and deposited in the office of the escribano or notary of government, who, in like manner, furnished the grantee with a certified copy of his grant. Now, it is worthy of remark, that not a single instance has occurred in the investigation of the land claims of the country where a claimant has presented a copy of a grant certified by the escribano, in which the original grant was not found on examination in the public archives; and yet that so many and such important cases should be presented under the certified copies given by Thomas de Aguilar, for which no originals can be found. It has been attempted to explain this circumstance, by the fact that the perfect grants or real titles were drawn and signed on the protocols of the notary, and that they were afterward bound in books, which rendered them less liable to be mislaid and lost than the concessions, which were merely tied up in bundles. But it is a fact well known, that two thirds of these original complete titles are still remaining in the sheets on which they are described by the witness to have been drawn; and the difference in the correspondence between the originals and the copies, from the two offices, can only be accounted for by the difference in the fidelity and integrity of the two officers by whom the originals were kept, and the copies certified.

The remarkable difference in the quantity of land contained in the real titles given by Governor White, and that contained in the certified copies of concessions, said to have been made by him, is worthy of consideration, and goes far to sustain the belief, that there never were any originals in these cases. Document marked A, contains all the confirmed grants on royal titles given by Governor White, and they prove most conclusively, the consistency of his practice with the regulations prescribed by him, and found at page 1001 of the Land Laws. There is more than ten times the quantity of land contained in a single one of these copies of concessions, for which no original can be found, than was granted in full property by Governor White, during fifteen years of his administration of the government of East Florida. It does not appear that he ever confirmed a grant to any one, on any other consideration than that of habitation and cultivation. The following extract of a letter from this officer, found at page 1002 of the Land Laws, is expressive of the rigid and economical views he entertained on the subject, of disposing of the royal domain: "For the purpose of avoiding the abuses which have been experienced in the granting of land to new settlers, without certain restrictions, which will oblige them to cultivate the same, I have thought it convenient to establish the rules in the accompanying document, which I forward to your lordship for your intelligence and approval. My predecessor has assigned one hundred acres of land to the fathers of families, and fifty to each child and slave, whether full grown or small; a quantity really excessive," &c. By the regulations of Governor White, which he forwarded to the captain general of Cuba for approval, he reduced this quantity of one hundred acres to fifty for the head of a family, and twenty-five for each member, whether children or slaves, above the age of sixteen, and fifteen acres for each between the ages of eight and sixteen. To avoid the effect of these regulations, the advocates of the large grants, in which such reckless prodigality is manifested, contend that these regulations were not obligatory, and that they were not observed by Governor White himself, in the exercise of the granting power. The only proof offered, in support of this charge, is found in these large concessions, certified copies of which only have been produced, with the exception of one case, which is believed to be a forgery. And thus, before any of these large concessions are proved to be genuine—before the fact is established that any of them were issued by Governor White—they are resorted to as proof of his disregard of the regulations made and published by himself, while all his *authenticated* official acts, all the real titles issued by him, are in strict conformity with his regulations. It would seem to me, that the want of correspondence and agreement between these large concessions and the regulations of Governor White, prove the fraudulent character of the concessions, rather than that the regulations were not enforced or respected even by the officer who made them.

But if these large concessions are genuine—if they were issued in 1794, 1809, 1810, and 1811, according to their respective dates, why, permit me to ask, were they not matured into real titles under the government of Spain? Were these concessions of 256,000 and 368,644 acres, of so little importance as to be neglected by the claimants, or were they not sensible of the necessity of having their titles confirmed? Some of them, at least, appear to have been sufficiently apprized of this necessity, for we find the same Arredondo and the same Miranda, who now claim under these large concessions, applying for and obtaining confirmations of titles for tracts of four, five, and six hundred acres, so late as the year 1820 and 1821, as will be shown by reference to document marked B. These parties knew full well, that under the laws and ordinances of Spain, and under the practice

and usage of that government, the concession, if legal and proper, gave them but the inception of right, and that until consummated by a "real" title, they could enjoy no permanent estate in the land. Most of them were inhabitants of the town of St. Augustine, the seat of the provincial government, and must have been apprized for several years of the anticipated transfer of the province to the United States. From the character of these claims, and the conduct of the claimants, it is difficult to avoid one or two conclusions, both of which are equally fatal to the interest of the parties. First, that they are spurious, or secondly, that their confirmation was denied by the Spanish authorities. For we cannot believe that individuals holding these large concessions would neglect to apply for their confirmation, at a time when they were soliciting and obtaining perfect titles for small tracts, of so much less importance.

The caution and delay with which these claims have been presented to our own tribunals for adjudication, give further proof, that, in the estimation of the claimants themselves, there was much doubt of their validity.

The board of commissioners for the adjudication of land claims in East Florida was organized in the year 1823. By the 5th section of the act, under which it was constituted, found at page 842 of the Land Laws, it was provided that all claims to land within that district not filed with the commissioners on or before the 1st day of December next, following, should be void. By the act of Congress, approved the 24th of February, 1824, found at page 855 of the Land Laws, the time for filing claims was extended to the 1st day of September, 1824. Again it was extended until the 1st day of November, 1825, and the commissioners required to close their session on the 1st day of January, 1826. This was accordingly done; but, notwithstanding the warning given by Congress, from time to time, and the danger of having their claims excluded by the delay in presenting them, it does not appear that any of these contained in this abstract was offered to that tribunal for adjudication. On the 26th day of January, 1826, the commissioners made their final report on these claims to the Secretary of the Treasury, in which they say, at page 119 of their report, communicated at the first session of the 19th Congress: "No. 9 is a class of claims differing from all others in an apparent formality. The other claims were authenticated by documentary evidence filed in the office, and were entitled to all the legal presumption in their favor, which applies to records in our government But the claims of this class were found in the possession of the claimants, and without any trace of evidence in the archives; and this circumstance, coupled with the *equivocal character* of the officer who verifies them, casts a shade of suspicion over the whole. In the investigation of these claims, the commissioners have required the parties to show reasons why they were not on file in the archives, as well as to prove the execution; but from the interested character of the witnesses produced, the evidence on these points has been hitherto inconclusive; thinking it probable, however, that some, if not many of these claims are good and valid, and being informed by the parties of their ability to remove the suspicion, the commissioners have thought it due to justice that their opinions be suspended, and that a reasonable time should be afforded for the production of testimony." Report No. 9 is headed thus: "Register of claims of which the originals are not found in the office of the keeper of the public archives, and of which there is no proof before the board but the certificates of Thomas de Aguilar, late secretary of the Spanish government." These claims were only five in number: one of them for 16,000 acres, one for 400, two for 300 each, and one for 250 acres. They appear to have been all of that class which were presented to the commissioners during a session of nearly three years, though it was publicly known that this commission would expire at a certain time under the limitation prescribed by Congress. They seem to have been all abandoned without the promised explanation, and without further prosecution; but in the year 1828, the register and receiver were authorized, by an act of Congress, to serve as land commissioners, and to settle all the remaining land claims of this district. It was not until after this, that any of the claims contained in abstract No. 2, founded on the certificates of Thomas de Aguilar, were presented for adjudication; for the manner in which these claims were regarded by the register and receiver, I refer you to the report made to the Secretary of the Treasury, in January, 1829, found from page 88 to 100 inclusive, where you will find a special report on each claim. In the case of Francisco Aguilar, who claimed before that board the 30,000 acres of land now claimed by the heirs of Rodrigues, they make the following report: "It appears that the petitioner possessed a certificate of Thomas Aguilar, and presented it to the governor of Cuba in 1823, with a request that a certified copy of Aguilar's certificate should be made by the notary of Cuba, and the original, *to wit:* Aguilar's certificate, returned to her. This is done with all the imposing pomp of the seal notarial, &c., but it amounts simply to this: that in 1815, Aguilar certifies that Governor Quesada, in 1794, on the 24th of February, granted to the petitioner, in absolute property, 30,000 acres of land, at a place called Horn creek, situated to the south of the river St. John, about twelve miles distant therefrom. Let us look at the memorial on which the grant is made: in 1794, Don Juan Rodrigues states, "that having a sufficient number of slaves to dedicate himself to agriculture, and the raising of horned cattle, and also to aid in the maintenance of his large family, he hopes that his excellency, following the spirit of royal orders, which protects the Spanish inhabitants who sacrificed themselves in the service of the said province during the *turbulent times* which have taken place in it, your memorialist having been one of *its defenders*, for which reason he prays," &c. Now, every remark made by us in the case of the two Arredondos, will apply with double force to the case before us, with this essential difference against this claim, that, in 1794, when this grant bears date, we do not believe that any disturbance whatever had taken place in this province. In 1796 there was a small rising on the St. John's river, and the Arredondos may claim that services were rendered at that period; but here is a bold appeal in 1794 to the governor, to reward services performed during the turbulent periods which have taken place in it, and there was no turbulence until 1796; 'following the spirit' (we use the words of the memorialist) 'of the royal orders, which protect the Spanish inhabitants who have sacrificed themselves in the service of the province.' Such, in 1794, is the appeal to the provisions of a law passed in 1815; we are unwilling, by any opinions of ours, liable as we may be to error, to debar any individual from a redress in the courts of his country; we will not therefore pronounce this grant a fraud, or forgery, but we unhesitatingly reject it."

In almost every one of these cases, the register and receiver make the same remark: "We are not disposed to pronounce on the authenticity of this grant, so as to bar the claimant from his remedy in a court of law, but we cannot recommend it for confirmation." They would not pronounce those claims fraudulent, or forgeries as they might have done, and thereby have excluded them from the jurisdiction of the courts, under the provisions of the act of 1828—but that these officers regarded them all as fraudulent is most apparent, from their general observations on the subject.

There is another case contained in this abstract, where a paper is produced, said to be an original concession, made by Governor White, on the 26th of November, 1810, to Pedro Miranda, for 368,640 acres of land, which is considered at least of most doubtful character. It has been impeached as a forgery, and an issue out of chancery has been directed to a jury to try the fact, whether the signature of Governor White to this document is or is not a forgery. The case has been postponed from time to time, for the last two years, at the instance of

the counsel for the claimants, while the United States attorney has, on each occasion, avowed his readiness to proceed to trial. For the character of this claim, and the nature of the testimony by which it was supported, I refer you to the report of the receiver and register hereunto annexed, marked F.

If these claims were genuine, and if the parties interested had possessed the least confidence in their success, it is scarcely to be credited, that, from the year 1823 until 1826, they would have withheld them from the examination of the tribunal appointed to pass on their validity; that they would have allowed the first commission, after a session of nearly three years, to expire, and have waited until after the passage of the act of 1828, before they presented them for adjudication.

There are certainly many reasons why these copies should not be received in evidence, until the absence of the originals shall have been satisfactorily accounted for. Until this is done, the rules of evidence forbid them to be received, and a departure from those well-known and salutary rules would open a door for fraud, not to be closed, so long as the government has one acre of unappropriated land in Florida. What other security, I would ask, can the government have against spurious and pretended claims, than to require the production of the original grant, or that its absence should be satisfactorily accounted for? Forgeries may be detected by comparison, and proof of genuine signatures; but as it was the duty and practice of Thomas de Aguilar to give copies of all concessions made by the governor to the claimant, if he has, since the transfer of the country to the United States, been induced to give certified copies of concessions, when there are no originals, what check or control can be placed on his fraudulent designs, and those with whom he may have been associated, than to require that the originals shall be found in the office where the copy professes to have left them, or proof that they once existed there, and that they have since been lost or destroyed.

It was to guard against frauds and forgeries, that the second article of the treaty ceded to the United States all the archives and documents which relate directly to the property and sovereignty of the provinces, and required that those archieves and documents should be left in the possession of the officers or commissioners of the United States. And it was for the same purpose that the acts of Congress, providing for the settlement of land claims in Florida, found at pages 825, 841 and 855 of the Land Laws, required the production of the original grants or title papers. If copies alone are produced in evidence, it is quite impossible by such copies to detect a forgery in the original, and thus the grossest frauds on the government may be rendered successful, by concealing or destroying the originals. Such certainly was not the design of Congress, when, by the fifth section of the act of 1822, found at page 827 of the Land Laws, access was given the commissioners "to all papers and records of a public nature, relative to any land titles within said provinces."

I have thus endeavored, in obedience to your instructions, and the resolution of Congress, to give you the nature of these claims, and to present the first objection to their validity which naturally arises in their investigation, to wit: the absence of the original title papers. Another objection, of no less importance, is the want of power in the officer to make such grants. They profess generally to have been made as a reward for services, when no law or ordinance of the Spanish government can be produced to authorize the issuing of such grants. For my views on this subject, and the proper construction of the treaty between Spain and the United States, I refer you to a printed argument, which I had the honor to submit to the Supreme Court of the United States, a copy of which, marked G, is hereunto annexed.

In reply to that part of your letter which requires me to state whether, in my opinion, these cases, or any of them, are embraced by the decisions already given by the Supreme Court of the United States; in candor I must say, that as bad as I believe these cases to be, yet I consider the worst of them little inferior in law or equity to most of those already decided by the court; and that the principle settled in the case of Mitchell and others *vs.* the United States, will, if applied, cover all the objections which can be presented to the confirmation of any of the cases now depending in any of the courts of the Territory, except in those cases where the land is situated within the Indian boundary, on which I shall hereafter offer a few remarks. I consider that the badges of fraud were as strongly developed in the case of Mitchell and others, as they are in the worst of the cases contained in abstract No. 2. So far as the question of evidence is involved, there is an exact correspondence between that case and those which depend upon certain copies of concessions. In the case of Mitchell and others, the copies on which the suit was founded were taken from copies certified to by Pablo de Lorin, secretary, and Maximilian de Maxent, lieutenant governor of West Florida. In the cases now depending in court, the copies are certified by Thomas de Aguilar, secretary of the government of East Florida. In both, the certificate states that the original remains in the archives. The archives of East and West Florida, and the archives of Cuba, have been diligently searched, and no original is to be found. In both, the absence of the originals were entirely unaccounted for. In short, it is the same question of evidence presented in both, and fully decided in the case of Mitchell and others. In that case the suit was brought on copies, taken from copies deposited in the archives of Havana, which purported to have been taken from originals remaining in the archives of the province of West Florida, at Pensacola. At the trial of the case, the counsel for the government objected to receiving these copies in evidence, and insisted that the originals should have been produced, or their absence satisfactorily accounted for. In the territorial court the claim was rejected. At the argument of the case in the Supreme Court the objection was renewed, and the following is the manner in which that objection was disposed of by the court: "It is objected by the counsel of the United States, that the original acts of confirmation of the Indian sales, by Governor Folch, are not produced, and that the copies in evidence are not legal proofs of such acts. This objection seems to us not to be well founded in fact or law. The original Indian deeds were produced by the agent of the United States from the public archives in Havana (record 529, &c.), and are now before us. The deeds of confirmation were made according to the rules of the civil law adopted by Spain, and in force in Florida and Cuba. The original is on record and preserved in the office, which cannot be taken out; a testimonio or copy is delivered to the party, which is deemed to be, and is certified as an original paper, having all the effect of one in all countries governed by the civil law. Such is proved to be the law of those colonies as a fact by Mr. White. (Record 628.) Such is the form of the certificates in this case, varying in phraseology somewhat, but agreeing in substance and effect, (record 19, 38, 45, 50, 58, 91, 196, 111,) in perfect accordance with the civil law adopted in Louisiana, and recognized by this court, in the case of Owens *vs.* Hall, decided at the present term. We therefore consider those now produced as original deeds of confirmation by the governor, duly certified and proved." (9 Peters, 732.) One would suppose, from the description of these certified copies, thus given by the court, that they were notarial acts, or "authentic acts;" that they were executed by a notary public, with all the forms and ceremonies; and that they were entitled to all the faith and credit given to such instruments by the civil law. That they were, in the language of the court, "*certified as an original paper.*" It will appear, by the reference of the court, that there are a number of different copies. Now it will be shown, by an examination of each, that the original were not notarial instruments. That they were not written on a notarial protocol, or countersigned by a notary public. Nor was any one of the copies taken from the originals

by a notary public, and signed and certified by him as such. On the contrary, they are all, both originals and copies, what are termed in the civil law private acts, and entitled to no faith or credit whatever.

It is true, as stated by the court, that the law required this act of confirmation by Governor Folch to have been executed as it is described by the court to have been done, and the court appears by "legal intendment" to have supplied the defect. But that the law was not observed, that they were not notarial acts, that these copies were not "*certified as originals*," I presume to show by the following copies of the certificates, taken from page 111 of the record referred to by the court. The following is the authentication of the first copy: "I, Francisco Maximilian St. Maxent, colonel of infantry, lieutenant colonel and commandant of the regiment of infantry of Louisiana, provisory, civil and military governor of this province of West Florida, do hereby certify that the foregoing *copy* is agreeable to the original title despatched in favor of the house of John Forbes & Company, and delivered to their attorney, John Innerarity. In faith of which, I signed the present, under my hand and seal, and countersigned by the underwritten secretary of this government. Pensacola, December 20, 1811." The next reference of the court is at page 106 of the record, where the certificate of authentication is in the following language: "I, Don Francisco Maximilian St. Maxent, &c. [his titles], do hereby certify, that the above testimony is in conformity to the original record which exists in the office of the secretary of this government, which original title has been delivered to John Innerarity, as the attorney of the house of Forbes & Company, and to show it, I give the present, under my hand and seal, and countersigned by the underwritten secretary of this government. Pensacola, December 20, 1811."

The next reference of the court is at page 91 of the record, where is found an authentication of the copy of the grant to John Forbes for an island, which was not embraced in the suit of Colin Mitchell and others; the certificate is similar to the one last copied. The next reference is to page 58 of the record, where is found an authentication of the Indian deed, and not a copy of the grant of confirmation by Governor Folch. At page 50 is another copy of the grant of confirmation by Governor Folch in 1811, and authenticated in the following manner: "The original document remains in the office of the secretary of this government, under my charge, relative to the cession which the preceding title confirms, and of the whole proceedings was made out a copy, with an authentic copy of said title, and the same delivered to the surveyor general of this province, Don Vincente Pintado, to be deposited in his archives, [this is contradicted by Pintado at page 218 of the record,] and another was also delivered to John Innerarity, attorney of the interested parties." At page 45 is found the following: "Certificate of Don Francisco Maximilian St. Maxent, governor, &c., that the foregoing pieces are faithfully copied from the original proceedings, which exist in the office of the secretary of this government, of which an original title has been given to John Innerarity, as attorney of the house of John Forbes & Co.; in witness whereof the present is signed by me, sealed with my arms, and countersigned by the secretary of this government. Pensacola, December 20, 1811. [Signed by] Maxent."

At page 38 of the record referred to by the court, is found the authentication of the copy of the grant of Governor Folch to Panton, Leslie & Co., in 1806, and is in the following language: "The original proceedings relative to the cession which the foregoing title confirms, exists in the office of the secretary of the government under my charge, and with an authentic copy of said title and of the whole, was delivered a copy to the surveyor general of the province, Don Vincente Sebastian Pintado, in order to deposit in his archives, [contradicted by Pintado, page of the record 218,] and another copy was at the same time given to John Innerarity, as representing the interested parties. Pensacola, December 20, 1811. [Signed] Pablo de Lorin."

At page 19, referred to by the court, there is no copy of authentication to be found. I have thus laid before you copies of all these authentications of the copies of the grants of confirmation referred to by the court, and I leave it for you to decide how far they can be regarded as notarial acts, which are so favorably regarded by the civil law, and how far they sustain the fact stated by the court, that they are "certified as an original paper." It is somewhat remarkable, too, that all of them should bear the same date, that some of them should be signed by Maxent, the acting governor, and others by Pablo de Lorin, and that all should be different in some essential particulars. If it be true, as stated in some of them, that the originals were delivered to the attorney of the interested parties, why were not these originals produced on trial? If, according to others, authentic copies were delivered, why, I would ask, were not these authentic copies produced, instead of copies of these copies, certified under a notarial seal in Havana? If these originals ever existed in the office of the secretary of the government, what became of those originals, and why is it that no trace of them could be found either in the archives of West Florida, or the island of Cuba? But these objections are all answered by the decision of the court, that *copies* are *originals*. The court, after speaking of the forms and effect of these certificates, proceeds, "in perfect accordance with the civil law adopted in Louisiana, and recognized by this court in the case of Owens *vs.* Hall, decided at the present term. We therefore consider those now produced as original deeds of confirmation by the governor, duly certified and proved." It seems to be somewhat paradoxical, under any circumstances, to call a copy an original, but the decision in this case will appear the more extraordinary by comparison with the case of Owens *vs.* Hall, referred to by the court. Perhaps two more contradictory opinions were never recorded in the same tribunal, than that of Owens *vs.* Hall, and Mitchell and others *vs.* the United States. Both profess to have been given in accordance with the civil law, and they are just as opposite to each other as the principles of light and darkness. In the case of Mitchell and others *copies* are declared to be originals, and were received as primary evidence. In the case of Owens *vs.* Hall, (9 Pet., 624, 625,) copies are decided to be *copies*, and regarded as secondary evidence, not to be received unless the absence of the original is sufficiently accounted for. In that case the copy offered in evidence was taken by a notary public, and authenticated under his official seal. On the law governing such case the court observed, "now in Louisiana, as indeed in all countries using the civil law, notaries are officers of high importance and confidence, and the contracts and other acts of parties executed before them, and recorded by them, are of high credit and authority." The court decided, that the absence of the original in that case was sufficiently accounted for, because it was in the office of the notary where the law required it to be kept. In the case of Mitchell the copies were not executed by a notary public, and the originals were not in the public archives where the law required them to be deposited. The principles settled in the case of Hall, if applied in the case of Mitchell, must have been fatal to the claim of the petitioner. In one of these cases the court took judicial notice of the civil law in force in Louisiana, in the other it received the statement of a witness to prove the law governing the execution of grants.

The doctrine of the civil law is no doubt well settled in the case of Owens *vs.* Hall; the learned judge, in delivering the opinion, refers to the civil code of Louisiana, and his opinion coincides with the decisions of the Supreme Court of that State, and the decision in the case of Minor *vs.* Tillotson, 7 Peters, 99.

If the numerous cases now depending in the territorial courts are to be decided according to the principles settled in the case of Owens *vs.* Hall, all those must be rejected where the originals are not found to exist in the office where the law requires them to be deposited, unless their absence is satisfactorily accounted for. But if,

on the contrary, they are to be settled according to the rules adopted in the case of Mitchell and others, it seems to me that, so far as the question of evidence is involved, they must be sustained by the court. Which of those cases will form the basis of future decisions, can alone be decided by the court.

In all the claims presented, and disposed of by the court, an important question has arisen, involving the power of the officer to make the grant on which the suit was founded. It was contended by the counsel for the United States, that the intention of Congress, in giving jurisdiction to the courts in these cases, was to have the law, regulating the granting power, fully considered and settled. That there was no provision contained in the act of 1828 and the act of 1824, authorizing individuals to institute suits against the government, which relieved such individuals from the burdens and responsibilities of plaintiffs in ordinary cases; and that where the answer of the United States, by its attorney, expressly denied the authority of the officer to make the grant, that the law or ordinance of the Spanish government confirming such authority must be produced to sustain the validity of the grant. The position thus assumed by the counsel for the United States, was supposed to be fully sustained by the second section of the act of 1824, (found at page 873 of the Land Laws,) which provides, that every petition presented under the provisions of this act, shall be conducted according to the rules of a court of equity," &c., and that the decree to be given by the court on such petition, "shall, in all cases, refer to the *treaty*, *law*, or *ordinance*, under which it is confirmed or decreed against." The same section of the law gives, as rules for the government of the courts in the performance of this duty, "the stipulations of any treaty, and proceedings under the same; the several acts of Congress in relation thereto; and the laws and ordinances of the government from which it [the grant] is alleged to have been derived." One of these rules is prescribed in the 4th section of the act for ascertaining claims and titles to land in Florida (found at page 826 of the Land Laws). That section, after describing the character of the claims which should be received, and directing them to be filed and recorded, provides that said commissioners shall "proceed to examine and determine on the validity of said patents, grants, concessions, and orders of survey, agreeably to the laws and ordinances heretofore existing of the government's making the grants respectively, having due regard, in all Spanish claims, to the conditions and stipulations contained in the eighth article of the treaty," &c. The counsel for the United States considered this a further evidence of the intention of Congress that the authority of the officer in making the grant should be produced, and that the validity of the grant must depend on the sanction of the laws and ordinances of Spain.

But the court seems to have given a very different construction to the legislation of Congress on this subject, and has decided that the grant itself shall be considered as evidence of the authority by which it was made. In the case of Arredondo, (page 726,) a reference is made to the several acts of Congress, providing for the settlement of land claims in Florida, in which the court seems not to have considered the concluding part of the 4th section of the act of 1822, which I have quoted above, and at page 727 they observe: "It is thus clearly evidenced by the acts, the words and intentions of the legislature, that in considering these claims by the special tribunals, the authority of the officer making the grant, or other evidence of claim to land, formed no item in the title it conferred; that the United States never made that a point in issue between them and the claimants to be even considered, much less to be adjudicated." Now, with every respect for the opinion of the court, it still appears to me that if the authority of the Spanish officers to make grants of land is to be sought in the laws and ordinances of Spain, Congress has, in the 4th section of the act of 1822, (Land Laws, p. 826,) most imperatively required an examination of that authority before the commissioners were empowered to decide on the validity of a grant.

In 6 Peters, page 728, the court observes, it is true that a grant made without authority is void under all governments, &c., but in all, the question is, on whom the law throws the burden of proof, of its existence or non-existence. A grant is void unless the grantor has the power to make it, but it is not void because the grantee does not prove or produce it. The law supplies this proof by legal presumption, arising from the full, legal, and complete execution of the official grant, under all the solemnities known or proved to exist, or to be required by the law of the country where it is made, or the land is situated. In 9 Peters, 735, the court decided, that "by the laws of Spain is to be understood the will of the King, expressed in his orders, or by his authority, evidenced by *the acts themselves*, or by such usages and customs in the province as may be presumed to have emanated from the King, or to have been sanctioned by him, as existing authorized law." Thus, the "*acts themselves*" of the Spanish officers, in making grants, is evidence of the law conferring the granting power. Now, one grant regularly executed by the officer is as high evidence of his authority as another, and, therefore, one grant is quite as good as another, whether the officer has transcended his power or not in making it. Thus, if the laws which have been published and known, authorize grants to be made for certain purposes, to the amount of 100 acres of land, and the officer exercising the granting power issues a grant for 2,000 acres, the grant itself, being evidence of the authority on which it was made, may support a presumption that the former law had been repealed, and although the grant is apparently in violation of the law, yet it will be sustained and confirmed. This may be considered an illiberal commentary on the text of the court, but when the decision in the case of Percheman (7 Peters, 95) is well examined, it will go far to establish this principle, and will prove how utterly impossible it is, in practice at least, to sustain the negative proposition, that the officer had no power to make such a grant. In that case the court said: "An objection not noticed in the decree of the territorial court has been urged by the Attorney General, and is entitled to serious consideration. The governor, it is said, was empowered by the royal order on which the grant professes to be founded, to allow to each person 'the quantity of land established by regulation in the province, agreeably to the number of persons composing each family.'

"The presumption arising from the grant itself of a right to make it, is not directly controverted; but the attorney insists that the documents themselves prove that the governor has transcended his authority.

"Papers translated from a foreign language, respecting the transactions of foreign officers, with whose powers and authorities we are not well acquainted, containing uncertain and incomplete references to things well understood by the parties, but not understood by the court, should be carefully examined, before we pronounce that an officer holding a high place of trust and confidence has exceeded his authority." At page 96, in the same case, the court proceeds: "The attorney contends that the royal order of the 29th of March, 1815, empowered the governor to grant so much land only, as according to established rules was allowed to each settler. This did not exceed one hundred acres to the head of a family, and a similar portion for each member of it."

"The extraordinary fact that an application for two thousand acres should be founded on an express power to grant only one hundred—that this application should be accompanied by no explanation whatever—and that the grant should have been made without hesitation, as an ordinary exercise of legitimate authority, are circumstances well calculated to excite some doubt whether the real character of the transaction is understood, and to suggest the propriety of further examination." Now all the circumstances mentioned by the court would seem to warrant the belief that the claim should have been rejected. But, after discussing the provisions of the royal order of 1815, and deciding that the petitioner was not embraced by that order, as one of the persons entitled to receive a grant of land of any description, and without referring to any other law or ordinance than the "estab-

lished rules" by which the quantity to be granted "did not exceed one hundred acres to the head of a family, and a similar portion for each member of it," they say at page 98, "We do not think the testimony proves that the governor has transcended his power," and confirmed the claim. The grant will be found at pages 54, 55, (7th Peters,) and will show that it professes, in distinct terms, to be made under the royal order of 1815. This order will be found at pages 1009, 1010, of the Land Laws; and the "established rules" or regulations to which it refers, and which specifies the quantity of land to be granted, is at page 1001 of the Land Laws.

In 7th Peters, 98, in allusion to the point raised by the attorney general, in the case of Percheman, the court said: "The objection does not appear to have been made in the territorial court, where the subject must have been understood. It was neither raised by the attorney for the United States, nor noticed by the court." Now a reference to the record in that case, will show that the objection was distinctly made in the territorial court by the attorney for the United States, who, in his answer, denies that the governor had power to make the grant; and this was the material issue in the case. This fact was unobserved by the court; had it been perceived, it might have produced a different result.

In the case of Mitchell and others against the United States, the attempt was again made to prove by the law the want of power in Governor Folch, to confirm the grant of the Indians to John Forbes & Co., and Panton, Leslie & Co. In the exercise of that power, Governor Folch professed to have acted according to "the faculties conferred on him by our lord the King, and in his royal name." (Record 49.) It was contended by the counsel for the United States, that the king had conferred on the civil and military governor of West Florida no such power; and the following ordinance of the King, found at page 218, White's Compilation, was relied on to sustain the objection:

SAN LORENZO, *October* 22, 1798.

In a royal order of this date, I communicate the following to the governor of this province. The King has been pleased to resolve, after having seen your letter of the 31st of August of this year, No. 3, addressed to the Prince of Peace, and another from the intendant ad interim of this province, of the 16th of October of the same year, No. 174, respecting the power of granting the King's lands in the district under your command, which power was vested in the political and military government, since the royal order of the 24th of August, 1774; that with a view to the good of the service, and for the better fulfilment of what is contained in the 81st article of the royal ordinance respecting the intendants of New Spain, the power of *granting and distributing all kinds of lands* be restored to, and made the particular province of, the intendant of this province, with inhibition to other authorities, in conformity to the legal provisions of the laws; consequently, the power of making such grants, heretofore vested in the government, is repealed and abolished, and shall henceforth abide in the intendancy."

This authority was considered conclusive by the counsel for the United States, but was overruled by the court. In 9th Peters, 740, the objection is disposed of in the following terms: "It is next contended that the power to grant lands in West Florida was not vested in the governor, but was confided exclusively in the intendant; this is clearly proven to be the settled law of the province, as to royal lands which were the property of the crown, and is admitted by the counsel for the petitioner. But the reverse is, we think, equally apparent as to Indian lands, until their right had been abandoned, and the land become annexed to the royal domain by a process in the nature of an office at common law." I do not find the grant of power to the intendant limited to "crown lands," but in the language of the ordinance of 1798, it is extended to "*all kind of lands.*" Whatever power the King possessed over crown or Indian lands, was conferred on the intendant. Hence, Governor Folch had no "faculties conferred on him by our lord the King, and in his royal name, to confirm and ratify to John Forbes & Co. the cession of two pieces of land," &c. In support of the distinction made by the court between crown lands and Indian lands, reference is made to White's Compilation, pages 25, 40, 42, 43, 79, 215. It will be found, on examination, that the several laws referred to by the court, except that found at page 215, were made a century before the royal order of 1798, and consequently, if they contain principles inconsistent with the last ordinance, they must so far be repealed by it. I find, too, on referring to my brief, in the case of Arredondo, (6 Peters,) that every one of these laws were referred to by me for the purpose of sustaining the Indian right to the village of Alachua, which had been granted to the petitioner by the intendant of Cuba, and that they were, on that occasion, overruled by the court. The reference to White's Compilations, 215, which I excepted in the above remarks, is the 31st article of the regulations of the intendant Morales, based upon the ordinance of 1798. Now it is very evident that Morales could not, if he would, have repealed the ordinance of the King, conferring on him this high trust and confidence. But the article itself shows most clearly that in the estimation of this high officer of the crown, his jurisdiction extended over the Indian lands. It is expressed in the following terms: "Indians who possess lands within the government, *shall not in any manner be disturbed;* on the contrary, they *shall be protected and supported,* and to this the commandants, syndics, and surveyors, ought to pay the greatest attention to conduct themselves in consequence." This article of the regulations of Morales, the intendant of Louisiana and West Florida, to the common understanding of intelligent men, will not support the proposition that the governor of West Florida had jurisdiction over the Indian lands after the ordinance of 1798, giving power to the intendant over "*all kind of lands.*"

But the question very naturally arises, what were Indian lands in Florida under the laws and government of Spain? The question is fully answered in the very laws referred to by the court, for the purpose of sustaining the jurisdiction of the governor, and which I have above enumerated. Those laws will show most distinctly that the Indian lands were limited to those on which their farms and villages were located, and that to the extent of one league around those villages, they had, as Spanish subjects, in virtue of their habitation and cultivation, an absolute, indefeasible right, which they were capable of conveying in fee simple. Before the royal order of 1798, to render such a sale valid, it required the approval of the governor, but after that time, as I conceive, it required the approval of the intendant. If these laws are not sufficiently expressive of this right, a reference to the decisions of the supreme court of Louisiana will place it beyond the possibility of doubt.

In the case of Martin *vs.* Johnston, (5th Martin's Reports,) page 658, which involved the Indian rights to land in Louisiana, the court remarked, "the fact, as given to the world in all the laws enacted on the subject, is, that the King of Spain, in taking possession of his dominions in America, disregarded the original rights of the lords of the soil, and declared himself the sovereign of the country. As some compensation, however, for that usurpation, he assigned to the former proprietors such extent of land as they wanted; and particularly took care to secure to them, by law, such tracts as he considered were sufficient for the purpose of cultivation and the pasturage of their cattle. In the title 12, book 4th, of the Recopilacion de los Indias, treats of the manner in which lands shall be disposed of generally; the law 13, among other dispositions, provides that the Indians "shall be maintained in the possession of the lands which had hitherto been allotted to them, and shall receive an additional

quantity which they may want." On the regulations concerning the lands and villages of the Indians, the whole 3d title, book 6, may be referred. The law 8th of that, however, particularly says: "The seats on which the villages of the Indians shall be placed shall be such as are well provided with water, arable lands and woods, and to which there may be easy access, and they shall have a common of one league in extent, where their cattle may graze without being mixed with those of the Spaniards."

In the case of Reboul *vs.* Nero, (5th Martin, 490,) it was decided, that under the laws of Spain the Indians were permitted to occupy a specified spot, and the law gave them a right to one league around it. In the case of Maes *vs.* Gilliand's heirs, et al, (7th Martin, 314,) it was decided, that Indian tribes were entitled, by settlement under the Spanish government, "to the quantity of land contained in a square league." Now, if the claim of Mitchell and others had been for a tract of land to the extent of one league around an Indian village, it would have been "Indian lands." The Indians would have had a right to sell it, and whether the sale had been confirmed by the governor or intendant, would have been a matter of little importance to the government. But, instead of that, it was for 1,250,000 acres, sold by the Indians, when there was not an Indian village, hut, or field, upon it. A further evidence of the limitation of the Indian right to a league around their villages, is found in the decision of the supreme court of Louisiana, in the case of Spencer's heirs *vs.* Grimball, (6th Martin, N. S. 367;) in speaking of the plaintiff in that case the court observed: "They have contended that, by the local usages existing in Louisiana, the Indians were entitled to more than a league; and the evidence they offer of these usages, is the assent of the governor to a sale by which much more was sold by one tribe. Respect is certainly due to the official acts of the officers of the former government, and in the absence of proof to the contrary, we should be inclined to consider them *prima facie* correct. But in relation to the subject matter before us, we have the law itself, which clearly limits the quantity to which the Indians were entitled. Now, for us to say, a violation of that law was an evidence of a usage which controlled it, would be to place all laws at the mercy of those who owed them obedience." The application of this rule of law, and this rule of decision, must have been fatal to the claim of the petitioners in the case of Mitchell and others.

But it is contended that in Florida the Indian right was not thus limited; that by the treaty of Picolata, in 1765, a boundary was established between the Indians and the British government, which was afterward recognised and continued by the Spanish authorities, and that the land claimed by Mitchell, being within the Indian boundary, was not crown land subject to be granted by the intendant. On this point the decision of the court in the case of Mitchell is in direct opposition to the decision in the case of Arredondo, in 6th Peters, and the case of Clark, 8th Peters. In the case of Arredondo, the intendant of Cuba had granted to the petitioner 268,000 acres of land within this Indian boundary, including the Indian village of Alachua. It was contended for the United States in that case, that the land belonged to the Indians, and was not subject to the granting power of the crown. The court decided otherwise, and confirmed the claim of the petitioner.

In the case of Mitchell and others, the counsel for the United States referred to the decision in the case of Arredondo, to show that the lands within that boundary were not Indian lands, but crown lands, subject to the grant of the intendant. In 9th Peters, 742, the court disposes of the objection in the following terms: "The counsel for the United States pressed in argument the decision of this court in the case of Arredondo, as an affirmance of the right of the intendant of the province, or of Cuba, to grant Indian lands. In that case the lands granted had been in the possession and occupation of the Alachua Indians, and the centre of the tract was an Indian town of that name. But the land had been abandoned, and before any grant was made by the intendant, a report was made by the attorney and surveyor general, on a reference to them, finding the fact of abandonment, on which it was decreed that the land had reverted to, and become a part of the royal domain." Now, in both these cases the land claimed is admitted to be within the same Indian boundary. In one case the grant is made by the intendant of an Indian village, on the ground that it had been abandoned, and in the other case a sale was made by the Indians of wild and uncultivated lands, on which there were no fields or villages, and yet both claims were confirmed by the court. If the Indian right to the village, in the case of Arredondo, became forfeited by abandonment, could the Indian right have existed, in the case of Mitchell, where there had never been an occupancy? If the intendant had a right to grant an Indian village because it ceased to be occupied, would he not have the same right to grant the wild lands which have never been occupied by the Indians? But if the inconsistency of these two cases could in any manner be reconciled, still the case of Clark remains to be disposed of. In that case the grant was made within the Indian boundary, by the governor of East Florida, where there was no pretence of abandonment by the Indians; and although the fact that the land was within the Indian boundary distinctly appeared on the record, without taking the least notice of it, the court confirmed the claim. In two of these cases the court has sustained the power of the officers of the crown to grant lands within this boundary, and in one of them they have positively denied that right, and confirmed an Indian sale for 1,250,000 acres of land, ratified by Governor Folch, on the ground that they were Indian lands, that they were not crown lands, and therefore not subject to be granted by the intendant. In the case of Arredondo the grant professed to have been made in consequence of the abandonment of the village by the Indians, and the court has considered the proceedings of the intendant as a judicial decree, (9th Peters, 743.) Thus considered, it is high authority for the position we assumed in the argument, that the Indian right was confined within the limits of one league around their villages. It corresponds with the nature of that right as defined by the laws of Spain, and is in strict accordance with the decisions of the supreme court of Louisiana. If the intendant had regarded the Indian right as extending over all the lands within the Indian boundary, how could he have decreed that a village within that boundary became annexed to the royal domain by the abandonment of the Indians? A possession of a part of the land within that boundary, if their right extended over the whole, would, according to all legal decisions on the subject, have been possession of the whole.

Much the greater number of the claims now depending in our territorial courts are for land within this Indian boundary, when there is no pretence that they were abandoned by the Indians. How those claims will be regarded by the court, I cannot undertake to express an opinion. I have thus given you some of the leading questions decided, in order that you may determine for yourself how far the cases yet depending in court are embraced by those decisions, and that you may be advised of the utter impossibility of proving by the laws and ordinances of Spain, the negative proposition that the officer had no power to make a grant, while, under the rule adopted by the court, the grant itself is regarded as evidence of that authority. It is admitted by all, that these claims are cases of special and limited jurisdiction, and that the only power of the court to pass judgment upon them, is conferred by the several acts of Congress on the subject. Now, if those acts have been properly construed—if, in the language of the court, "the authority of the officer making the grant, or other evidence of claim to lands, formed no item in the title it conferred, that the United States never made that a point in issue between them and the claimants, to be even considered, much less adjudicated" (9th Peters, 727)—if Congress, by directing, at page 873 of the Land Laws, that every petition presented to the court "shall be construed according to the rules of a court of equity," intended that the petitioner should not be required to make out his

case by producing the authority under which his grant was made, when that authority is put in issue by the answer of the United States, expressly denying such authority—if it was the intention of Congress that the grant should be received as evidence of the authority of the officer by whom it was made—then it would seem that there is little more to be done in those cases than for the court to ascertain that a grant was made, (and this, according to the decision in the case of Mitchell, may as well be done by the production of a copy as an original,) and on that grant to enter a decree of confirmation.

If this was really the intention of Congress, much delay, expense, and inconvenience to the claimants, and to the government, might have been, and still may be, avoided by the passage of an act confirming all grants of every description.

The claims contained in abstracts numbered 3 and 4, are sufficiently described by the caption of the abstracts, and the remarks made on each claim. They will, therefore, require no special report.

The claims depending in the superior court at Jacksonville, amounting to 30,396 acres, are not different in character from those contained in the abstracts numbered from 1 to 4, inclusive, and must be decided by the same principles. Such will be the case of those for which petitions have been filed in the court at St. Augustine, but which have not yet been placed on the docket for trial.

A number of the cases contained in each abstract have been argued, and submitted to the court for decision, and there are many others in that situation which do not appear in either of the abstracts, because after their argument and submission they were discontinued on the docket. It is presumed they will be decided, and that the appeals will be taken to the next term of the Supreme Court of the United States.

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

R. K. CALL, *Assistant Counsel.*

A.

Alphabetical list of real titles or patents to land, issued by the governors of East Florida, by virtue of the royal order of 1790.

Grantees.	Quantity.	Date.	Grantors.
Andrew, John	390	July 10, 1804	Governor White.
do.	161	July 10, 1804	do.
Andrew, Robert	500	April 6, 1809	do.
Arredondo, Jos. M.	900	June 20, 1815	Governor Estrada.
Ashton, Edward	245	Jan. 18, 1816	Governor Coppinger.
Atkinson, George	550	Feb. 22, 1816	do.
Addison, John	1,414	June 8, 1816	do.
Andrew, Antonio	150	Feb. 12, 1817	do.
Arredondo, F. M., sr.	1,000	Nov. 15, 1817	do.
Atkinson, Andrew	200	Nov. 17, 1817	do.
Arredondo, F. M., jr.	7	July 23, 1818	do.
Acosta, Catalina	lot	March 9, 1819	do.
Andrew, John	400	April 7, 1820	do.
Acosta, Miguel	100	May 11, 1821	do.
Brenan, Patrick	lot	Nov. 10, 1791	Governor Quesada.
Bouden, Isaac	200	Dec. 15, 1791	do.
Bouden, Isaac, jr	208	Dec. 20, 1791	do.
Bouden, Isaac, jr., heirs of	208	March 13, 1806	Governor White.
Bousquet, John J.	12 1/10	July 15, 1809	do.
Bethune, Farquhar	1,110	March 4, 1814	Governor Kendelan.
Bouden, Uriah	200	April 17, 1815	do.
Betts, Samuel	1,800	July 3, 1815	Governor Estrada.
do.	2,000	July 3, 1815	do.
Broward, Francis, heirs of	300	Feb. 13, 1816	Governor Coppinger.
Bachelot, John	300	June 10, 1816	do.
do.	300	June 10, 1816	do.
Berrie, William	350	Feb. 12, 1817	do.
Bagley, Francis, heirs of	300	Dec. 24, 1817	do.
Burgo, Joseph Peso de	366	Feb. 28, 1818	do.
do.	1,000	Feb. 28, 1818	do.
Bunch, John	1,168	April 24, 1819	do.
Burgevin, Andrew	490	April 24, 1819	do.
do.	500	April 24, 1819	do.
Clarke, Angus	450	Dec. 10, 1791	Governor Quesada.
Capella, Lorenzo	120	April 10, 1804	Governor White.
Cowin, Robert	150	June 6, 1804	do.
Capo, John	200	Septem. 7, 1804	do.
Carter, Isaac	350	June 4, 1806	do.
Christopher, Spicer	500	April 8, 1809	do.
do.	358	April 8, 1809	do.
do.	92	April 12, 1809	do.
do.	100	April 12, 1809	do.
do.	500	April 10, 1809	do.
Cashen, James	700	June 11, 1814	Governor Kendelan.
Craig, William	450	March 20, 1815	do.

A—Continued.

Grantees.	Quantity.	Date.	Grantors.
Craig, William	250	March 20, 1815	Governor Kendelan.
Cowen, Robert	208	April 24, 1815	do.
Castro, Bartholomew de	300	July 4, 1815	Governor Estrada.
do.	1,000	July 15, 1815	do.
do.	400	July 15, 1815	do.
Cocifacio, Pedro	2,000	Oct. 12, 1815	do.
do.	2,000	Oct. 12, 1815	do.
do.	400	Oct. 12, 1815	do.
Crosby, Michael	800	March 8, 1816	Governor Coppinger
Carney, William	250	April 4, 1816	do.
Clarke, George	5 miles square.	April 6, 1816	do.
Castro, Bartholomew de	35	April 10, 1817	do.
do.	2,000	Feb. 28, 1818	do.
Crosby, Michael	500	March 2, 1818	do.
do.	2,000	March 2, 1818	do.
Castro, Bartholomew de	1,500	May 14, 1818	do.
Carreras, Diego	16	June 19, 1818	do.
Castro, Bartholomew de	200	July 6, 1818	do.
Carney, William	700	Aug. 26, 1818	do.
Clarke, George	1,000	Aug. 27, 1818	do.
Caballero, Antonio, heirs of	69	April 17, 1819	do.
Cantal, Catalina	lot	June 12, 1819	do.
Canobas, Antonio	210	July 9, 1819	do.
Clarke, George	100	August 5, 1819	do.
Christopher, Spicer, heirs of	600	Novem. 6, 1819	do.
do.	island	Novem. 6, 1819	do.
Cashen, James	500	Feb. 12, 1821	do.
Chapuz, Miguel	200	April 9, 1821	do.
Dewees, Andrew, heirs of	2,300	May 4, 1804	Governor White.
Dupon, Paul	3,000	May 14, 1816	Governor Coppinger.
do.	3,000	April 26, 1819	do.
Dean, Patrick, heirs of	995	June 4, 1819	do.
Espinosa, Josefa, heirs of	126	Jan. 25, 1811	Governor White.
do.	150	Jan. 25, 1811	do.
Estacholy, Francis	50	March 15, 1817	Governor Coppinger.
Espinosa, Sebastian	500	March 31, 1818	do.
Ferguson, A. E.	1,150	Dec. 15, 1791	Governor Quesada.
Forrester, Gerald	500	Dec. 29, 1791	do.
Fernandez, Domingo	150	Aug. 19, 1807	Governor White.
Ferguson, A. E., heirs of	1,150	October 5, 1811	Governor Estrada.
do.	507	October 5, 1811	do.
do.	43	October 7, 1811	do.
Fernandez, Domingo	100	Septem. 1, 1813	Governor Kendelan.
Fenwick, Joseph	600	April 16, 1814	do.
Ferreyra, John B.	375	Sept. 28, 1815	Governor Estrada.
Fleming, George	1,000	March 8, 1816	Governor Coppinger.
Fernandez, Joseph	100	June 19, 1816	do.
Fernandez, Domingo	300	April 11, 1817	do.
Fuentes, Ramon de	335	Jan. 13, 1818	do.
Femenias, Josefa	6	Aug. 14, 1818	do.
Fish, Jessie, heirs of	500	April 24, 1819	do.
Falany, Ferdinand	lot	April 30, 1819	do.
do.	1,200	April 30, 1819	do.
Garvin, David	60	Decem. 5, 1814	Governor Kendelan.
Gilbert, Robert	250	April 17, 1815	do.
Geiger, John	600	July 29, 1817	Governor Coppinger.
Gandry, John B.	3,000	May 14, 1818	do.
Gonzales, John	1,000	June 19, 1818	do.
Gizorme, John P.	1,000	Novem. 3, 1818	do.
Gomez, Nicholasa, heirs of	1,200	Novem. 5, 1818	do.
Guadarrama, M., heirs of	3,000	Feb. 16, 1819	do.
Gianopoly, John	600	Dec. 23, 1819	do.
do.	35	May 11, 1821	do.
Hollingsworth, Timothy	900	March 9, 1805	Governor White.
Hendricks, William, heirs of	300	April 10, 1806	do.
Harrison, Samuel	500	Nov. 12, 1807	do.
Hull, Ambrose	1,000	May 8, 1811	Governor Estrada.
Hart, William	350	Oct. 4, 1811	do.
Hogans, Reuben	385	Oct. 14, 1811	do.
Hull, Ambrose	2,600	Feb. 2, 1812	do.
Huertas, Antonio	800	Oct. 26, 1813	Governor Kendelan.
Hogans, Reuben	300	May 26, 1815	do.
do.	450	May 26, 1815	do.

A—Continued.

Grantees.	Quantity.	Date.	Grantors.
Hernandez, Martin	20	Oct. 5, 1815	Governor Estrada.
do.	10¼	Oct. 5, 1815	do.
Hall, James	200	Jan. 18, 1815	Governor Coppinger.
Huertas, Antonio	10,000	July 20, 1816	do.
Hutcheson, Robert	300	July 31, 1816	do.
Hendricks, Isaac	350	Sept. 28, 1816	do.
Hogans, Reuben	350	April 17, 1817	do.
Huertas, John	15,000	Decem. 24, 1817	do.
Hogans, Charles	200	Jan. 12, 1818	do.
Hughes, Joseph	10	Jan. 16, 1818	do.
Houston, John	270	Feb. 17, 1818	do.
do.	155	Feb. 17, 1818	do.
do.	160	Feb. 17, 1818	do.
do.	120	Feb. 17, 1818	do.
Hogans, Reuben	200	March 27, 1818	do.
Hernandez, Jos. M	marsh.	April 8, 1818	do.
Hendricks, Isaac	216	May 8, 1818	do.
Higginbottom, Burrows	500	April 16, 1819	do.
do.	200	April 16, 1819	do.
Hill, Ana Maria	100	May 12, 1819	do.
Hinsman, Anthony	240	Septem. 1, 1819	do.
Harrel, Moses	395	May 8, 1821	do.
Jordine, William, heirs of	300	July 8, 1807	Governor White.
do.	100	July 18, 1810	do.
Kane, William, heirs of	300	August 19, 1809	do.
Kingsley, Zephaniah	2,000	Jan. 7, 1815	Governor Kendelan.
do.	1,000	Dec. 22, 1815	Governor Estrada.
do.	2,000	Jan. 18, 1816	Governor Coppinger.
do.	300	Jan. 18, 1816	do.
Kerr, James	1,800	Feb. 5, 1816	do.
Lowe, John	750	Jan. 30, 1812	Governor Estrada.
Laurence, William	300	April 25, 1815	Governor Kendelan.
Linch, Patrick	1,100	April 26, 1819	Governor Coppinger.
Leonardy, Roque, heirs of	600	May 25, 1821	do.
do.	1,400	May 25, 1821	do.
McQueen, John	3,275	Feb. 27, 1804	Governor White.
do.	2,266	Feb. 27, 1804	do
do.	720	Feb. 27, 1804	do.
do.	2,630	March 2, 1804	do.
do.	126	Feb. 4, 1804	do.
do.	104	March 12, 1804	do.
Mestre, Peter	275	May 16, 1804	do.
Maxey, Robert C	1,000	June 6, 1804	do.
Moore, John	350	Novem. 9, 1805	do.
Mattair, Maria, heirs of	200	April 25, 1807	do.
Meers, Samuel, heirs of	200	Oct. 17, 1811	Governor Estrada.
McClure, John	621	June 26, 1813	Governor Kendelan.
McHardy, Robert	1,000	July 3, 1815	Governor Estrada.
do.	1,000	July, 3, 1815	do.
Montesdeoca, John G	400	June 19, 1818	Governor Coppinger.
Moore, Hannah, heirs of	850	July, 8, 1818	do.
Mattair, Lewis	700	Nov. 4, 1818	do.
Mills, William, heirs of	150	July 9, 1819	do.
Mattair, Lewis	245	Feb. 4, 1820	do
Mambrumaty, A., heirs of	150	April 24, 1820	do
Mestre, John	50	April 3, 1821	do
do.	50	April 3, 1821	do.
Maxey, Robert C., heirs of	500	May 18, 1821	do.
Nobles, Hannah	100	March 26, 1819	do.
O'Neille, Margaret, heirs of	307	March 12, 1807	Governor White.
do.	243	March 13, 1807	do.
Ortega, Lazaro	107	Septem. 5, 1807	do.
O'Neille, Margaret, heirs of	300	June 15, 1810	do.
Ormond, James, heirs of	2,000	April 18, 1816	Governor Coppinger.
Ortega, Lazaro	88	June 25, 1819	do.
do.	450	April 9, 1821	do.
Plummer, Daniel	300	Decem. 10, 1791	Governor Quesada.
Pacety, Andrew	166	April 23, 1804	Governor White.
Papy, Gaspy	5½	Jan. 9, 1805	do.
Pons, Mathias	6	April 9, 1813	Governor Kendelan.
do.	400	Sept. 17, 1814	do.
Pellicer, Francis	1,100	March 30, 1815	do.
Perpall, G. W	150	May 23, 1815	do.

A—Continued.

Grantees.	Quantity.	Date.	Grantors.
Perpall, G. W.	1,900	May 24, 1815	Governor Kendelan.
do.	450	May 24, 1815	do.
do.	535	May 24, 1815	do.
Pacety, Andrew	200	Oct. 16, 1815	Governor Estrada.
Perpall, G. W.	1	Jan. 15, 1818	Governor Coppinger.
Plummer, Daniel, heirs of	300	Decem. 23, 1819	do.
Rodriguez, Lorenzo	100	Jan. 9, 1805	Governor White.
Richard, Francis	230	March 20, 1815	Governor Kendelan.
do.	466	March 20, 1815	do.
Romero, Manuel, heirs of	100	March 17, 1817	Governor Coppinger.
Reyes, Francisco	1,000	May, 13, 1817	do.
Richard, Francisco	110	Jan 27, 1818	do.
Sanders, John	1,200	Decem. 10, 1791	Governor Quesada.
Solana, Manuel	100	Decem. 10, 1791	do.
Sanchez, F. X.	1,274	Decem. 29, 1791	do.
Suarez, Antonio	500	July 27, 1809	Governor White.
Sanchez, F. X., heirs of	1,130	Jan. 29, 1811	do.
do.	144	Jan. 30, 1811	do.
do.	300	Feb. 4, 1811	do.
do.	100	Feb. 6, 1811	do.
do.	600	Feb. 9, 1811	do.
do.	400	Feb. 9, 1811	do.
do.	255	Feb. 11, 1811	do.
do.	600	Feb. 12, 1811	do.
do.	121	Feb. 12, 1811	do.
Suarez, Bartholomew	9	August 31, 1812	Governor Kendelan.
Segui, Bernard, heirs of	1,200	July 20, 1816	Governor Coppinger.
Sanchez, Joseph, heirs of	12	June 10, 1818	do.
do.	20	June 10, 1818	do.
Smith, Ulrich	50	July 22, 1818	do.
Sanchez, Nicholas, heirs of	300	April 2, 1819	do.
Smith, Josiah	1,000	April 24, 1820	do.
Solana, Manuel	100	Dec. 14, 1820	do.
Sanchez, F. X., heirs of	1,000	June 5, 1821	do.
do.	100	June 5, 1821	do.
Travers, Thomas, heirs of	171	Sept. 27, 1808	Governor White.
do.	1,000	Sept. 27, 1808	do.
do.	125	Sept. 28, 1808	do.
Tharp, John, heirs of	350	Feb. 23, 1809	do.
do.	450	Feb. 23, 1809	do.
Tod, Lindsay	600	July 1, 1815	Governor Estrada.
Tate, John E.	600	May 4, 1818	Governor Coppinger.
Travers, Thomas, heirs of	3,000	Feb. 15, 1819	do.
do.	1,000	July 9, 1819	do.
Travers, Isaac	115	June 18, 1819	do.
Underwood, Jehu	600	Feb. 17, 1821	do.
Vaughan, John D	250	June 18, 1821	do.
Walker, William	175	Feb. 16, 1816	do.
Waterman, Eleazer	175	Feb. 22, 1816	do.
do.	260	Feb. 22, 1816	do.
Wickes, Isaac	800	Nov. 19, 1817	do.
do.	200	March 31, 1818	do.
do.	1,100	March 31, 1818	do.
Williams, Samuel, heirs of	3,200	April 18, 1817	do.
Wanton, Edward	400	April 26, 1820	do.
Yonge, Henry	850	March 5, 1814	Governor Kendelan.
Yonge, Philip R.	2,000	Jan. 26, 1816	Governor Coppinger.

ST. AUGUSTINE, *October* 22, 1832.

ANTONIO ALVAREZ, *K. P. A.*

B.

Alphabetical List of real titles or patents to land, issued by the Governors of East Florida, by virtue of the royal order of 1815.

Grantees.	Quantity.	Date.	Grantors.
Andrew, Miguel, and Andrew, Joseph,	100	Dec. 20, 1815	Governor Estrada.
Arredondo, F. M., jr.	4,500	March 7, 1816	Governor Coppinger.
do.	1,000	March 7, 1816	do.
Atkinson, George	1,060	March 8, 1816	do.
Atkinson, Andrew	450	April 5, 1816	do.
Alvarez, Joseph	355	Septem. 9, 1816	do.
Acosta, Domingo	695	March 20, 1817	do.
Arredondo, Joseph M.	20,000	March 20, 1817	do.
Andrew, Raphael	210	June 2, 1817	do.
Aguilar, Thomas	600	June 4, 1817	do.
Atkinson, John	2,000	Decem. 7, 1817	do.
Alvarez, Antonio	1,500	Decem. 7, 1817	do.
Aguilar, Thomas	2,000	Decem. 7, 1817	do.
Arredondo, F. M., sr	2,700	Decem. 13, 1817	do.
Alvarez, Geronimo	500	Jan. 12, 1818	do.
Arnau, Stephen	200	June 19, 1818	do.
do.	100	June 19, 1818	do.
Andrew, John	300	Sept. 16, 1818	do.
Arredondo, F. M, sr	15,000	August 9, 1819	do.
do.	14,500	August 9, 1819	do.
do.	500	August 9, 1819	do.
do.	38,000	July 31, 1820	do.
Arredondo, F. M., jr.	4,000	August 9, 1820	do.
do.	1,500	August 9, 1820	do.
do.	500	August 9, 1820	do.
do.	4,000	August 9, 1820	do
Barbee, Francis	500	April 10, 1817	do.
Bethune, Farquhar	425	April 22, 1817	do.
Burgo, Pedro Pesode	400	April 16, 1818	do.
Backhouse, Thomas	500	June 20, 1818	do.
Cashen, James	1,050	Feb. 23, 1816	do.
Clarke, Charles	300	April 10, 1817	do.
Clarke, George	22,000	Dec. 17, 1817	do.
Cala, Pedro R. de	500	Jan. 27, 1818	do.
Canobas, Antonio	500	April 7, 1818	do.
Clarke, George	4,000	May 4, 1818	do.
Estacholy, Domingo	220	Decem. 5, 1816	do.
Entralgo, John de	2,000	Nov. 15, 1817	do
do.	1,000	Nov. 15, 1817	do
do.	800	Nov. 15, 1817	do
do.	1,000	May 5, 1821	do.
Fontane, Joseph	495	April 4, 1816	do.
Fleming, George	980	April 5, 1816	do.
do.	20,000	Sept. 24, 1816	do.
Fernandez, Domingo	1,150	April 10, 1817	do.
do.	228	April 10, 1817	do.
Fontane, Pablo	800	Nov. 15, 1817	do.
Fatio, Francis P.	1,000	April 18, 1818	do.
Groves, Henry	230	March 18, 1817	do.
Garvin, William	200	March 29, 1817	do.
Garcia, Joseph	100	Decem. 5, 1817	do.
Gomez, Eusebio M.	425	May 6, 1818	do.
Gue, Francis	500	June 12, 1818	do.
do.	500	June 12, 1818	do.
Giraldo, Antonio	600	Septem. 7, 1818	do.
Gray, Josiah	51	Feb. 8, 1819	do.
do.	95	Feb. 8, 1819	do.
do.	104	Feb. 9, 1819	do.
Harrison, Samuel	1,180	May 10, 1816	do.
Hernandez, Joseph M.	1,435	May 28, 1816	do.
Hobkirk, William	350	Sept. 24, 1816	do.
do.	325	Sept. 24, 1816	do.
Hernandez, Joseph M.	455	April 23, 1817	do.
Hijuelos, Cathalina J.	2,900	Decem. 7, 1817	do.
Harvey, William	200	June 9, 1818	do.
Hernandez, Joseph M.	635	Novem. 6, 1818	do.
do.	10,000	April 9, 1821	do.
do.	10,000	April 9, 1821	do.

B—Continued.

Grantees.	Quantity.	Date.	Grantors.
Huertas, Antonio	2,500	April 10, 1821	Governor Coppinger.
do.	1,500	April 10, 1821	do.
do.	600	April 10, 1821	do.
do.	10,400	April 10, 1821	do.
Hernandez, Martin	1,000	June 25, 1821	do.
do.	500	June 25, 1821	do.
do.	500	June 25, 1821	do.
Lozano, Francis	500	Jan. 28, 1818	do.
Llorente, Thomas	2,000	June 20, 1818	do.
Leonardy, John	160	August 3, 1818	do.
Medicis, Francis	245	Feb. 15, 1816	do.
Mier, Antonio	275	Feb. 16, 1816	do.
Miranda, Peter	790	July 17, 1816	do.
Montesdeoca, John G.	780	Septem. 3, 1816	do.
Miranda, Peter	100	Nov. 28, 1816	do.
Marin, Francis	340	June 20, 1817	do.
Miranda, Peter	2,000	Dec. 12, 1817	do.
Mantinez, Mathias	1,000	Jan. 24, 1818	do.
do.	1,000	Jan. 26, 1818	do.
Martinely, James	300	April 16, 1818	do.
Mattair, Lewis	500	Jan. 3, 1821	do.
Miranda, Peter	4,000	April 11, 1821	do.
do.	3,400	April 11, 1821	do.
do.	2,000	April 11, 1821	do.
do.	600	April 11, 1821	do.
Perpall, G. W.	1,340	Feb. 3, 1816	do.
Proctor, Antonio	185	March 8, 1816	do.
Prince, ——	175	March 9, 1816	do.
Perpall, G. W.	1,340	Feb. 22, 1817	do.
Pons, Peter	875	June 4, 1817	do.
Perpall, G. W.	660	Jan 12, 1818	do.
do.	780	June 19, 1818	do.
Pellicer, Francis	2,000	July 22, 1818	do.
Pons, Antonio, heirs of	175	May 27, 1819	do.
Rafo, John	345	May 28, 1816	do.
Rosete, Pablo	2,000	April 17, 1818	do.
Rodriguez, Santos	2,000	June 10, 1818	do.
Reyes, Joseph B.	1,000	June 20, 1818	do.
Rivera, Francis	1,000	Oct. 31, 1818	do.
Reyes, Domingo	2,000	May 5, 1821	do.
Sanches, Ramon	200	April 19, 1816	do.
Sanches, Nicholas	385	April 24, 1816	do.
Solana, Philip	245	May 6, 1816	do.
Sanches, Joseph S.	380	June 26, 1816	do.
Seton, Charles	600	Sept. 13, 1816	do.
Sabate, Pablo	2,500	April 2, 1818	do.
Sanches, F. P.	1,000	April 3, 1818	do.
Sanches, Joseph, heirs of	405	April 16, 1818	do.
Sanches, Joaquin	500	June 15, 1818	do.
do.	500	June 15, 1818	do.
Segui, Bernardo	1,200	August 3, 1818	do.
Suarez, Barthol	50	August 4, 1818	do.
Solana, Lorenzo	1,000	May 27, 1819	do.
Sanches, John	500	July 29, 1820	do.
Travers, Jery	125	June 19, 1816	do.
Taylor, Turnell, heirs of	200	Sept. 13, 1816	do.
Todd, Lindsay	390	Feb. 11, 1817	do.
Travers, William	1,000	Septem. 7, 1818	do.
do.	1,000	Novem. 6, 1818	do.
Triay, Antonio	1,500	April 9, 1821	do.
Ugarte, Joseph M.	450	Feb. 5, 1818	do.
do.	350	Feb. 5, 1818	do.
Wickes, Bernard, heirs of	200	June 10, 1818	do.
Weadermany, Philip	150	July 3, 1819	do.
Yonge, Henry	980	Dec. 22, 1815	Governor Estrada.
Yonge, Philip R.	25,000	Feb. 22, 1817	Governor Coppinger.

St. Augustine, *October* 22, 1832.

ANTONIO ALVAREZ, *K. P. A.*

C.

LAND OFFICE, *St. Augustine, December* 12, 1827.

The grants of five miles square, or sixteen thousand acres of land, for the erection of a water saw-mill, present a class of claims totally distinct from any other in this office. It is to be regretted by us, that our predecessors in office, although the whole body of these claims was before them, have never decided a single case by which the principles that would have governed the whole class could have been settled. It is left, then, for us to decide on the validity of these grants, and the interests intended to be conveyed by them, without reference to, or assistance from, any other source of predecision.

We beg leave to present a short historical abstract of these grants, in the order in which they were made.

The first claim of this sort that appears to have been presented to the governor of East Florida, is that of Horatio S. Dexter, for two thousand five hundred acres. On the 24th of October, 1801, Don Eusebio Bushnell and D. Seth Stubblefield, both inhabitants of the city of St. Augustine, present their petition to Governor White, stating that "they desire to build a water saw-mill, to saw wood, at the head of the creek of Moultrie, or at the crossing place which goes to Matanzas. But," they go on to say, "to enjoy the end proposed, they have occasion for the superior permission of your excellency, as also to be able to cut the *necessary logs on said wood*, &c., that by those means they may provide this neighborhood with plank, &c., from its being useful to the petitioners and the public. They ask the necessary license, to be able to effect the building of a water saw-mill."

To this petition Governor White, on the same day, directs the "commandant of engineers to report."

The report of the engineer, Don Pedro Dear Berrio, is rendered in two days after the order, and is favorable to the petitioners. It declares that the mill does not (will not) injure the city; "and if there shall result a benefit to the inhabitants, in having a supply of timber at prices more moderate," &c., then he advises to "grant the license which they solicit, and permission, that, in the woods, they may cut the pieces they may have occasion for."

The decree, dated October 27, 1801, closes the proceedings. It is as follows: "Let there be granted to the petitioners, without injury to a third person, permission to construct a water saw-mill, and to *cut timber* in the places which they solicit."

These are all the material papers in this case. It may be well to add, that Bushnell sells to Cowan, and Cowan to Dexter, and that there is an anonymous survey made, so far as appears to the board, without order and without authority, in a square of one hundred and sixty chains, and containing two thousand five hundred acres. A mill was erected by Bushnell and Stubblefield.

Before our board, no evidence has been taken in this case, nor will it be necessary at this time to notice the testimony of a general application on the subject of mill grants.

Let us examine this claim; the petition, the report, and the decree; the property and the rights demanded, as well as those which have been granted; for on the decision of this will depend the decision of all others of this class of claims.

It must be remembered that this city (St. Augustine) was a military fortress, and every application for lands, or for the privilege of building on and cultivating the lands of the crown, as in the case of the *mil quinientos*, was referred to the chief engineer, for his opinion on the influence which the permission applied for might have on the defences of the city.

The application here is, first, for permission to build a mill on public lands; the leave, on reference to the engineer, is granted. Secondly, to cut timber on public lands to saw; this, too, is granted.

It does not appear, in any part of the preceding case, the first of the mill grants, that the soil is asked for, or that any definite number of acres is granted on which the applicants may cut their logs. They may build a saw-mill at Moultrie, and may cut logs in the woods. This is all that is asked and all that is granted. If it be a conveyance of the soil, the limits of the grant are restricted alone by the woods of Florida, which are co-extensive with the Territory; and the survey of the grant had been surrounded by vacant lands, must have been extended to sixteen, twenty, or fifty thousand acres, as well as to two thousand five hundred, the quantity claimed. If a permission to build a mill gives a fee to sixteen thousand acres, and if a license to cut timber in the woods gives a title to the soil, then these mill grants are good.

It would be an idle waste of your time, as well as ours, to reason further on this subject. Independently of the want of power in the governor to make such grants, if they were really made, it is evident, from all the papers or claims of this sort, that no title to the soil was intended to be given. Take up any case at hazard: the terms of all are alike. "You may build a mill, and you may cut timber in the woods," are the words used in every grant. Nor was it ever pretended that more was asked, or more was given. We have in vain attempted to discover the cause or reason for limiting these grants to sixteen thousand acres. No law, no authority is pretended, but the will of the governor; and it seems at first to have been a gratuitous act of Don George Clarke, who, as surveyor general, bestowed this quantity.

The next on the list, in point of time, is the claim of Robert Pritchard's heirs, for sixteen thousand acres.

In 1803, R. Pritchard obtains leave to build a saw-mill on Dewee's creek, "and the land necessary for it." This is all that is done before the year 1818; Pritchard dies, and there is no mill built. In 1818, James Hall, who had married his widow, renews the papers, as his copy had been lost. On the 29th of June, 1818, James Hall presents his memorial to the governor; states "that the sickness and death of Pritchard, together with the many well-known delays and obstacles in which his testamentary estate was left, had thus far prevented the erection of the mill;" and prays that "his excellency be pleased to grant him two miles and a half of *pine land* to each cardinal point of the compass, on the same terms, and under the same conditions, in which it has been made to others." On the fifth day of June, twenty-four days before the date of the petition, the governor grants the request "to carry into effect the erection of a water saw-mill, &c., but with the precise condition that, until he shall establish the said saw-mill, this concession shall be held as not made, and of no value or effect until that event takes place." Now on this grant we would observe, first, that in the grant made to Pritchard, not one word is said of five miles square, or sixteen thousand acres. Second, that if it had been a valid grant for "head rights," it would have been forfeited by fifteen years' abandonment and want of occupancy. Third, that all of the parties seemed, in 1818, to consider their claim was forfeited, and required to be renewed. Fourth, that the last grant under Coppinger, under which alone they can claim, the first being forfeited, though made by Coppinger twenty-four days before it was asked for, was made six months after the date at which it is declared by the treaty the power of the governor on this subject shall cease; and fifthly, that although the words of this grant are imperative, "that this concession shall be held as not made, and of no value or effect, until a mill is built;" to this day no mill has been built. We would not dwell on this subject, but to expose a gross attempt at fraud and imposition. In the petition of James Hall to Governor Coppinger, in 1818, he expressly declares that the mill was not set up,

in consequence of the illness and death of Pritchard. Yet has this same individual produced a witness to this board, one George Petty, to swear that in 1804 "he was hired by R. Pritchard to build a mill," that said mill was put in operation, and that said Pritchard died in possession of said mill. Nay, more; this said James Hall, who says in 1818 that no mill was built, and assigns reasons for the failure, now, when he believes that the performance of the conditions of the grant would place him in a more eligible position, in 1827, in a memorial to the President of the United States, which is sworn to and filed in this office, solemnly avers that Pritchard did build a mill, and died possessed of it. This claim is bad by abandonment; it is bad by the treaty; is suspicious from the relative dates of the memorial and concession; which suspicion is increased fourfold by the subsequent contradictions, on oath, of the several statements of the claimants; and if the governor had power to make such grants conferred by law, and every other claim of this kind were good, we should pronounce this one *bad*. There is no pretence even now that a mill has been built since 1818.

The next claim, in point of time, is that of William Mills, for sixteen thousand acres of land. In January, 1804, he applied, as do the rest, by memorial: "it is his intention," he says, "to build a water saw-mill," and he asks for the necessary land on a vacant place on Mulberry creek, granting him also the use of the pine land for the supply of said mill. On the 4th of January, 1805, one year after, Governor White says, "he may build a mill, and as respects the cutting of timber, there will be issued to him the permission to do so on vacant lands;" and upon these papers the claimant demands sixteen thousand acres of land. It is needless to say one word on a subject like this. It is our present object to vindicate the governors from the charge of violating the law under which they acted. They could not make a grant of this kind; and with one single exception of Governor Coppinger, they never have. In this case it is our duty to observe, that four witnesses have been introduced to prove that the mill on this tract was built and in operation from twelve to nineteen years ago; but this cannot vary the principle of decision. If it demanded nothing more than the right to cut timber; if nothing more was granted or could be enjoyed when the mill was in the full tide of successful operation, surely now there is no just claim for sixteen thousand acres of land, unless it be that the loss of the mill is the acquisition of the soil. This, too, must be rejected without reference to the powers of the governors. These three grants, to Dexter, to Pritchard, and to Mills, are all the mill grants made by Governor White.

The next is a grant to Samuel Miles, by Governor Kendelan, in 1813; in this we find the first mention made of five miles square, or sixteen thousand acres. The memorialists says that he is poor, that the government owed him money, and it was long before they paid him; that he had enjoyed a good reputation in the city; that he had contracted marriage with a young lady, (giving her name,) the daughter of a man of the greatest consideration for his character; that his father-in-law died, and his wife too, and he moved into the country: therefore, he begs his excellency to give him sixteen thousand acres of land to build a mill, as he is a foreigner. Now we see nothing in the royal order of 1790, the only ordinance under which a foreigner can claim, by which he is entitled, as such, to sixteen thousand acres of land, either because he is poor, because the government owed him money and had paid him, or because he had married a fine young lady; or because his wife and her father died, and he had moved into the country. Independently of this want of power, we beg leave to remark, that this is one of the claims supported by the certificate of Thomas l'Aguilar, over which so much suspicion has been thrown, and the original of which is not in the office. One witness has deposed that the grant was made by Kendelan, and the original was in the office; but this and some other of the unsupported certificates of Aguilar, are the only grants in the office where no condition is prescribed. In this no mill has been erected.

Bernard Segui, 16,000 acres. This is a mongrel grant, "for taking charge of fugitive negroes," "for disbursing money in their maintenance," for going to the city of Havana as elector, supporting a widowed mother and two maiden sisters, and for a saw-mill, of five miles square land, at the west head of Indian river, "in absolute property." The governor is made to say that, for the services and the merits of the interested, and for the advantages which will result to the province, "and according to what is provided in the royal order of 1790, relative to the concession of land to *new settlers*," he grants "to the said memorialist, in *absolute property*, the five miles square of land which he asks for." Now, in the memorial to which the concession is attached, Bernard Segui describes himself as a native and resident of this city; and yet the governor declares that the grant is made by the order of 1790, which relates to foreigners, new settlers alone; is limited by the number of workers, and requires ten years possession to give lands "*in absolute property*." It is strange that a governor, who meant to violate a law, should, in doing so, refer to the law itself, and aver its applicability to foreigners alone, when Segui was a native. In vindication of Kendelan we must add, that this, too, is a certificate of Aguilar, though the original is in the office of the public archives.

The year 1816, in which Coppinger was governor, was prolific in these grants. In this year we have no less than eleven.

Zephaniah Kingsley. Here we have a genuine grant made by Coppinger, a permission to build a mill, "but with the precise condition, that until he shall establish said water-mill, this concession shall be held void and of no effect." There is no pretence that the mill is built; and by the very terms of the concession, the grant is void. The governor further says, that "then [when the mill is built] he may make use of the pine trees, comprised within the five miles square." Thus it is clear, that as the mill is not built, he has nothing. If it were built, he would have nothing but a license to cut timber. We would now observe, that in this case, as in many others, the surveyor has located these lands, these five miles square in various parts of the Territory, seven thousand at one place, three thousand at another, and five thousand at a third, sometimes one hundred miles apart, without the possibility of transportation, *to furnish lumber to a saw-mill.*

The case of William Hobkirk is precisely similar to that of Kingsley; a right to build a mill, to be void until erected, and *then* a right to cut timber "in the five miles square." There is no evidence that a mill has been built.

William Drummond asks for three miles square. It is conceded in the very words, and on the very conditions of the two preceding; and no mill has been erected.

Eleazur Waterman's claim is similar to the preceding. Together with the accompanying certificate of George J. F. Clarke, dated May, 1820, "that Don E. Waterman, of the district under *my* [Clarke's] command, has built a horse mill." It will be remembered that in this, as in every other genuine grant, even of Coppinger, when the mill is erected, nothing more is granted than a license to cut timber. Five thousand four hundred and sixty acres are surveyed to him by Clarke, and this alone is claimed by him.

Francis Richard, a permission to build a saw-mill, and to make use of the pine-trees, which are comprised within a square of five miles. The mill has been built, and Richard, not content with the timber, contends for the lands.

Andrew Burgevin. This is a similar application, and a similar concession,—"no mill, no grant,"—and when a mill, then leave to cut timber. And no mill has been built.

PLATE 1.

Fig 3

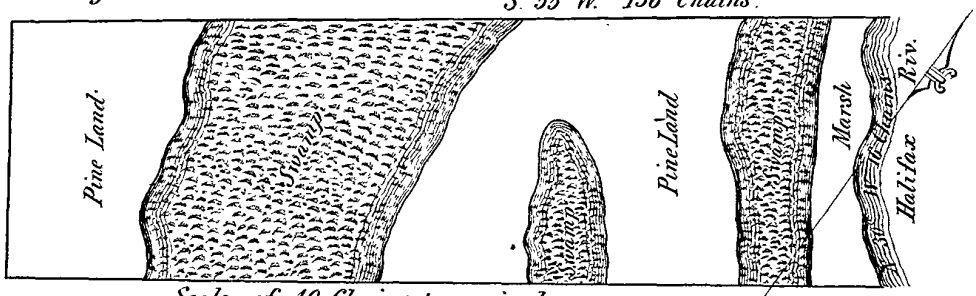


Fig.1.

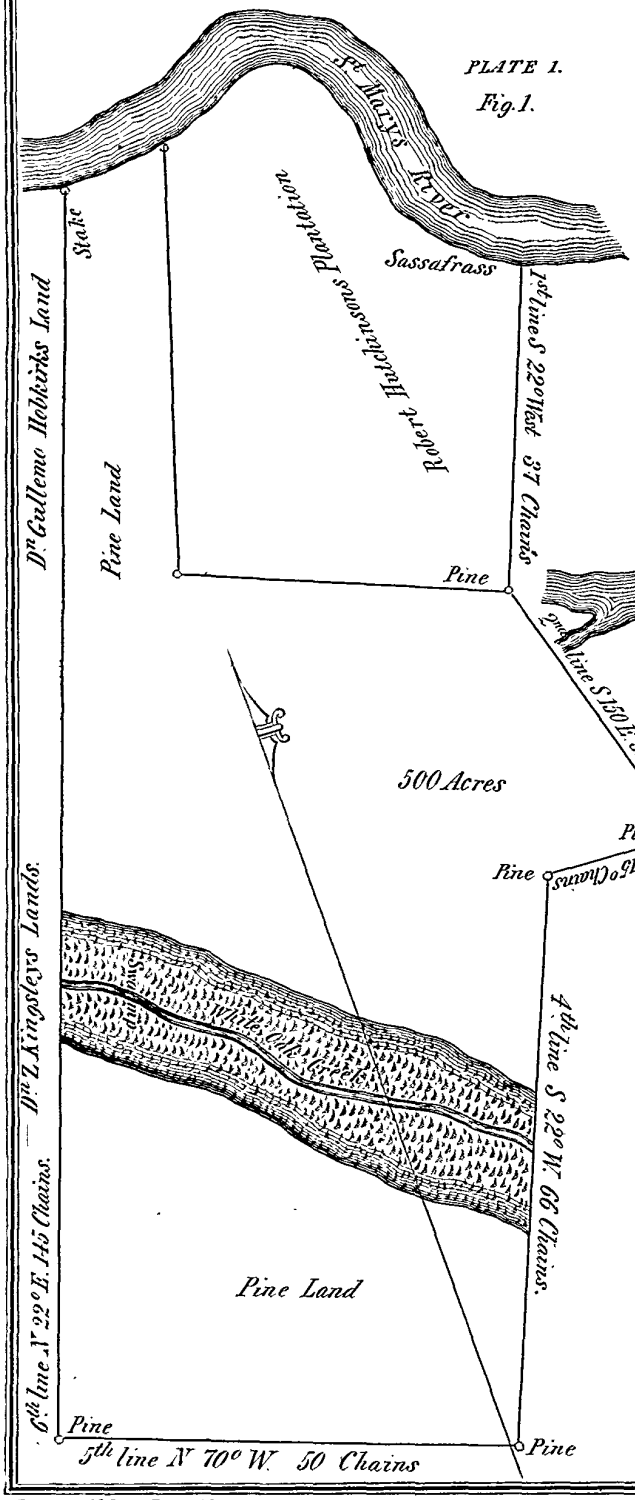
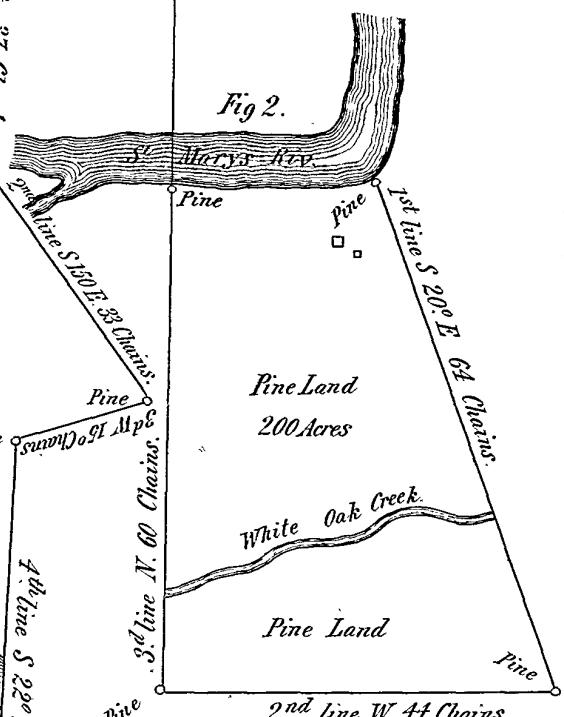


Fig 2.



Bowen & Co Lith. Philad.a

The Marquis Fougeres. This grant was made to Argote Villalobos, to build a saw-mill, and to cut the pine trees in the five miles square. The Marquis has built a mill, and George Clarke has surveyed to him six thousand acres of land on Indian river. Now, whether this tract of six thousand acres on Indian river, one hundred and fifty miles off, is comprised within a tract five miles square, on Black creek, or how the lumber on that tract can be serviceable to the Marquis's mill, we are not advised.

Charles Sibbald. This claim is divided into three surveys; two thousand in Rowley's hummock, four thousand in Turnbull's swamp, and ten thousand acres on Trout creek, on the St. John's; within five miles square can never vest a right to the soil in Turnbull's swamp, or Rowley's hummock, near one hundred miles off, although George Clarke has surveyed it to him, nor can a right to cut pine-trees give Mr. Sibbald a right to the soil. But the board beg leave to remark in this case, that if industry and zeal—if the erection of a steam saw-mill, which promises to benefit this section of the Territory more than anything else, will entitle an individual to security and indemnity, Mr. Sibbald has a claim to it. And although, in the opinion of this board, he has no title under the Spanish government, or by the Spanish laws, yet, if acting meritoriously, in good faith, will enable him to come before Congress, he has a fair claim for ten thousand acres on Trout creek. And if we were permitted, we would recommend his relief by a private act of Congress.

The next claims are John Breward, Farquhar Bethune, Jehu Underwood, H. S. Dexter, Charles W. Clarke, John Low, Henry Yonge, and James Dell, who have not built mills, and Charles Seton, who has. Of George Clarke's claim we shall speak presently.

Breward's is a claim of a similar character to the others, with this difference, to its prejudice, that it is supported only by a certificate of Aguilar's, without any evidence that the original is in the office.

Bushnell, Mills, and Seton, have erected mills which have long since been destroyed; how far the abandonment of a right like this to cut timber, when the mill was built, is annulled by the subsequent destruction of the mill, and long continued failure to rebuild it, is not for us to decide. The Marquis Fougeres, Mr. Richard, and Mr. Sibbald, have mills now in successful operation.

In every other case no mill has been built; and the grant, wherever it is genuine, has declared, in as strong language as could be used, that the grant of license should be void, and considered as not made, until the mill is built.

From what has gone before, we are warranted in coming to the following conclusions:

First. That the governors of this province were not authorized by any law, ordinance, or decree, in granting away sixteen thousand acres of land for a mill-seat.

Second. That where there is no suspicion thrown over the claim, they have never attempted to exercise that power, with the single exception afterward to be mentioned.

Third. That all they have ever granted is leave to build a mill, and leave to cut timber.

Fourth. That Governor White gave a license to cut pine timber in the woods, and Governors Kendelan and Coppinger gave a license "to cut pine timber within the five miles square, of sixteen thousand acres."

Fifth. That the building of a mill is made in every case a condition precedent to the license to cut timber.

The exception which we have above alluded to, is a royal title to George J. F. Clarke, who claims to have performed all conditions for the 16,000 acres. George Clarke has, for himself as for others, surveyed this land in different parts of the Territory.

To give an idea of this claim by royal title, we beg leave to copy the preamble of the grant itself, to show the authority under which the governor acted, by his own declaration:

"Don José Coppinger, lieutenant colonel of the royal army, civil and military governor, pro tem., and chief of the royal domain of this city and its province, &c. Whereas, by a royal order communicated to this government on the 29th of October, 1790, by the captain general of the island of Cuba and the two Floridas, it is provided, among other things, that to foreigners, who of their free will present themselves to swear allegiance to our sovereign, there will be granted to them lands gratis, in proportion to the workers that each family may have; and whereas Don George Clarke, inhabitant of the town of Fernandina, has presented himself, manifested that he has constructed, from his own ingenuity, a machine that, with four horses, saws eight lines at one time, cutting two thousand superficial feet of timber in a day; and soliciting, in virtue thereof, a grant, in absolute property, of five miles square of land, for a stock and supply of timber, which is the portion that has been granted for water saw-mills," &c.

Now Governor Coppinger gives this land under the order of 1790. That order restricts the granting of lands to foreigners—George J. F. Clarke is described as an inhabitant of Fernandina; and for "head rights"—this is for a saw-mill; "in proportion to their workers"—this says nothing of workers. So much for this royal title. This very preamble of the grant shows the governor's want of power.

The views we have taken on this subject, we submit with great deference to Congress.

CHAS. DOWNING, *Reg. Land Office.*
W. H. ALLEN, *Receiver.*

D.

Testimony of Antonio Alvarez, as taken in the case of Z. Kingsley vs. *the United States.*

Superior Court, District of East Florida.

THE UNITED STATES *ads.* ZEPHANIAH KINGSLEY. } Claim (mill grant) for 16,000 acres of land.

Interrogatories to be administered on behalf of the United States to Antonio Alvarez, esq., keeper of the public archives in St. Augustine, a witness to be produced, sworn and examined in the above entitled cause.

First. Please to state your age, how long you have resided in East Florida, what offices you held therein, if any, under the Spanish government, and how long you have held the office of keeper of the public archives in St. Augustine.

Second. What is the date of the first concession belonging to that class commonly called mill grants, now

on file in your office? Please state, and annex a copy thereof to your deposition to be taken on these interrogatories.

Third. Please to state whether there are any royal *titles* on file in the archives under your charge, which were made to any grantee after a previous concession of the land to such grantee, upon condition of erecting a saw-mill; if there are, please state to whom they were made, and annex a copy of the concession and royal title in each of said cases to your said deposition.

Fourth. Do you know of a single instance where a concession was made upon condition of building such saw-mill, that was followed up by a royal title? If you do, please state the case, and annex a copy of such concession and royal title.

Fifth. Please to examine your office, and see if there is any such royal title on file in it, and if there is not, please to state that fact.

THOMAS DOUGLAS, *U. S. Attorney, &c.*

Superior Court, District of East Florida.

THE UNITED STATES *ads.* ZEPHANIAH KINGSLEY. } Claim (mill grant) for 16,000 acres of land.

The answers of Antonio Alvarez, esq., a witness, sworn and examined in behalf the United States, in the above-entitled cause, before the commissioner appointed in the annexed commission.

To the first interrogatory—Witness answers: My age is forty-four years; I have always been a resident of East Florida; I have been a clerk in the government secretary's office, from the year 1807 to the year 1821, with two intermissions of about a year each. I was appointed keeper of the public archives in the year eighteen hundred and twenty-nine.

To the second interrogatory—Witness answers: The first concession for a mill grant, as far as I have been able to ascertain, was, on the twenty-ninth of January, seventeen hundred and ninety-three, made to William Pengree, a copy of which is hereunto annexed.

To the third interrogatory—Witness answers: There are none.

To the fourth interrogatory—Witness answers: No.

To the fifth interrogatory—Witness answers: There are none.

ANTONIO ALVAREZ.

TERRITORY OF FLORIDA, *County of St. Johns:*

I do certify that, having been appointed commissioner, on the part of the United States, by the annexed commission, and having been first sworn, I did proceed to examine, on oath, the witness, Antonio Alvarez, esq, named in the said commission, to the interrogatories herewith annexed, and his answers thereto are herein correctly and truly set forth.

JOHN C. CLELAND, *Commissioner.*

Translation of the document referred to in the above answers of Antonio Alvarez.

His Excellency the Governor:

Don Guillermo Pengree, an old inhabitant of this province, with the due respect to your excellency, says: That the back of the lands of his property, about five miles, and at the head of Nepomuceno creek, and also of Doctor's lake, there is a creek proper for the construction of a water saw-mill; and the petitioner, confiding in the goodness of your excellency, has ordered all the iron work made which is necessary for this, and also to finish another which he half finished upon his own lands, for all of which he has expended considerable moneys; therefore he supplicates your excellency will be pleased to grant him the lands at said place, which are vacant, and that the number be one or two thousand, or according as your excellency should think convenient, (besides those corresponding to the number of his family, which have increased three in number since the commissioner received his oath,) in order that they may be able to work said mills without being ever deficient of pine lands, or that some other inhabitant should come and locate himself in the vicinity thereof. It would be convenient that your excellency should determine the limits, otherwise the petitioner will be exposed to have his work mutilated and also injured by his expense, if he should have to go a great distance to get his timber, and it is a favor which he hopes to receive from the meritorious justice with which your excellency dispenses your correct decision.

ST. AUGUSTINE, FLORIDA, *January* 24, 1793. WILLIAM PENGREE.

ST. AUGUSTINE, *January* 26, 1793.

The Captain Don Pedro Marrot, commissioned for the general distribution of lands, will report upon each one of the points of this petition, in accordance with the instructions and orders in his possession, and edicts published by this government, what may to him seem fit.

QUESADA.

SENOR GOVERNOR: In reply to your excellency's superior decree, I say: That the lands which this old inhabitant solicits on the back of those of his property, five or six miles, are actually vacant, and also are calculated for the construction of a water saw-mill; but I am ignorant of his having expended any money for his works; I only know that he has commenced one on his own lands; as to what relates to the solicitation which he also makes of this government, to grant him one or two thousand acres of land, besides those which correspond to him for his family, in order that he may never be deficient of timber for his mills, I have no instructions whatever by which to be regulated, only the edict of good government says that the King grants one thousand acres besides those which correspond to the inhabitants, who can cultivate more than that which he owns; but said edict does not embrace the petitioner in any manner whatever, as he has not solicited it for agriculture, but for cutting timber; wherefore, and considering that if the number of acres are not granted to him which your excellency may think proper to grant, besides those which correspond to him, he will be much injured; your excellency will resolve what you may judge most in accordance to your notorious and strict administration of justice.

In relation to said edict, and other instructions which I have from this government, I do not consider the petitioner entitled to the 150 acres which he now solicits for the three negroes, by which he says his family has been increased; for said documents make no mention of but the number of persons which each family should have at the time of making the oath and measurements of their lands. It is all that I can inform your excellency on the subject.

ST. AUGUSTINE, *January* 28, 1793. PEDRO MARROT.

ST. AUGUSTINE, *January* 29, 1793.

Notwithstanding the one thousand acres offered in the edict of this government, in addition to the heads of families who should cultivate more than that which corresponds to them, are not for the purposes proposed by this party—taking into consideration the laudable end which he solicits them for, and the general and private utility which will result to this province in the exportation of lumber, by the establishment of water saw-mills for that purpose—there are granted to him the one thousand acres at the place where he solicits them, and where he has projected establishing the new fabric, but not the 150 for three negroes with which he has increased his family, as the rule is, that the measurement shall be considered at the time when the oath is taken by the inhabitant, without calculating with the increase or diminution happening afterward.

Under these considerations, Don Pedro Marrot will proceed to the measurement of the lands corresponding to this party, with the addition of that now granted to him—all without injury to third persons, and in accordance with the instructions and orders given him.

QUESADA.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

Superior Court, East Florida, July term, 1833.

ELIZABETH WIGGINS *vs.* THE UNITED STATES. } Land claim, 300 acres.

July 20, 1833.

Antonio Alvarez, keeper of the public archives, sworn as a witness in open court, on behalf of the said *claimant*, states:

That his age is forty-two years, and was born in this city, and that he has constantly resided here, and has sometimes been abroad, but considered this his place of residence; was absent at one time for eighteen months. Witness states that he was employed as a clerk in the government secretary's office here during the Spanish government, from the year 1807 till the year 1821, during which time he was absent twice, once in 1809 and '10, and at another time in 1814 and '15. Witness states that the government secretary's office was kept in 1807, '8, and '9, by one Juan de Pierra, and after that time by Thomas de Aguilar, who continued at the head of that office till the cession of this country to the United States. Witness states that persons wishing grants of land from the Spanish government presented a memorial to the governor, and he decreed on the memorial, and that decree of the governor was filed in the office of the government secretary, and constantly retained there. Witness states, that when the decree of the governor ordered a royal title to be issued, the decree was transferred to the escribano's office; but when the decree did not order a royal title to be issued, the decree remained in the government secretary's office; and in either case the grant remained in the possession of the government. Witness states, that the evidence given to the grantee, on the making of a grant, was a certified copy of the decree, or of the memorial and decree, by the government secretary. Witness states, that to obtain a royal title, a second memorial and decree was necessary, which went into the escribano's office, in which office royal titles were made. Witness states, that it was one of the ordinary duties of the government secretary to make certified copies of memorials and decrees, which copies were made for the use of the parties. Witness states, that it was generally the case that the decree of the governor directed a copy of the decree and memorial to be made for the use of the party; it was not always the case, but it was generally done after Governor White's time. Witness states that, according to the usage and practice of the Spanish government, copies made by the government secretary, and certified by him, would be received as evidence of title in the Spanish courts of justice; in speaking of these copies, witness has reference to copies made in the government secretary's office, which are not called duplicates, but copies. Witness states that these certified copies of the memorial and decree were made immediately on the making of the grant, and delivered to the party when he called for them. Witness states that it was not the practice of the government secretary to annex seals to his certificates; the escribano always affixed a seal to his certificate, which was made with a pen; and the secretary of the government had no such seal to his certificate. Witness states that he is well acquainted with the handwriting of Thomas de Aguilar. Witness states that, on the transfer of this province from Spain to the United States, the papers in the offices of Mr. Aguilar, the government secretary, and Mr. Entralgo, the escribano, were taken possession of by the government of the United States. Witness states that, according to the usage of the Spanish government, the parties had no right to the original title papers; they remained under the charge of the proper officers.

Examined by United States attorneys.—Witness states that he does not recollect of a certified copy of a grant being received in evidence in a Spanish court of justice, where the original was not on file in the proper office; and from his knowledge of the practice of the government, he does not believe that such copy would be received in evidence in a Spanish court, unless the party could prove that the original was in the office at the time the copy was made. Witness states that he does not know that he ever heard of a copy of a copy of any document being received in evidence in a Spanish court of justice; it might depend upon some circumstances, however, which might alter the case. Witness believes that a copy of a copy, properly authenticated and regularly filed in the proper office, would be received in evidence. Witness thinks that he has seen the copy of a copy, where it was regularly authenticated, received in evidence in a Spanish court; for instance, where the copy of a power of attorney, executed in the Havana, was filed in the escribano's office here, a copy of that copy would be received in evidence in any court of the province; and the impression of the witness is, that he has seen such copies received in evidence in the court of which the escribano kept the papers, and there was no office in which judicial proceedings were kept but the escribano's office. Witness states that it is his belief, that if it were

known that there was no original of this power of attorney in the Havana, that this copy of the copy would not be received in evidence, unless the party could prove that, at the time the copy was made, the original was in the proper office.

Examined by claimant's counsel.—Witness states, that he considers a certified copy by the government secretary, as evidencing whatever was contained in that copy; and that he understands the certificate of the government secretary as evidencing all the facts to which it certifies. Witness states, that, according to his understanding of the Spanish law in this province, the certified copy by the government secretary was evidence of the memorial and of the decree of the governor as set forth by such certified copy; and that if the government secretary's office here had been burnt, these certified copies by the government secretary would have been received as evidence of the party's right to the land granted. Witness states, that he considers that, according to the Spanish law, the certificate of the government secretary would be received in all the courts as evidence of the facts contained in it. Witness states, that if the original memorial and decree had been in any manner lost, or destroyed, or abstracted from the office, that he considers that a certified copy by the government secretary would be received as evidence of the making of the memorial and decree; that he means the certified copy given to the party at the time of making the memorial and grant, or before the loss of the originals, while he had them to make the certified copies from. Witness states, that the papers in the secretary of the government's office, at the time of the cession, were taken forcibly by a person sent by the American commander here, whose name he does not recollect; they were taken from the secretary's office in the governor's house; that after they were thus taken, he believes they were some time at the old custom-house, and supposes some person had charge of them while there, but don't know what person. Witness thinks there was a commission appointed to examine these papers, and that Mr. Lynch, Mr. Reynolds, and he believes Mr. Anthelm Gay, were on that commission; witness thinks five persons constituted that commission—does not remember the names of the others. That the object of that commission, as witness understood, was to select the papers which, according to the treaty, the American government claimed. That these papers, after they were taken from the custom-house, were put into an office in the lower part of the building now occupied as a court-house, and were kept there by a Mr. Law. Witness does not know how Mr. Law kept these papers—don't remember to have seen them about the floor—was not in Mr. Law's office much. From Mr. Law these papers went into Mr. Tingle's possession; from Mr. Tingle's possession to Mr. Reynolds; from Mr. Reynolds's possession to Mr. Murphy, and from Mr. Murphy's possession to that of the witness, as keeper of the public archives; and that some of these papers, while in the possession of Mr. Reynolds, were delivered to Dr. Gibson and Dr. Simmons. Witness states, that a number of boxes of papers belonging to the archives were delivered to the witness as keeper of the public archives, by the United States marshal for this district. There was an inventory of these papers delivered by the marshal, made by Mr. Reynolds and witness; and he does not know whether that inventory contained all the papers in those boxes or not. Witness states, that he believes that the original memorial and decree to Elizabeth Wiggins in this case, is not now to be found in his office as keeper of the public archives.

Examined by U. S. attorney.—Witness states, that where there was no original grant to be found, a certified copy would not be received in evidence unless the loss of the original was proven or accounted for. Witness states that he was a clerk in Mr. Aguilar's, the government secretary's office, and had access to the papers in that office, and has searched for papers in that office when he was so directed by the secretary, and found the papers in good order and carefully preserved. Witness states, that it is not within his knowledge that any original grant or concession was withdrawn from the proper office of the archives during the Spanish government. Witness has seen some originals out of the office of the public archives since the change of government, but does not know how they got out, or that they were ever in the office of the archives; and some of those originals are now on file in the office of the public archives, having been deposited there by the register and receiver, before whom they were filed by the parties. Witness states, that there are one or two books in the office of the archives, of the proceedings of the first commissioners appointed to receive these papers, and it is the impression of the witness that these commissioners did not make a list of the grants received by them, but he thinks, they made a list of the bundles received by them. Witness states, that when these papers were delivered to Mr. Reynolds, I believe there was a list of the memorials and grants of land made.

Examined by claimant's attorney.—Witness states, that these papers came into the possession of Mr. Reynolds in 1823. Mr. Reynolds was appointed keeper of the public archives by the governor, or governor and legislative council that met at Pensacola in 1822, and Mr. Reynolds, on his arrival from Pensacola, immediately took possession of these papers; and the impression of the witness is, that he, Mr. Reynolds, received these papers from Mr. Tingle, they having already been in the possession of both Mr. Law and Mr. Tingle. Witness states, that these original grants which he has spoken of as being deposited in his office by the register and receiver, ought to have been in the government secretary's office; it was the usage of the Spanish government to file them in that office. Witness states, that he does not recollect of any case in which a certified copy made by the government secretary was ruled out by a Spanish court, on a suggestion that the original was not in the proper office. Witness states, that certified copies of memorials and decrees were given to the party as evidence of his grant.

Examined by U. S. attorney.—Witness states, that he does not recollect of any case having occurred, in which it was decided, that a certified copy made by the government secretary was ruled out by a Spanish court, on a suggestion that the original was not in the proper office—does not recollect of any such case occurring. Witness states, that he does not recollect a case in which a copy was offered in evidence where the original was not in the proper office.

July 26, 1833.

Antonio Alvarez again called, and examined by claimant. On witness being requested to refer to the original certificate of Aguilar, attached to the copy of the memorial and decree in this case, and brought into court by the said witness, under a subpœna *duces tecum*, and state whether the said certificate is not in the usual form of such certificates, the witness answers, it is; and on further inquiry being made, the witness states, that the signature "Tomas de Aguilar," attached to said certificate, is in the handwriting of Thomas de Aguilar, late secretary of the Spanish government in this province.

Question. Has, or has not, application been made at your office, by Elias B. Gould, esq., to know whether the original concession in this case was in the office under your charge as keeper of the public archives of East Florida, and if so, when?

Answer. Mr. Gould has made application to me a few days since.

Question. Did you, or not, on this application, search for the said original in your office?

Answer. I did.

Question. Did you find it?

Answer. I did not find it.

Question. Did you so inform Mr. Gould?

Answer. Yes.

Question. Was, or was not, the certified copy of the original concession now exhibited to you, brought into this court from your office, as keeper of the public archives, on a subpœna *duces tecum*, therefor?

Answer. Yes, it was.

Question. Be pleased to state how the said original certified copy came into your office as keeper of the public archives.

Answer. It was delivered to me by the register and receiver, who acted as land commissioners at one time, with the other papers relating to private land claims.

Examined by United States attorneys.—Question. Do you know from whom the register and receiver received that document?

Answer. I do not know.

Question. You have said on your former examination in this case, that you were a clerk in the same office with Mr. Aguilar, at the time of the transfer of this province to the United States, and for many years before that time. Do you recollect to have seen or heard of the original concession in this case before the change of government?

Answer. I do not recollect.

Examined by the court.—Question. What proceeding was called an *expediente?* Was no particular proceeding called technically *expediente?*

Answer. An *expediente* was any proceeding which was done in writing; if there was more than one document of any paper, it was called an *expediente.* Sometimes they were called *autos*, which, I believe, means no more than the proceedings of a lawsuit.

Question. What was the *autos* of which you speak?

Answer. The proceedings in a lawsuit were called *autos*, any other proceedings were called *expediente.*

Question. What was *diligencia?*

Answer. Diligencias was where a party wanted to prove anything. I should think that *diligencias* and *expediente* are very much alike. I should, in speaking Spanish, consider them as synonymous.

Question. What was the meaning of the prayed, sometimes preferred in Spanish times, that the proceedings be had and taken in continuation?

Answer. A document made in continuation, was merely that the document should be continued on the same sheet of paper.

Question. What validity was ascribed to papers or documents *in continuation?*

Answer. I do not know that any particular validity was given to a document made *in continuation;* it might sometimes be done at the request of the party. I don't recollect any case in which a party, where the design was to establish the copy instead of the original, prayed that the copy be taken *in continuation* of the original.

Examined by claimant.—Question. Are there not now in your office, as keeper of the archives, many grants or concessions, which you have seen as such keeper of the archives, but which you do not recollect either to have seen or heard of in Spanish times?

Answer. I suppose there must be many—I cannot recollect the fourth part of them; it is impossible, where there are such a large number of grants, to recollect either the names of the grantees or the quantity of land granted.

Question. Was, or was not, an *expediente* record, proof of the proceedings contained in it?

Answer. Certainly; all documents in the office prove themselves.

Examined by the court.—Witness states, that there did not come into his hands, as keeper of the public archives, any list or index of the grants to lands made here by the Spanish government. There was a list made by Mr. Reynolds, but it contained nothing more than the names of the claimants, without mentioning the number of acres. Mr. Reynolds was keeper after Mr. Law. Witness states, that he believes there was a list of the bundles of papers in the Spanish archives, made during the Spanish government, but witness has not seen that list since the transfer, and don't know what has become of it. Witness states, that when a party got a decree for a royal title he carried it to the escribano, and the escribano drew out the royal title in a book, and the governor signed it, and that was the original. Witness states, that the memorial of a party praying for a royal title, together with the certificate of the concession given by the secretary of government, the survey and plat of the land, and the original proof, having complied with the conditions of the concession, and the original decree ordering a title or patent to be issued in favor of the grantee, was called the *expediente*, which *expediente* remained on file in the office of the escribano. Witness states, that the escribano had no separate books in which he noted the royal titles; they were issued from those in which they were contained. At every ten sheets of paper on the small books, which he first made, there was a blank sheet left, on which the escribano made an index of the grants that preceded that sheet, and when he had enough of these sheets or small books, they were bound into large books, and these indexes were taken out, and a general index made to the whole book. Witness states, that there was no book in the secretary of the government's office, in which a note was made of the concessions that issued; they were merely filed away in his office on the loose sheets on which they were made, and were filed away in bundles alphabetically, and without any list.

Examined by U. S. attorneys.—Witness states, that where concessions were made under the royal order of 1790, the governor generally required proof of the compliance of the conditions before he gave a royal title. Witness states, that he thinks it was considered that a person had no right to obtain the royal title, though he had a claim to the land, till he had complied with the conditions, unless the party could show that he could not comply with the conditions of his grant from disturbance in the country, Indian wars, or something of that kind. It was generally considered that a person had to comply with the conditions of his grant before he could obtain a royal title.

Question. Was not the legal estate or title to the land conveyed to the claimant by the royal title issued from the office of the escribano?

Answer. Yes.

Question. Was there any other mode by which the title from the King was conveyed in full property by the governors of this province to the claimants of land?

Answer. No other mode, except in some cases I have alluded to before, where the governor has given the party permission to sell his land. Witness thinks, that although a party had not obtained a royal title, if he had complied with the conditions of his concession, he would have a right to the land; and if a party were to abandon

the land after he had complied with the conditions, he would be entitled to it, though he had obtained no royal title.

Question. You have said that you believe the claimant would be entitled to the land if he had complied with the conditions of his concession, though he had not obtained the royal title: what other evidence would he have of this right to the fee simple in the land, except the royal title?

Answer. The evidence of having complied with the conditions.

Question. Would the claimant, in such a case as the one mentioned in the last question, be required to have the proof of his having complied with the conditions of his concession filed in the proper office of the government?

Answer. If the claimant made the proofs they would be filed in the proper office, and he would receive a royal title. I have never known a person that made these proofs except on application for a royal title.

Question. Were not all deeds of conveyance of land from one individual to another drawn out on the protocol of the notary of government, and did not the notary always refuse to allow the party to sell until he had procured a royal title for the land?

Answer. Yes, he would refuse to make the deed; he could not refuse to let the parties sell; the parties might agree between themselves, and pass receipts, or in any other manner, and run the risk of being bound to prove that the conditions of the grant had been complied with; after a party had complied with the conditions of his grant, I believe that he had a complete right to the land, though he had obtained no royal title.

Question. Where a party failed to comply with the condition of his concession, could not the government grant the land to another individual, and if a royal title were given to the last individual, would not the claim of the first person who had failed to comply with the conditions, be entirely defeated?

Answer. Certainly.

Question. Were not the regulations of Governor White, on the subject of granting lands under the royal order of 1790, generally observed in this province?

Answer. They were, except in some instances by Governor Kendelan, and since Governor Kendelan.

August 5, 1833.

Antonio Alvarez, heretofore sworn as a witness in this case, called by the counsel for the United States.

Question. Please look at the concession in this case, and say if it be or be not the usual form in which concessions were given by the Spanish government, under the royal order of 1790, on condition of habitation and cultivation.

Answer. Upon looking at concession, witness replies: Yes, it is in the usual form.

Question. In all cases of concessions, such as the one you have just examined, wherein no conditions were specified, was it not always understood that the ordinary conditions of habitation and cultivation were implied and annexed to said concessions?

Answer. Yes.

Question. In all concessions, such as are described in the last two preceding questions, was not the person to whom the concession was granted required to take possession of the land within six months from the date of said concession?

Answer. I can't say precisely the time a party was required to take possession; it was a regulation of Governor White, that the party should take possession of his land, I believe, from three to six months. But I have seen some instances where a party was allowed more time than six months to take possession of his land.

Question. Will you please state the instances in which more time than six months was allowed the party to take possession of the land conceded to him; and was not such longer time always granted—when granted at all—by a decree of the governor, on the petition of the claimant asking for a longer time?

Answer. I cannot say or mention the particular cases, but I recollect of such cases having happened; I am inclined to think, a longer time was given on the petition of the claimant and the decree of the governor, but I cannot be positive.

Question. When a party was allowed a longer time than the regulations of Governor White prescribed, for taking possession of the land conceded under the royal order of 1790, was it not considered a departure from the established practice and usage of the province?

Answer. I think it was.

Question. In all cases of concessions under the royal order of 1790, wherein no time was mentioned within which the party should take possession of the land, and no condition was mentioned, was not the party required to prove habitation and cultivation of said land before he could obtain a title in full property for said land?

Answer. Yes, generally that was the case.

Question. When a party settled on land under a concession, and inhabited and cultivated it during the period the law and the regulations required to entitle him to a royal title, would not the governor give a royal title for a larger quantity of land than that mentioned in the concession, if the party proved, that from the number of his slaves and family, he would be entitled to a greater quantity?

Answer. I don't recollect a case of that description, but I believe he would be allowed a larger quantity.

Question. When a party applied to the governor for a royal title under the royal order of 1790, was he not required to prove the number of his family and slaves, as well as his habitation and cultivation, before the royal title was given, and was not the quantity of land granted by the royal title in proportion to the number of his slaves and family?

Answer. I don't recollect of any instance where a party had to prove the number of his family at the time of petitioning for a royal title. The number of acres in the royal title was generally the same as contained in the concession.

Question. At what time did he prove the number of his family and slaves?

Answer. I can't say positively; sometimes the party, at the time he applied for a concession, presented a list of his family and slaves; at other times the number of his family and slaves was mentioned in the memorial; sometimes they were not mentioned in the memorial; and sometimes the party petitioned the governor for a quantity of land corresponding to his family.

Examined by claimant.—Question. How do you know that there was a condition implied that the grantee should take possession and cultivate in concessions like the one before the court, though no such condition was expressed?

Answer. I know it by the general practice, and by seeing when they applied for royal titles, that they had to prove compliance with the usual conditions established by the government.

Question. Do you know, and can you state, a single case where a party who had received a grant without any condition expressed, was obliged afterward to prove cultivation or settlement?

Answer. In many instances; I can't name any of them.

Question. Are there not many instances in concessions under the order of 1790, in which it is expressly made a condition that the grantee should take possession within a limited time?

Answer. Yes, there are.

Question. Will you state whether it was not understood that the governors could grant the lands solicited absolutely and without condition, if they thought proper and chose to do so?

Answer. Yes.

Question. Did you mean to say, in answer to the third interrogatory by counsel for the United States, that there was an established practice in the province of actually taking possession of the lands conceded, in three or six months; or did you only mean to say that it was directed in White's regulations that possession should be taken in three or six months?

Answer. I know Governor White had specified a time in his regulations; I don't know what that time is; I spoke of the practice while I was in the office; I don't know anything about whether the party took possession of the land in three or six months; I have never seen it proved when the party took possession; he proved that he had been in possession and cultivation ten years.

Question. Have you ever known an instance in which a party was prevented by the government from taking possession of the lands conceded to him, because he had not done so within six months?

Answer. I do not know of an instance.

Question. Did not a concession under the order of 1790, according to the usage and practice of the Spanish government, remain operative and valid for the benefit of the grantee, though he had not taken possession of the land, provided it had not been granted to another, or some proceeding had not taken place, for the purpose of divesting the title of the grantee?

Answer. That is my impression.

Question. Were the regulations of Governor White, in regard to the granting the public lands and the taking possession of them, considered as obligatory upon his successors, or even upon himself?

Answer. If I have to judge by their practice in some instances, I should say they were not.

Question. Will you state whether there is any other grant or concession of land to Elizabeth Wiggins, in the office of the archives, of which you are the keeper, than the one now in question?

Answer. I believe not. I have examined whether the original concession in the present case was in the office, and I did not find it, and I did not find any other.

Examined by the United States attorneys.—Question. Were not the regulations of Governor White observed and enforced in all cases of grants under the royal order of 1790, by Governor White and all his successors in office?

Answer. The ordinances of Governor White were in force; that is, they were not repealed, but the governors acted on their discretionary powers, different from what is stated in them.

Question. Did Governor White, or his successors in office, ever deviate from the regulations of Governor White, so far as to dispense with proof of habitation and cultivation in any case, when the party asked for a royal title for land?

Answer. I don't know if Governor White ever dispensed with those proofs, but I know that the others have in some cases.

Question. Were not the cases to which you allude very unusual, and contrary to common practice and the custom of the province?

Answer. They were.

August 8, 1833.

Antonio Alvarez again called, and examined on the part of the United States.

Upon the witness referring to the document offered in evidence in this case on the part of the United States, and numbered 1, and he being requested to state whether that document does not contain the regulations of Governor White, referred to by him in his testimony above, witness answers, that that document does contain the regulations of Governor White, to which he has referred in his testimony above.

August 10, 1833.

Antonio Alvarez, a witness heretofore sworn in this case, called by claimant's counsel.

Question. You have, in your former testimony in this case, referred to certain regulations alleged to have been made by Governor White, concerning the granting of lands in East Florida; will you be pleased to state whether the original of the said regulations is in your office, and if not, whether it has been in it since you have had charge of the public archives?

Answer. The original is not in my office, nor has it been since I have had charge of it; and I think it was not in the office of archives at the time Mr. Reynolds had charge of the office.

Question. What is the nature of the instrument to which you have particularly referred in testifying on this point? If it be a copy, state how it is certified.

Answer. The document of which I gave a copy to Mr. Douglas, (and which is filed in this case as part of the evidence of the United States, and numbered 1,) is taken from a copy certified by José de Zubizaretta, and the certificate of Zubizaretta is dated on the same day that the regulations bear date.

Question. Are there not a number of royal titles in your office, which have been given before the conditions were complied with, besides the two or three which have been filed in this cause by the counsel for the United States?

Answer. Yes. There are some titles which have been issued to the parties before the ten years' occupation. The copies which I have furnished, and which are filed in this cause, are not cases where the titles have issued before the ten years' occupation, but are cases in which the party was allowed to sell his land before he had got his titles, and before he had occupied the land ten years.

Examined by the United States attorneys.—Question. Will you please state the cases in which royal titles have been given for land before the claimant had occupied and cultivated, during the period required by the regulation of the province?

Answer. I can't state any case; I am certain that there are some cases, but I don't recollect the name of any particular case, except the case of Mr. Kingsley, the papers of which case I had occasion lately to look over.

Question. Do you recollect any case under the royal order of 1790 where a royal title was given to the claimant, before he had inhabited and cultivated the land?

Answer. No.

Testimony of Antonio Alvarez, taken under commission, in the case of John Breward against the United States.

District of East Florida, Superior Court, St. John's County.

THE UNITED STATES *ads.* JOHN BREWARD. } Land Claim, 16,000 acres.

Interrogatories to be propounded to Antonio Alvarez, esq., a witness to be sworn and examined on behalf of the United States, before Elias B. Gould and John C. Cleland, esqs.

First. Are you a native of East Florida, or not?

Second. What is your age?

Third. How long have you resided in the city of St. Augustine, in East Florida?

Fourth. Did you hold any office in East Florida before the transfer of that province to the United States? If you did, please to state what office, and when and how long you discharged the duties of such office?

Fifth. Did you at any time act as clerk in the governor's secretary's office, or in the office of the escribano or not? If you did, please to state which, when, and how long.

Sixth. In what office were concessions of land made and kept in East Florida, before the transfer of that province to the United States?

Seventh. In what office were royal titles (real titles) made and kept in East Florida, before the transfer of said province to the United States?

Eighth. In what office should the papers now be found deposited, which are referred to in the 6th and 7th preceding interrogatories? Is, or is not, the public archives the proper place of deposit for such papers?

Ninth. Are you the keeper of the public archives of East Florida, or not? If you are, please to state how long you have held said office.

Tenth. Is there any original grant or concession to John Breward, for the above memtioned 16,000 acres of land, on file in said archives, or not?

Eleventh. Please to name the several persons who held and exercised the office of governor of the province of East Florida, between the years 1784 and 1821, and the time when each of said persons entered upon the discharge of his duties as such governor, and when they respectively ceased to discharge the said duties?

Twelfth. Is there any order on file, in the said archives under your charge, from the King of Spain, or from the council of the Indies, requiring said governor to render an account of his administration, during the time when he held and discharged the duties of said office as governor as aforesaid? If there is, please state to which of said governors said order was directed, and annex to your answer a copy thereof.

Thirteenth. Were any of said governors ever required to render such account? If yea, state which of them.

Fourteenth. Did any one of said governors ever render such an account? If they did, please state which of them, when it was made, and *particularly* whether such account contained a statement of the number of grants or concessions of land made by said governor, during such administration, with the name or names of each grantee or grantees, and the number of acres of land granted to each.

Fifteenth. Is there any copy of such an account, made by any of said governors, now on file in the archives under your charge? If there is, please annex a copy thereof to your answer.

Sixteenth. Did any of said governors ever undergo a residencia in said province? If yea, which of them and when?

Seventeenth. Did any of said governors ever render any account to the king, captain-general intendant of Cuba, or any other officer, of the lands granted by him, except the single case of the exchange of lands for a vessel with Juan Russell, or not? If they did, please to state which of them, and of what said account consisted, and state also the particulars of the case of Juan Russell.

THOMAS DOUGLAS, *United States Attorney.*

JOHN BREWARD *vs.* THE UNITED STATES. } Land Claim for 16,000 acres, &c.

Cross-Interrogatories.

First. If you answer to the 10th direct interrogatory, that the original grant or concession of the mill-seat to John Breward, for 16,000 acres, is not on file in your office, be pleased to state whether the original certificate of that grant or concession by Thomas de Aguilar, the secretary of the government, is there, and if so, how it came there.

Second. State whether such certificate was not the only original evidence of title, furnished to the grantee by the government, in cases of grants or concessions, and whether such certificate, according to Spanish law and usage, was not to serve the grantee as proof of his grant or concession in any event.

Third. Had the grantee, in case of grant or concession, any right to, or control over the possession of the grant or concession, deposited in the office of the secretary of government, and of which the grantee received a counterpart certified by the secretary?

Fourth. Is not the case of John Russell a matter of record in your office, and are not all the proceedings set forth in writing thereon?

Objection. To so much of the 17th direct interrogatory, as makes inquiry as to the case of John Russell and the particulars thereof from the witness, we object, because the testimony of the witness is not the best evidence in the case: the question itself supposes that John Russell's case is of record in writing in the office of the archives, and a copy of that record is better evidence of its contents than the verbal testimony of the witness.

LANCASTER and SMITH, *for Claimant.*

Superior Court, District of East Florida.

THE UNITED STATES *ads.* JOHN BREWARD. } Land claim, 16,000 acres

The answers of Antonio Alvarez to the interrogatories and cross-interrogatories hereunto annexed, taken before commissioners appointed for that purpose in behalf of the United States.

Answers to direct Interrogatories.

To the first interrogatory—Witness answers: I am a native of East Florida.

Second. To this he answers: My age is forty-two years.

Third. To this he answers: St. Augustine has always been my residence. I was absent for some time in 1809 and 1810, in the Havana.

Fourth. To this he answers: I was clerk in the government secretary's office from 1807 to the change of government, during which time I was absent in the year 1809 and part of 1810, and parts of 1814 and 1815.

Fifth. To this he answers: I was clerk in the government secretary's office, as stated in the preceding answer. I also acted as clerk in the office of the escribano for a few months, in the year 1814.

Sixth. To this he answers: Concessions of land were made and kept in the office of the secretary of the government.

Seventh. To this he answers: Royal or real titles were made and kept in the office of the escribano.

Eighth. To this he answers: The proper place for the deposit of such papers is in the office of the public archives.

Ninth. To this he answers: I am the keeper of the public archives, and I have held the office since 1829.

Tenth. To this he answers: There is no original grant to John Breward on file in the office of the public archives. There is a copy of said grant, certified by Thomas de Aguilar, as secretary of the Spanish government, now on file in my office, which was transferred to me by the register and receiver of land office while acting as land commissioners.

Eleventh. To this he answers: Zespedes, from 1784 to 1790; Quesada, from 1790 to 1796; White, from 1796 to 1811; Estrada, from 1811 to June, 1812; Kendelan, from 1812, I believe, to May, 1815; Estrada, the balance of 1815; and Coppinger, from 1816 to the change of flags. My knowledge of the time of the government of Zespedes and Quesada is derived from the information I obtained in the office of the secretary of the government.

Twelfth. To this he answers: I know of no such order.

Thirteenth. To this he answers: I know of none.

Fourteenth. To this he answers: None of the governors made such account.

Fifteenth. To this he answers: There in no such document on file in my office.

Sixteenth. To this he answers: I know of no governor of East Florida who underwent any such residencia.

Seventeenth. To this he answers: The governors of East Florida never rendered an account of the lands granted by them, except in the case of the exchange of four thousand acres of land for a schooner, with John Russell.

Answers to Cross-Interrogatories.

To the first—Witness answers: There is a copy of said grant on file in my office, certified by Thomas de Aguilar, as secretary of the Spanish government; which copy was transferred to me by the register and receiver of the land office, while acting as land commissioners.

Second. To this he answers: I answer in the affirmative.

Third. To this he answers: The grantee had no right or control over the original.

Fourth. To this he answers: I answer in the affirmative.

ANTONIO ALVAREZ.

TERRITORY OF FLORIDA, *County of St. Johns, ss.*

We, whose names are hereunto subscribed, commissioners named in the annexed commission, do certify, that after being sworn ourselves, we did examine the witness named in said commission, under oath, and his answers to the interrogatories and cross-interrogatories annexed to said commission are truly and correctly herein set forth. Given under our hands, at St. Augustine, the 6th August, 1834.

JOHN C. CLELAND, } *Commissioners.*
E. B. GOULD, }

Testimony of Antonio Alvarez, taken under commission, in the case of John W. Lowe and others against the United States.

District of East Florida, Superior Court.

THE UNITED STATES *ads.* JOHN W. LOWE, and others. } Land Claim, 16,000 acres.

Interrogatories to be propounded to Antonio Alvarez, esq., keeper of the public archives of East Florida, a witness to be sworn and examined before John C. Cleland, esq., a justice of the peace.

First. Are there any royal order or royal orders from the King of Spain, or any order or orders from the council of the Indies, the captain general or intendant of the island of Cuba, providing for the granting of lands in East Florida, on file in your office, except the royal orders of the 29th October, 1790, and the royal order of July 7th, 1815, or not? If there are, please to name them, and annex a copy thereof to your answer.

Second. Are the royal orders, dated Havana, October 15, 1790, and published in Clarke's Land Laws, page 996; and the one dated Havana, July 7, 1815, and published in the same book at page 1019, the same that you have first mentioned above, or not? Please to state particularly whether all the grants or concessions of land in East Florida, made since 1790, were made under either one or the other of these two last-mentioned royal orders, or not. If not, under what royal order were they made?

Third. Was it the duty and the practice of the governors of East Forida, to file, in the office of the escribano of that province, (or in some other office, and which,) all the orders which they respectively receive from the King of Spain, or from any of their superior officers, relative to the granting of lands in said province or not?

Fourth. Were you acquainted with the laws and usages of the government of East Florida, before the transfer of that province to the United States, or not?

Fifth. When the governor of East Florida referred any matter of judicial inquiry in relation to lands, in which the King of Spain might have an interest, to the auditor of war for his report, and said auditor reported thereon, and the governor made a decree approving such report, and requiring it to be complied with; was or

was not the said decree, according to the laws and usage aforesaid, conclusive as to all the matters and things contained in said report?

Sixth. Was or was not such decree held and considered by the tribunals of the province aforesaid as of the highest judicial authority, and conclusive upon all the matters embraced by such report, unless the same was reversed by the King, or by the said governor himself upon a review thereof?

THOMAS DOUGLAS, *United States Attorney.*

JOHN LOWE ET AL. *vs.* THE UNITED STATES. } Land claim, &c.

Objections and cross-interrogatories.

We object to so much of the *second interrogatory*, as calls for an answer from the witness to the following inquiry, to wit: "Whether all grants or concessions of land in East Florida, made since 1790, were made under either or the other of these two last-mentioned royal orders or not? and if not, under what royal order were they made?"

We object to this inquiry because it is an attempt to prove the contents of *grants* or *concessions* by *parol*. The grants or concessions themselves in writing, in the office of the public archives, are the best and only legal evidence of their contents; and of these, certified copies are authorized and directed by law; or in a proper case, under the mandate of the court, the originals themselves may be taken from their depository, and exhibited in evidence; no parol testimony, no inference from, or construction of, their contents is admissible from any witness.

We object to the inquiry also, because it calls for evidence wholly irrelevant to this case; to the issue before the court; to the grant now in question. Grants in other cases, and the orders under which made, are foreign to, and not legal and pertinent evidence in this case.

First cross-interrogatory. If, in answer to the third interrogatory, you undertake to say what was the *duty* and *practice* of the governors of East Florida, as to the matters inquired of in the interrogatory, be pleased to state how you acquired a knowledge of the duty of these governors, and how you know what was their practice, as to *all* the orders which they respectively received as to the granting of lands.

Second cross-interrogatory. If you undertake to give any opinion upon the law questions propounded to you in the *fifth* and *sixth interrogatories*, state your means of knowledge, and upon what principles your opinion is founded.

We object to the fifth and sixth interrogatories, that they call for the opinions of the witness, who is not a lawyer, upon mere questions of law.

SMITH & LANCASTER, *for Claimants.*

Superior Court, Eastern District of Florida, St. Johns County.

THE UNITED STATES *ads.* JOHN W. LOWE AND OTHERS. } Land claim, 16,000 acres.

The answers to the interrogatories propounded to Antonio Alvarez, keeper of the public archives of East Florida, a witness examined in the above cause; the said Antonio Alvarez being first duly sworn:

To the first interrogatory—Witness answers: There are none to my knowledge.

Second interrogatory—Witness answers: I have never read Clarke's Land Laws. I believe that all the grants of land made in East Florida, since 1790, are founded upon the royal order communicated to this government, on the 29th of October, 1790, and the royal order of the 29th March, 1815.

Third interrogatory—Witness answers: It was the practice to file in the secretary's office all official communications received by the governors, and it was considered their duty to do so.

Fourth interrogatory—Witness answers: I am not acquainted with the laws, but I am with some of the usages.

Fifth interrogatory—Witness answers: As far as I know, all the decrees of the governors of East Florida, relating to lands, with or without the report or advice of the auditor of war, were here considered conclusive except when the governors themselves referred the same to a higher authority; but I cannot say anything with respect to the law on this subject.

Sixth interrogatory—Witness answers: To this interrogatory I answer the same as in the preceding one.

Cross-interrogatories.

First cross-interrogatory—Witness answers: While I was a clerk in the government secretary's office, it was the practice to file all the official communications handed by the governors to the secretary, but I do not know whether the governors retained or not in their possession any official communications. It was considered the duty of the governors to hand them to the secretary; but I know of no law respecting this subject.

Second cross-interrogatory—Witness answers: I have stated, and now repeat, that I know nothing of the law on this subject.

ANTONIO ALVAREZ.

Sworn to and subscribed before me, this 14th day of August, A. D. 1834.

JOHN C. CLELAND, *Justice of the Peace, and Commissioner.*

Testimony of Antonio Alvarez, taken under commission in the cases of Benjamin Chaires and others, and Oliver O'Hara and others, against the United States.

District of East Florida—Superior Court.

THE UNITED STATES *ads.* OLIVER O'HARA. } Land claim 15,000 acres.

THE SAME *ads.* BENJAMIN CHAIRES AND OTHERS. } Land claim, 20,000 acres.

Interrogatories to be propounded to Antonio Alvarez, esq., keeper of the public archives of East Florida, on behalf of the United States, before John C. Cleland, esq., as justice of the peace.

First. Are there any royal titles on file in your office, which were given by any governor of East Florida, conveying the title to lands to the grantee or grantees on account of services rendered by such grantee or grantees, or on account of losses sustained by such grantee or grantees, during the insurrections which took place in said province, during the year 1812 and 1813, or at any other time or not?

Second. If you answer the preceding direct interrogatory in the affirmative, please to examine such royal titles particularly, and state the time when the first of such royal titles was made, and annex a copy thereof to your answer to this interrogatory.

Third. Please examine your office, and ascertain to whom the largest quantity of land was *confirmed* by a *royal title* in said province, previous to the year 1816; state to whom said royal title was made, and annex a copy thereof to your answer to this interrogatory.

Fourth. Please to state the quantity of land embraced in a Spanish cabelleria, as known or generally understood in said province, before the transfer thereof to the United States.

Fifth. Was it generally considered and understood to be thirty-three and one third acres, or not?

THOMAS DOUGLAS, *United States Attorney.*

I have no questions to ask; the points do not touch my cases; I shall object to them all at the trial, as having no bearing on the cases named.

C. DOWNING, *P. D.*

Superior Court, District of East Florida, St. Johns County.

THE UNITED STATES *ads.* OLIVER O'HARA. } Land claim, 15,000 acres.

THE SAME *ads.* BENJAMIN CHAIRES. } Land claim, 20,000 acres.

The answers to the interrogatories propounded to Antonio Alvarez, esq., keeper of the public archives of East Florida, a witness examined in the above cause; the said Antonio Alvarez being first duly sworn:

To the first interrogatory—Witness answers: There are on file in my office, original royal (real) titles, given as a reward for services rendered the Spanish government of East Florida, during the insurrection in the years 1812 and 1813, and afterward, I believe, there is no specific title made as a payment for losses sustained.

Second interrogatory—Witness answers: The date of the first original royal (real) title in my office for services, is the 20th December, 1815, and a copy of said title is hereunto annexed.

Third interrogatory—Witness answers: The largest quantity of land confirmed by a royal (real) title, previous to the year 1816, was to John McQueen, a copy of which is hereunto annexed.

Fourth interrogatory—Witness answers: Thirty-three and one third acres.

Fifth interrogatory—Witness answers: Yes.

ANTONIO ALVAREZ.

Sworn to, and subscribed before me, this 15th day of August, A. D. 1834.

JOHN C. CLELAND, *Justice of the Peace, and Commissioner.*

Translation of the document referred to, in the answer of Alvarez, to second preceding interrogatory.

Title of property of one hundred acres of land, in favor of José and Miguel Andrew:

Don Juan Jose de Estrada, lieutenant colonel of the royal armies, sergeant major of the city of Havana, civil and military governor, and chief of the royal exchequer, *pro tem.*, of this city of St. Augustine of Florida and its province: whereas in royal order of the twenty-ninth of March, of the present year, his Majesty has been pleased to approve the concessions and rewards proposed by my predecessor, the Brigadier Don Sebastian Kendelan, for the officers and soldiers of the regular army, as well as of the militia of this province, who aided with their good services in the defence of it in time of rebellion, one of those favors being the distribution of lands in proportion to the number of family that each individual might have: That José and Miguel Andrew, artillerymen, of the company of militia of this city, having presented themselves, soliciting, jointly, one hnndred acres of land, fifty for each one, at a place called the Chimneys, known as Governor's Grant, bounding on the north by lands of Lazaro Ortega; on the south by vacant lands; on the east by Guana creek; and on the west by the North river; there were granted to them by my decree of the thirteenth instant, had in conformity of what I was advised on the subject by his lordship, my auditor of war, as appears by the proceedings which exist in the escribano's office: Therefore, I have thought proper to grant, as in the name of his Majesty, I do grant, to the aforesaid José and Miguel Andrew, the one hundred acres of land aforesaid, without injury to third persons, for themselves, their heirs, and successors, in absolute property, and in issuing to them, as by these presents I do, the corresponding title by which I separate the royal exchequer from the right and dominion which to said land it had, and I cede and transfer it to the aforenamed José and Miguel Andrew, their heirs and successors, that in consequence thereof, they may possess it as their own, use and enjoy it free of all incumbrance, with all its inlets, outlets, uses, customs, rights, and services, which it had, has, and of right and in law thereto appertain and might belong; and it being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority, as far as I can and of right ought to, in virtue of the will of the sovereign.

Given under my hand, and countersigned by the undersigned escribano, *pro. tem.*, of the government, and royal exchequer of this city of St. Augustine, of Florida, the twentieth of December, one thousand eight hundred and fifteen.

JUAN JOSE DE ESTRADA.

By order of his excellency:

JUAN DE ENTRALGO,
Escribano pro. tem. of the government and royal exchequer.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOSEPH S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

Document referred to in third answer of Alvarez.

Title in favor of Don Juan McQueen of ninety-eight caballerias and eight acres of land, at the plantation called San Juan Nepomucene:

Don Enrique White, colonel of the royal armies, civil and military governor of this city of St. Augustine of Florida and its province, by his Majesty: Whereas, in royal order communicated to this government, on the twentieth of October, 1790, by the captain general of the island of Cuba and two Floridas, it is provided, among other things, that to those strangers who, of their own accord, should present themselves to swear vassalage to our sovereign, there should be granted and surveyed lands gratis, in proportion to the workers that each family might have: That Don Juan McQueen, captain of militia and commander of them upon the rivers St. Johns and St. Marys, having presented himself and taken the customary oath, he solicited of the government, and there were granted, surveyed, and delivered to him, among other lands, ninety-eight caballerias and eight acres of land, at the plantation called San Juan Nepomucene, as a part of those corresponding to him; which land is known and distinguished under the following dimensions and lines. The first line runs south twenty-two degrees west, beginning at a pine marked with a cross on the margin of the river St. Johns, and ends at a stake with the same mark, bounding on the lands of Don Thomas Sterling, containing in measurement one hundred and forty chains. The second runs west, begins at said stake and ends at a pine with the same mark, having in measurement one hundred and fifty-five chains. The third runs north, beginning at said pine, and ends at another with the same mark of a cross; its measurement is of one hundred and sixty chains. The fourth runs west, commencing at said pine, and ending at another with the same mark, containing in its measurement one hundred and ten chains. The fifth runs north, beginning at the pine referred to, and ends at a stake with the same mark; its measurement is one hundred and ten chains. The sixth runs to the east, beginning at the aforesaid stake, and ends at a pine with the same mark, containing in measurement eighty chains. The seventh runs north fifty degrees east, beginning at said pine referred to, and ends at a cypress marked with the same mark of a cross; it has in measurement forty chains. Its front runs partly on the river St. Johns, and partly on McGirt's creek, forming an irregular figure divided by various creeks, as appears from the certificate given by the captain Don Pedro Marrot, commissioned judge for said distribution and measurement of lands, dated the fourteenth of January, one thousand seven hundred and ninety-two, and its corresponding plat, executed by Don Samuel Eastlake, who was surveyor at said measurement. And whereas, there had been no title whatever issued to him for proof and security of his dominion to the said lands, in the form that it was executed to others; that there has already elapsed more than the ten years' uninterrupted possession to obtain the useful and direct dominion to the aforesaid lands, and in absolute property, having built houses upon, and cultivated them, and finally complied with all the other conditions which the government established for the grants and concessions of this nature, apparent in the title issued to other settlers, as is stated in the proceedings moved by the interested, soliciting to have issued to him the corresponding titles to the lands which he has already measured and bounded, and of which he is in possession: Therefore, and in consideration of all of which, having been previously advised by his lordship, my lieutenant auditor of war, and assessor general, I have thought proper to grant to him as in the name of his Majesty and of his royal justice which I administer, I do grant to the aforesaid Don Juan McQueen the aforesaid ninety-eight caballerias and eight acres of land, of which the said plantation is composed, for himself, his heirs, and successors, in absolute property, and in issuing to him, as by these presents I do, the corresponding title, by which I separate the royal exchequer from the right which to said land it had, and I cede and transfer it to the aforesaid McQueen, his heirs and successors, that in consequence thereof they may possess it as their own, use and enjoy it free of all incumbrance, with all its inlets, outlets, uses, customs, rights, and services which it had, has, and in right and in law thereto appertained and might belong, and it being their will they may sell, cede, exchange, transfer, and alienate them as may best suit them, in virtue of the royal order already cited. To all of which I interpose my authority as far as I can and of right ought to.

Given under my hand, and countersigned by the undersigned escribano of his Majesty and of the government and royal exchequer in this city of St. Augustine of Florida, the twenty-seventh of February, one thousand eight hundred and four, (interlined,) to the aforesaid Don Juan McQueen—valid.

ENRIQUE WHITE.

By order of his excellency:

JOSÉ DE ZUBIZARETTE, *Escribano of the Government.*

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

Testimony of Antonio Alvarez, taken in open court in the case of Villalobos and Fougeres vs. *the United States.*

Superior Court, East Florida—July Term, 1833.

THE UNITED STATES
vs.
JOSE ARGOTE VILLALOBOS, and
THE MARQUIS DE FOUGERES.
} Land claim.

July 29, 1833.

Antonio Alvarez, sworn as a witness on behalf of the United States in open court:

Question. How long have you had charge of the office in which the surveys and returns made by the surveyors Marrot and Clarke are deposited?

Answer. Since the year 1829.

Question. Were you or not a clerk in the office in which these documents were deposited, under the Spanish government; and if so, how many years were you employed in said office?

Answer. The office in which these surveys were deposited in Spanish times, was the office of the escribano, and not the office in which I was a clerk?

Question. Have you examined particularly the surveys and returns made by Marrot and Clarke, now in the public archives under your charge, and do you think you are well acquainted with them?

Answer. Yes.

Question. Do you find among the archives any instance in which Marrot changed the location of a grant without the order or decree of the governor for such change of location?

Answer. As well as I have been able to ascertain, there are two or three cases where Marrot has surveyed land at a different place from that where the grant called for.

Question. In the cases you have mentioned, are there no orders or decrees of the governor for the change of location?

Answer. No.

Question. Were those locations approved by royal title, for the land located?

Answer. I find no royal title for them.

Question. What is the date of the concession and the date of the change of location in the cases you have mentioned?

Answer. I do not recollect precisely; these cases were between 1791 and 1793. I cannot recollect the precise date of each case.

Question. Have you examined the surveys and plats returned to the office of the notary of government, by George J. F. Clarke, in Spanish times?

Answer. Yes.

Question. Do you find among the returns he deposited in Spanish times, any instance in which the said surveyor general, George J. F. Clarke, changed the location of the grant, without the order or decree of the governor, and located other lands than those mentioned in the grant?

Answer. Yes; I find more than one instance in which he has changed the location without the decree of the governor.

Question. Please state how many instances of the kind you have found, and under what circumstances the change of location appears to have been made.

Answer. One instance is a case of Burgos Higginbottom, for 700 acres of land. In this case I am positive that the change of location was made and filed during the Spanish government; the other instances in which changes of location were made, the papers have been filed in my office by the register and receiver. The case of Higginbottom is the only case that I find filed in the office under the Spanish government, where a change of location has been made by George J. F. Clarke, as far as I have been able to ascertain. The concession to Higginbottom is made in the year 1803. Mr. Clarke made a survey of it in 1816 of 500 acres, and another of 200 acres, at a different place from that for which the concession was made, and he states in his certificate of survey, that the land granted by the concession, being occupied by another person, Higginbottom had taken possession of, and cultivated the land that he surveyed.

Question. Was the land surveyed by Clarke granted to Higginbottom by a royal title?

Answer. In 1819 a royal title was issued to the heirs of Higginbottom.

Question. Was not the royal title granted to Higginbottom, on a petition, stating that he had inhabited and cultivated the land surveyed to him for a number of years?

Answer. Yes.

Question. Was it not the custom to grant lands in absolute property to those who had settled on the royal lands without a concession, when they proved that they had inhabited and cultivated agreeably to the regulations of the province?

Answer. I don't know. If there is any instance of it, I do not recollect. I believe Marrot was authorized to survey lands to those persons that were established in the province, according to the number of their family, and that survey was considered a concession.

Question. Did Marrot exercise any other powers than those of a surveyor, when engaged in surveying lands to actual settlers?

Answer. He had the power of surveying to each person the quantity corresponding to his family. He was a commissioner to survey lands to persons that were entitled to them. In each certificate of survey which he made, he states that the survey corresponds to the number of the family of the person, according to the oath which he made, and sometimes, in his certificate of survey, that the land corresponded in part to the number of the person's family.

Question. Did not the surveys and returns of Marrot show that he had surveyed to the settler the land which he, at the time, inhabited and cultivated, and that the quantity of land surveyed to him was in proportion to the number of his family and slaves, agreeably to the regulations of the province?

Answer. In his certificate of survey he never says whether the party was settled there before or not. He says that the quantity of land that he surveys is in part of the quantity the person is entitled to, or the whole he is entitled to. I have nothing to judge from but his certificates on file in my office.

July 31, 1833.

Antonio Alvarez again called and examined on the part of the United States:

Question. Are you acquainted with all the royal titles granted by the Spanish governors of this province for land to individuals?

Answer. All the royal titles exist in my office. I am acquainted with them in that way. I know they are all in my office.

Question. Were not all these royal titles granted under the royal orders of 1790 and 1815?

Answer. Yes.

Question. Were not the regulations of Governor White in force in this province, from their publication in 1803, until the transfer of Florida to the United States?

Answer. Yes.

Question. Is not the case of Higginbottom, filed in this cause, the only instance in which a royal title was granted for lands, where the change of location was made by the surveyor, without the express order of the governor in writing?

Answer. It is the only one that has come within my knowledge.

Examined by claimant—Question. Were Governor White's regulations, respecting the granting of lands, considered as absolute law, in all cases, and bound the governors, his successors in office?

Answer. I don't know that they were in force—I don't know how far they bound the governors.

Question. Was the rule adopted by Governor White, of ten years' occupation and cultivation of land conceded, necessary for a complete title, what is called a royal title, in cases of concessions made by other governors?

Answer. I don't know that Governor White made any rule of ten years' possession. I believe it was Gov-

ernor Quesada that made that rule. I know that that rule was departed from in some instances, particularly by Governor Kendelan, and since.

Examined by United States attorney—Question. Do you remember any particular instance in which the rules you have referred to in your last answer, was departed from by Governor Kendelan and his successors?

Answer. I don't recollect precisely the different instances—I know very well that the rule was departed from.

Question. Were they not cases which occurred after the date of the treaty, of if before the date of the treaty, were they not some peculiar circumstances which caused the departure from the general rule?

Answer. I cannot recollect what caused the departure from the rule—I cannot recollect the cases—I know that they occurred before the date of the treaty. By reference to my office I might be able to state the cases. The persons had not commenced settling on the land in those I have alluded to; I am now speaking with respect to concessions in which the rule was departed from. In relation to royal titles, I know of two instances in which the party has been permitted to sell the land by the governor without having obtained royal titles.

Question. Do you recollect any case in which a royal title was granted for land, until the party had complied with the conditions of his grant, and did not the government always require proof of such compliance with conditions before the royal title was given?

Answer. I do not recollect of any case. I know that they generally required proof of their having complied with the conditions of the concession.

Examined by the court.—Witness states, that no time was limited, after the concession was made, within which the survey was to be made. The general time within which the party was to take possession of the lands granted, was from three to six months, in some instances more time was allowed. Witness supposes that the survey of the land would be the taking possession. Witness states, that the party must have ten years' continued possession to entitle him to the royal title. Witness does not know of any difference as to the survey, occupancy, and possession, between mill-grants and other grants.

Examined by claimant—Question. Did, or not, Governor Coppinger, *often* depart from the rule of ten years' occupation of the land conceded by him, before he gave a royal title?

Answer. I have said that from Governor Kendelan's time, and since, the rule was departed from in many instances; I do not recollect the particular cases.

Examined by United States attorneys.—Witness being requested to look at the document offered in evidence, on the part of the United States, and filed herein and numbered 8, and state whether that document does not contain the usual form of applying for, and obtaining a royal title, or a title in full property, under the Spanish government—witness replies, that it does.

Witness being requested to look at the documents offered in evidence, on the part of the United States, and filed herein, and numbered 9 and 10, and state whether those documents are not copies of the documents in the two instances which he has mentioned in his testimony, where the Spanish governor of this province has given the party permission to sell the land without obtaining royal titles—witness answers, Yes.

Documents in the case of Burgos Higginbottom, referred to by the witness, Antonio Alvarez, in the foregoing testimony.

No. 3.

Don George Clarke, lieutenant of militia of St. Augustine of Florida, and surveyor general appointed by the government of the same city and province:

I certify that I have measured and bounded five hundred acres of land to Donna Isabella Higginbottom, upon the St. Mary's river, at a place named Higginbottom's Bluff, in part of seven hundred acres that were granted to her deceased husband, Burras Higginbottom, upon the said river, on the 24th September, 1803, with the name of Reading Blunt; but this resulted to be claimed by another person, in consequence of which he took possession of these five hundred acres, which he has cultivated ever since, and the remaining two hundred, at a place named Sondag's Bluff; which five hundred acres are represented in the following plat (see plate I., fig. 1), and its original, which I preserve in the books of surveys in my charge.

FERNANDINA, *January* 10, 1816. GEORGE J. F. CLARKE.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

No. 2.

Don George Clarke, lieutenant of militia of St. Augustine, Florida, and surveyor general appointed by the government of the same city and province:

I do certify that I have measured and bounded to Donna Isabella Higginbottom two hundred acres of land, at a place on the St. Mary's river, named Sondag's Bluff, in part of seven hundred acres that were granted to her deceased husband, Burras Higginbottom, on the 24th September, 1803, at another place lower down upon said river, named Reading Blunt's old field; which resulted to have been claimed by another person, which land in its circumstances is agreeable to the following plat (see plate I., fig. 2), and its original, which I preserve in the books of surveys under my charge.

FERNANDINA, *January* 22, 1816. GEORGE J. F. CLARKE.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

No. 5.

SEN. GOVERNOR: Dona Isabella Higginbottom, inhabitant of the river St. Mary's, widow, and mother of sixteen children, with the respect due to your excellency, presents herself and says: That, under date of the

twenty-fourth of September, of the year one thousand eight hundred and three, his excellency the governor Don Enrique White, was pleased to grant to her deceased husband, Burras Higginbottom, seven hundred acres of land, as appears by the certificate which accompany, which land he cultivated until his death, in the year 1812; and since then, this party interested has continued in the possession and cultivation of the same, keeping upon them her increased family, which she is ready to prove, wherefore she prays your excellency will be pleased to order, (after having complied with the customary forms,) there should be issued to her, her title of property, inasmuch as there has already elapsed more than the ten years' possession established to entitle her to ask it. It is a favor which she hopes for, from the justice of your excellency.

ST. MARY'S RIVER, *February* 25, 1819. ELIZABETH HIGGINBOTTOM.

DECREE.—*St. Augustine, March* 6, 1819. The documents which accompany are taken for presented, admit the proof which this party offers, the witnesses testifying under the formalities of law, before the present notary, to whom it is referred, certifying, first, the conditions under which the lands are granted, and being done, let it be reported, that it may be acted upon.

COPPINGER.

Before me:

JUAN DE ENTRALGO, *Notary of the Government.*

I certify the preceding to be a true and correct translation of the Spanish document annexed

JOS. S. SANCHEZ, *Tr. and In. Supreme Court, E. D. F.*

No. 4.

ST. AUGUSTINE, *April* 16, 1819.

SEN.: In merit of the proof that precedes, by which Isabel Higginbottom has qualified that herself, and her deceased husband, Burras Higginbottom, with their children, have cultivated, for the space of more than ten years, the seven hundred acres of land which this government granted to him on the 24th September, 1803, and have been measured upon the St. Mary's river by the surveyor general, Don George Clarke, at the places set forth in the certificates and pleas presented, upon which all the family of the deceased still reside, as is testified to by the witnesses; and as there has been full compliance given to the conditions prescribed by this government for the grants of similar nature, let there be issued in favor of the widow and heirs of Burras Higginbottom the titles of property to said lands, in the form, and with the customary requisites, and under the dimensions which the plats presented point out.

COPPINGER.

Before me:

JUAN DE ENTRALGO.

In St. Augustine, on the same day, month, and year, I made known the preceding decree to Isabel Higginbottom.

I attest: ENTRALGO.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. & Tr. Superior Court, E. D. F.*

No. 8.

Don Juan de Pierra, lieutenant of the 3d battalion of the regiment of infantry of Cuba, and secretary of the government:

I certify that the memorial, presented by Don Farquhar Bethune, relinquishing the one thousand and one hundred acres of land, which, on the 6th August, 1803, were granted to him at a place formerly cultivated by one Captain Ross, near Indian river; and having asked for an equal number of acres on Halifax river, its boundary commencing south of the lands granted to Samuel Williams, the following decree was on this day had: "Admit the relinquishment which this party interested makes, of the one thousand and one hundred acres of land that were granted to him near Indian river; granting to him, in lieu thereof, an equal number of acres at the place he solicits.—WHITE." And that it may serve the party interested as security, I give the present in St. Augustine of Florida the 25th September 1805.

JUAN DE PIERRA.

In virtue of the commission conferred on me, by his excellency Don Enrique White, civil and military governor of this province, on the 7th October, in the year 1803:

I certify that I have measured and bounded to Don Farquhar Bethune, a piece of land that contains one thousand and one hundred acres of land, situated on Halifax river; bounded on the north by lands of Don Samuel Williams, on the east by Halifax river, on the south and west by vacant lands; which form and demarcation are those denoted in the following plat, (see plate I., fig. 3,) and that it may appear, I sign the same, in St. Augustine of Florida, this 18th day of May, 1806.

JUAN PURCELL, *Surveyor.*

SEN. GOVERNOR: Don Farquhar Bethune, a new settler of this province, with due respect to your excellency, appears and says: that in the month of August of the year 1803, the government was pleased to grant me one thousand and one hundred acres of land on Indian river, and having experienced in two years of successive cultivation its little or no value, I obtained of the government the favor of being permitted to abandon this land, and take in lieu of them a like quantity on Halifax river, as will appear by the certificate of the secretary, Don Juan de Pierra, which is annexed to this solicitude; and as the ten years' possession required by the government has already elapsed, that at their expiration and not before, there is granted to the new settlers the title of property, and having effected its survey and demarcation according to the certificate and plat given by Don Juan Purcell, surveyor, appointed for the purpose, and is also hereunto annexed: Therefore, he prays your excellency will be

pleased to order that the corresponding title of property be extended and issued to me, for the one thousand and one hundred acres of land. It is favor which I hope to obtain from the just administration of your excellency.

FERNANDINA, AMELIA ISLAND, *February* 19, 1814.

FARQUHAR BETHUNE.

DECREE.—*St. Augustine, March* 1, 1814.—Pass it to the auditor of war.

KENDELAN.

Before me: JUAN DE ENTRALGO, *Notary of the Government pro. tem.*

In St. Augustine, on the same day, month, and year, I made known the preceding decree to Farquhar Bethune.

Attest: ENTRALGO.

ST. AUGUSTINE, *March* 2, 1814. The accompanying documents are taken for presented; the petitioner will produce the customary proof of the particulars to which he refers; the witness he offers will appear before the auditor of war, to testify to whom it is referred, with the assistance of Don José Mariano Hernandez, who is appointed interpreter, there being no public interpreter, that, if it should be necessary after his acceptance and oath of office, before the said auditor, the escribano certifying first the particulars resolved by this government, in the concession of land upon which the proof should be had, and being done, let it be reported in the proceedings to determine upon it at sight. Judges' fees, sixteen rials.

KENDELAN,
ARREDONDO.

Before me: JUAN DE ENTRALGO, *Notary of the Government pro tem.*

In St. Augustine, on the same day, month, and year, I made known to Farquhar Bethune the preceding decree.

Attest: ENTRALGO.

On the same day I notified Don José Mariano Hernandez of his appointment of interpreter, said in such decree; and being informed, he said he accepted it, and did accept, promising under oath in form, which he took before the auditor of war, to discharge the duties of interpreter well and faithfully, and signed with said auditor, of which I attest.

ARREDONDO,
JOSEPH M. HERNANDEZ.

Before me: JUAN DE ENTRALGO, *Notary of the Government pro tem.*

I certify and attest, that the conditions referred to in the preceding decree, are: first, that the grantee, his heirs and successors, shall, within two years, calculated from the date when the titles are issued to them, build on the lands granted a house with a chimney, proportioned to his means and family; second, it shall be the duty of the same to keep the land cleared for the purposes of cultivation; as also within the term of three years, he shall have at least five head of horned cattle for every fifty acres of land that may not be fit for cultivation; and that whenever any part of them should be required for public works or fortifications, it shall be ceded, returning the same quantity to the grantee at some other vacant place of his choice, or he shall be paid its value according to appraisement; and finally, that although the gift and concession is made in perpetuity, the receiver, nor his heirs, shall not alienate nor transfer the lands to other dominion, unless the lapse of the term of ten years' possession, and even then, the first transfer ought to be made by the permission of the government, and otherwise it shall be null; which conditions will be seen in the titles which this government has issued to some settlers, after having received the royal order on concessions of lands; and in compliance with what is ordered, I put my signet and sign the present, in St. Augustine of Florida, the 2d of March, one thousand eight hundred and fourteen.

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

In St. Augustine of Florida, the third of March, one thousand eight hundred and fourteen, before me, Don Juan de Arredondo y Santelices, auditor of war pro tem. of said city, appeared Don Ezra Patch, to testify, being a resident planter of this province, widower, and native of Connecticut, in the United States of America, to whom his lordship, before me, and with the assistance of Don José Mariano Hernandez, who acted as interpreter, received oath, which he made according to law, upon which he promised to tell the truth in what he should know of what should be asked him: and being asked about the contents of the memorial which precedes, presented by Don Farquhar Bethune, and showing him the documents annexed thereto, he said that he knew for certain that the memorialist has cultivated, for the space of more than ten years, the lands which the government granted to him on Halifax river, calculating this time with that he held near Indian river, which he relinquished; that as the witness has lived a long time in the Territory of Musquito, engaged in agriculture, he has frequently been at Bethune's plantation, referred to in the certificate and plat I have before me, and he can assure that the lands are cleared; that there are buildings for habitation of whites and blacks, fences, and various kinds of stock, and all else necessary upon a plantation, having complied, in the opinion of the witness, with the conditions established by the government; and says that all is true, under the oath he has taken. That he is forty-seven years of age. And having read this declaration to him, he said it was correct, and signed it, with his honor the auditor and interpreter, to which I attest.

ARREDONDO,
EZRA PATCH,
JOSEPH M. HERNANDEZ.

Before me:

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

In the city of St. Augustine, Florida, on the same day, month, and year, before his honor, the auditor of war, appeared Don Gabriel Guillermo Perpall, a native of Mahon, residing in and settled in this province, of the married state, a witness presented by Don Farquhar Bethune, to prove what he has been ordered; from whom his honor, the said auditor before me, the escribana, received his oath, which he made according to law, under which

he promised to speak the truth of what he knows of what may be asked him. And having been asked concerning the memorial presented by the petitioner, and the documents which accompany it, he said that he knows for certain that Don Farquhar Bethune has cultivated and planted the lands which he has on Halifax river, from the time the government granted them to him; and, besides, has built houses, fences, and all else necessary on a plantation, with stock of animals, and has cleared it for planting, which the witness has seen, and is publicly known; and says all is true under his oath; that he is forty-five years of age, and having made him acquainted with the contents of this declaration, he said it was correct, and signed it with his honor the auditor, to which I attest.

ARREDONDO,
GAB. G. PERPALL.

Before me:

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

In the city of St. Augustine of Florida, on said day, month, and year, Don Farquhar Bethune, to prove what had been ordered, presented Don José Mariano Hernandez, native resident and merchant of this city, of the married state, from whom his honor, the auditor of war, before me received oath, which he made according to law, under which he promised to speak the truth in what he knows of what might be asked him; and being asked concerning the memorial presented, showing him the documents which were presented with it, he says: That he knows, positively, from what he has seen, that Don Farquhar Bethune has cultivated the lands which are mentioned in the certificate which has been manifested to him, since this government made concession of them to him, and that it is true he has cleared, opened, and improved said lands, as building dwelling-houses, fences, and all else necessary for a plantation, well managed with stock of animals, by which, in the opinion of the witness, he has complied with the conditions established to obtain titles of property, and says that all is true under the oath he has taken; that he is over twenty-six years of age, and being informed of the contents of this declaration, he expressed its being correct, and signed it with his honor the auditor, to which I attest.

ARREDONDO,
JOSEPH M. HERNANDEZ.

Before me:

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

SEN.: By the merit shown by the preceding proof and documents presented by Don Farquhar Bethune, to prove the long possession and cultivation had upon the lands which this government has conceded to him on the Halifax river, as is seen by the certificate exhibited, and that he has complied with the conditions that are imposed to make himself entitled to the title of property, let there be issued the title solicited by the said Bethune, in the customary form, and according to the plat which is found annexed to this proceeding, the costs of which will be paid by the party interested, with twenty-four rials, judges' fees.

KENDELAN,
ARREDONDO.

Decreed by his excellency, D. Sebastian Kendelan, of Oregan, gentleman of the order of St. James, brigadier of the national armies, military governor, and political chief of this city of St. Augustine of Florida and its province, who signed it with the advice of his honor, the auditor of war, on the fourth of March, eighteen hundred and fourteen.

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

In St. Augustine, on the same day, month, and year, I made known the preceding decree to Don Farquhar Bethune. I attest: ENTRALGO.

NOTE:—That on the same day the title of property which is ordered, was issued.

I attest: ENTRALGO.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

No. 9.

SENOR GOVERNOR: Bartolome Figueras, of this vicinity, with the respect due to your excellency, says: That consequent to the concession of twenty-five acres of land which this government made to him on the tenth of March, one thousand eight hundred and seven, situated in the Territory of Moultrie, as appears from the certificate only which accompanies, he has cultivated them without intermission from that time, and from long before he was in possession by tacit consent, having labored in the clearing of land, and building a small house for his lodging, which at present is in ruins, and the petitioner is without the means of rebuilding it, owing to the state of his poverty, under which he labors; wherefore, and having complied with the conditions which this government imposed upon him in the concession, that he should cultivate said land without interruption, and in consideration of the miserable state of the petitioner, which does not permit him to continue dedicated to the cultivation of the lands, finding himself also weighed down by years, and with the certainty of placing himself under the shelter of a brother that he has in Havana, who has promised to succor him:

He supplicates your excellency will be pleased to dispense with the proof which in these cases is required, to have issued to him the title of property, to which he has made himself entitled by his constancy in the cultivation of said land for more than nine years, which circumstances are well known, as also the state of poverty of the suppliant, who has not the means of paying the expense of said proof, and, consequently, unwarranted by the little value of the lands, you will be pleased to permit and authorize him by a decree, that he may sell them for the price of twenty-five dollars to Don Fernando de la Maza Arredondo, jr., ordering the present notary to make out the corresponding deed by which will be obtained a benefit to the population that one of the vicinity should cultivate the said land, and not suffer it to remain abandoned; favor which he hopes for from the justice of your excellency.

ST. AUGUSTINE OF FLORIDA, *August* 20, 1813.

For the petitioner, who does not know how to sign:

DOMINGO RODRIGUEZ.

DECREE.—*St. Augustine, August* 20, 1813.—In regard to what this party represents about the possession and cultivation, without intermission, of the lands referred to, of which circumstance the government is informed verbally, in order to save the costs which would be judicially incurred in the examination respecting the small amount for which the alienation is solicited, having for sufficient the certificate which he presents, the transfer of said lands to Don Fernando de la Maza Arredondo is acceded to, declaring, by virtue of this decree, the lands to be the rightful property of Bartolo Figueras; that in consequence thereof, the present notary may proceed to make the deed solicited.

KENDELAN,
ARREDONDO.

Before me:

JUAN DE ENTRALGO, *Notary of the Government pro tem.*

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

No. 10.

SENOR GOVERNOR: Jose Bonely, of this vicinity, to your excellency, respectfully says: That, as will appear from the annexed certificate issued in his favor by the secretary of this government, on the 16th of January, 1799, your excellency was pleased to grant him 600 acres of land south of the orange grove at Matanzas bar, distant twenty-five miles from this city, at which place he then settled himself, cultivating them personally, with his children, until about the first of last year, when he was obliged forcibly to abandon them, in the exercise of his natural right, which obliged him to retire to this place, driven by the Indians, who, your excellency knows, (and it is notorious,) abused his family, taking all of them to their towns with the greatest rigor and inhumanity, leaving his eldest son dead; and, although it is true, that through the many and effective steps taken by your excellency, I have obtained (getting after much time) my wife and three children, it is also true they retain two of each sex from me. By this occurrence, which has reduced him almost to beggary, he has determined to sell the right which he has acquired to said lands, with the improvements which he made upon them when he cultivated them, which houses are exposed, from being abandoned by the petitioner since the day of his misfortune; and for this purpose he supplicates your excellency most earnestly to pity his misfortunes, and through an effect of charity, to be pleased to permit him to make the aforesaid sale, that with its proceeds he may be compensated for the damages and injuries which he has suffered; which favor he hopes to merit from the piousness of your excellency's heart.

ST. AUGUSTINE OF FLORIDA, *September* 23, 1803.

For Josely Bonely, who does not know how to write, it is done by

FERNANDO DE LA MAZA AREDONDO.

ST. AUGUSTINE, *September* 23, 1803.—The cession or transfer of the improvements mentioned, is permitted, considering the calamities of which he gives an idea, and are known to the government, and are of public notoriety; and also because others, without such urgent reasons, have been permitted to make similar transfers.

WHITE,
LICTE ORTEGA.

I certify the preceding to be a true and correct translation of the Spanish document annexed.

JOS. S. SANCHEZ, *In. and Tr. Sup. Court, E. D. F.*

SUPERIOR COURT, *District of East Florida.*

I, Kingsley B. Gibbs, clerk of the said court, do hereby certify that the testimony and documents (which documents are referred to in said testimony) are truly and correctly taken and copied from documents now on file in my office.

Witness my hand and the seal of the said court, at the city of St. Augustine, this 18th day of August, A. D. 1835.

[L. S.] K. B. GIBBS, *Clerk.*

F.

Extract from the report of the Register and Receiver, acting as Commissioners.

No. 17.—*Peter Miranda, claimant*—368,640 *acres of land.*

As this is a large grant, and one which has been much spoken of, we shall give at length the petition of the party and the decree of the governor:

SENOR GOVERNOR: Don Pedro Merando, second pilot of the launch of the bar of this port, with the most profound respect, states to your excellency that he has had the honor to serve his most Catholic Majesty (whom God preserve!) from the year 1788, when he was employed as a rower in said launch, in which capacity he continued until, by his distinguished merits and skill, he was appointed to his present employment. Furthermore, your excellency well knows the truth of his good management, fidelity, and love of the service of his Majesty, proved in divers expeditions which, by order of this government, the deponent made in the year 1795, in the rivers of this province, when it was ravaged by the rebels; and as for such remarkable services, and others latterly performed, to the satisfaction of your excellency: Wherefore he prays your excellency to be pleased, in recompense of what he has set forth, and in consideration of his impoverished situation, to grant him an absolute property, eight leagues square, in the royal lands which are on the waters of the bays of Hillsborough and Tampor, in this province, by virtue of the royal orders for the granting of lands gratis to Spanish subjects; a favor which he hopes to obtain from the justice of your excellency.

PEDRO MERANDO.

ST. AUGUSTINE, FLORIDA, *November* 19, 1810.

ST. AUGUSTINE, FLORIDA, *November* 26, 1810.

The merits and services which this party sets forth being well known and established, let there be granted to him, on the terms which he solicits, the quantity of land at the points indicated, without injury to a third person; and to authenticate this grant at all times, let a certified copy of this memorial be issued from the secretary's office, for his security.

WHITE.

The witnesses examined in this case before the former board of commissioners, are Gabriel W. Perpall, F. Bethune, James Hall, Antonio Alvarez, and B. Segui. The only point upon which their examination goes, is the authenticity of the original, and the signature of Governor White.

Perpall says, that "it looks like the signature of White, but he cannot swear to it." "That, from the finishing of the flourish attached to the name, he cannot believe or disbelieve it to be genuine, as the difference might arise from the position in which the writer's hand was placed, or from some other cause."

Carrado has never seen the governor write, and knows nothing about it.

Bethune does "not think the writing as perfect as Governor White's signature usually was, the governor being remarkable for great precision therein; but it may nevertheless be his, as it may have been written when he was unwell."

When cross-examined, he says, "the governor died in 1811, and had been indisposed several months before his death, but was not confined to his bed." "That he had seen the governor sign different decrees, some of which were for land and some for passports, but *neither* within a few months before his death." When asked whether he had seen Governor White write on any other occasion than those mentioned above, so as to enable him to acquire a knowledge of the governor's handwriting, he answered in the negative. He says, furthermore, that "the governor, a few years before his death, drank a little hard in the afternoon, though he did not usually transact business at that time." The witness, in 1810, lived on the river St. John's, and came occasionally to town.

James Hall was acquainted with the governor from 1798 until 1810, and "has often seen him write." When the original was presented to him, he says, "the signature of White looks something like the governor's; but witness had never seen any of his writing done so incorrectly as this." That his opinion is formed "from the latter part of the name, *White*, which appears to have been written lower down than was usual with the governor. That this is the only material difference perceived by witness, though the whole does not appear so correct as he, White, usually wrote."

The above witnesses seem to have been sworn on the part of the United States, and those that follow on the part of the claimant.

Antonio Alvarez deposes "that he is acquainted with the handwriting of Governor White. That he has been a clerk in his office, in which situation he has often seen him write. That he entered said office in the year 1807, and continued there, with two slight intermissions, until the change of flags in 1821." When the original concession, brought before the board from the office of the public archives, by the keeper thereof, was exhibited to the witness, and he was asked whether he believed the signature, *White*, to be genuine, he answered simply in the affirmative.

When cross-examined, he deposes, "that his opinion of the genuineness of the signature is formed both from the signature itself and the flourish immediately under it." "He has no particular recollection of the t's or the e's in Governor White's name, or the manner in which the first was crossed, or the second joined to it; but, from the general appearance of the signature, believes it to be genuine." He does not believe the e is made totally different from the manner in which Governor White usually made it, but it seems closer to the t than Governor White placed it usually; that the governor signed his name with great uniformity, and he considers this signature regular and uniform."

The witness knows nothing of the making of this grant. He says that concessions for lands were deposited in the government secretary's office. When asked if it was within his knowledge that, since the time at which this concession was made, it had always been in the said office, he adverted to the date of the concession, and answered in the affirmative.

He furthermore deposes, that vacant lands, situated at a distance from St. Augustine, were not considered of much value or importance about the year 1810; and, to the question of the district attorney, he answers, that "Governor White was always cautious and sparing in granting to individuals any part of the public lands."

B. Segui "is well acquainted with the handwriting of Governor White, having seen him write many times." Witness lived in the government notary's office, whence it was his duty, almost every day, to carry papers to the governor for his signature. In this office he continued, with a few intermissions, from the year 1800 to the year 1812 or 1813. When the grant now under adjudication was presented to him, and he was asked whether he believed the signature to be genuine, he answers, that "he has no doubt of it." He says further, that "he became acquainted with the existence of the grant a few days after it was made, as he (the witness) drew the memorial, at the request of Mr. Morando; and that the lands situated at such a distance from St. Augustine, as those granted by this concession, were then considered of very little value."

On a question of the district attorney, whether the governors of this then province were not regulated in the distribution of lands to individuals, more by the principles and rules they had adopted and established for the granting of lands than the value of lands granted—the witness answers, that "the governors were regulated, in the granting of lands, by the merits of the individual, the number of his family, or the value of the lands asked for, according to his own discretion." We have thus given, at full length, the documentary evidence upon which this claim is based, and an abstract of the evidence taken before the board of commissioners, nearly as long as the depositions themselves, adopting, for the most part, the language of the witnesses; not that we have deemed this testimony at all important to the decision of the case, if our decision was final, but it may be satisfactory to the numerous claimants under the pretended grantee. It seems to us strange that the name of White should be attached to a grant like this, whose uniform practice and unvarying declarations have shown, in the language of the witness Alvarez, that "he was always cautious and sparing in granting to individuals any part of the public lands." There are many letters of Governor White to the superintendent at Cuba. There are many of his decrees and regulations, in all of which he has invariably declared, that he would conform to the laws in granting of lands. Nay, more, he has, by his own act, made those laws more rigorous than they were, and circumscribed within narrow limits his own authority. He has said, in his letter to the governor general of Cuba, that the regulations of Quesada were too liberal in granting one hundred acres to the heads of families, and one half of that quantity to its members; and by his (Governor White's) own decree, he has reduced the relative quantity to fifty and twenty-five acres.

If we examine the laws of Spain, we shall see by the laws of the Indies, published in the recent copy of the

Land Laws, page —, and in the royal order of 1754, so much spoken of, published in the same book for the first time, page —, we shall find by those laws, that no authority is given for a grant like this. The only subsequent decree upon the subject of land which we have been enabled to discover, is the royal order of 1790, made specially for this province. That order applies exclusively to foreigners; and it was a matter of courtesy on the part of the governors, to extend its provisions to the native subjects of Spain. It has been contended that, by the provisions of that order, there is no fixed quantity of acres named, to which the party should be entitled; or, in other words, the power of the governor upon that subject is left without limit.

Without adverting to the many declarations of his Catholic Majesty made in his royal orders, of dates both previous and subsequent, that lands should be granted in proportion to the workers of a family, or, in other words, that no man should have granted to him more lands than he could cultivate; and, furthermore, that lands should only be given for the sake of cultivation and improvement, and not for the sake of speculation; we might admit, for the sake of argument, that the quantity to be granted was left only to the governor's discretion. That discretion has been exercised by Governor Quesada, in the first place, and afterward by Governor White. This last governor, in his letter to the Marquis de Someruelos, the captain general of Cuba, dated 15th of October, 1803, uses these words: "My predecessor has assigned one hundred acres of land to the fathers of families, and fifty to each child or slave, whether full grown or small, a quantity really excessive, and could only have taken place at that time in which there were few strangers who came in solicitude of lands; but at present there are many who come, and, consequently, there would result the greatest injury in the improvement of the province, unless said number of acres be diminished, on account of its being more than one individual can cultivate in a year, even divided into three parts, for the purpose of giving rest to the lands. Which circumstance I have had also present for the deduction which has been made."

After this, it is impossible for us to believe that Governor White, either *before or after dinner*, ever made a grant of 368,640 acres of land to any individual whatever. The grantee cannot claim the land under the laws of the Indies, or the royal orders of 1754 or 1790, and we know of no authority vested in the Spanish governor, before the year 1815, to make a grant to any individual for services, however much more than Governor White that governor may have been disposed to be liberal.

If we look at the grant itself, and take the claim and merits of Miranda, as set forth by himself, to be true, how contemptible and ridiculous do they seem, when viewed as a basis for a grant like this.

P. Miranda, second pilot of the launch of the bar of this port, promoted by his distinguished merits and skill, from a common rower on board of said launch, claims a principality as his reward. In addition to high services as a pilot and rower, he represents that he has made some magnificent expeditions in the rivers of this province, and then, for his services and his poverty, modestly begs for eight leagues square, by virtue of the royal orders for the granting of lands gratis to Spanish subjects.

We will not pronounce this grant a forgery, and thus debar the party of the rights which he may have acquired by the law of 23d of May, 1828. We are prevented from this by the deposition of Segui and Alvarez; but we think it our duty to say, that we view any grant purporting to be made by Governor White to a larger amount than is prescribed by the royal orders, and by his own regulation, as extremely suspicious. We consider him the most correct governor who has ever presided in East Florida, the most strictly observant of the laws, and the most parsimonious of the public lands; and we do firmly believe, that if his example had been followed by his successors, *and if his name had never been signed after his death*, there would now be no confusion in the land titles of East Florida. We furthermore believe, that, previous to the year 1803, Governor White never made a grant of land more extensive than that prescribed by the regulations of Quesada, nor, subsequently to that period, more extensive than was permitted by his own. We do not believe that he has ever yet made a grant for services, nor for anything other than head rights; that he has never made a grant, *when living*, of 20,000 acres to one individual, whatever he may have done since dead; and that he has never made a grant within the Indian boundaries, within which limits this land then lay.

It is true, that the original of this document, or claim, has been found in the office of the public archives; but it is a matter of history, that the papers now deposited there were, for a long time after the change of government, most loosely kept and guarded; and it was a matter of equal facility to take a paper out, or smuggle it in. From the best evidence we have been enabled to acquire upon this subject, it appears to the board that there were two offices at this place under the Spanish government—the escribano office, which was regularly kept in books, stiched together in consecutive pages, with all the records closely following each other, so as to make it extremely difficult to interpolate a grant. For the records of this office we have high respect; it seems to have been a place where all grants were recorded when fully matured. The other, the office of the governor's secretary, was of a different character; here all the papers were in loose and detached sheets, easy to have been taken away, or to have had a forged document thrust among them, without the power of detection.

This is the office in which all the memorials for lands, with the inchoate decree of the governor, were first thrown; and it does appear to the board, that these first decrees do, in no case, amount to a grant, but barely give to the applicant the right to become a settler upon the performance of all the conditions imposed by the law. We will give an exemplification of our ideas: A. B., upon coming into the province, if he is a new settler, writes his memorial to the governor, and applies for 50,000 acres of land; the governor says, "let it be granted, until, accordingly to the number of his family, the portion to which he is entitled is allotted to him. This paper is thrown into the governor's secretary's office, and, as we conceive, is itself no record, and conveys no title. It is a bare permission to the applicant to settle in the country, and to receive his lands if he shall take the oath of allegiance; 50,000 acres if he has workers enough to justify the grant, and 500, if, by the number of his family, he is entitled to no more. It will not be pretended that the party could claim the lands thus granted, if he never afterward took the oath of allegiance; nor can it be pretended that, by the mere grant, as above supposed, the 50,000 acres are conveyed, until some subsequent step is taken by the party to consummate his title. In addition to the oath of allegiance, he was required to swear to the number of his workers; and when this was done, *according to the number* of his workers *was the quantity granted*, and subsequently surveyed by the public surveyor. Then it was that the documents were all transferred to the office of the escribano, fairly written out in a book of records, and entitled to the fullest confidence; but the loose papers in the governor's secretary's office, the first memorial and decree, such as we have just described it, do not seem to have conveyed any title, to have been considered any record, or worthy of any preservation. It was over this last office that Thomas de Aguilar presided; it is from this office that so many monstrous grants have emanated; it is from this office that the originals of Thomas de Aguilar's certificates of grants are lost; and it is in this office that the original of the grant before us is to be found. It may be as well, from the loose manner in which these documents in the governor's secretary's office were kept, as from the little faith to be attached to Aguilar's certificates, that so many

of the originals of these certificates are lost; and if the view which we have taken of this matter be correct, Aguilar may have been a meritorious officer, his certificates perfectly genuine, and the grants which are pretended to be conveyed by them of no validity.

It is possible that, after making application for the lands, as certified by Aguilar, the party, unable or unwilling to comply with the conditions, had abandoned his intention of becoming a Spanish subject and a Spanish grantee; and yet, having scrupulously preserved the certificate of Aguilar, given at the time when the original, known to be of no value, was thrown away, has come before this board since the change of flags, and applied for the lands; and such a case, if it were not for the "grant on absolute property," might we deem this of Miranda's to be. If he had asked for ten leagues square of Governor White, and the governor had said, "Let it be done in proportion to his family," and Miranda had proved that he had 1,000 negroes or 1,000 children, Miranda would have been entitled to the amount, however large, which, by the regulations, he could claim for them; but, as he has proved neither the one nor the other, and has never surveyed the land, even if the grant be genuine, he can take nothing by a title like this.

G.

Argument of the counsel for the United States in the Supreme Court, in the cases of the United States vs. *George I. F. Clark, John and Antonio Huertes, Joseph M. Hernandez, et al.*

The right which Spain acquired by discovery and conquest, on this continent, was universally acknowledged and acquiesced in by all the nations of Europe, and has never been denied by the government of the United States.

According to the laws and policy of Spain, as well as the theory of the British constitution, all vacant lands are vested in the crown, as representing the nation; and the exclusive power to grant them is declared to reside in the crown as a branch of the royal prerogative. (White's Compilation, page 41.)

The fee of the crown could only be divested by the King himself, or by the persons to whom his power was especially delegated, and in the form and manner prescribed for their government.

The exercise of the granting power by any other person, or in any other manner, would convey no estate in the land to the nominal grantee; it would not divest the fee of the crown, and would be, to all intents and purposes, an absolute nullity.

The 6th section of the act of 1828 gives jurisdiction to the superior courts over all claims to land in Florida, embraced by the treaty.

The terms "embraced by the treaty," as employed in the statute, can include only those claims which the treaty imposes an obligation on this government to confirm.

The English version of the 8th article has been rejected; and the Spanish version of the treaty has been adopted by the court: and from a proper translation of the language used by the Spanish minister, without regard to the language, understanding, and obvious intention of the American negotiator, we must determine on the one hand the rights secured to the people of the ceded territory, and on the other, the obligations and responsibilities imposed on the United States.

According to the translation of the 8th article of the treaty, as made by the translator of foreign languages for this government, "all grants of land made by his Catholic Majesty, or by his lawful authorities, before the 24th of January, 1818, in the said territories, which his Majesty cedes to the United States, *shall remain ratified and confirmed* to the persons who are in possession of them, in the same manner that they *would have been* if his Majesty had continued in the dominion of the said territories." This clause of the treaty contemplates perfect titles; titles given after the performance of all the conditions of the grant, either expressed or implied in law: grants which, previous to the date of the treaty, had been confirmed and ratified by the King, or by his lawful authority. Any grant not ratified and confirmed before the date of the treaty, could not remain ratified and confirmed after the date of the treaty. Until it had been ratified and confirmed, it could not *remain ratified and confirmed*. The confirmation must have had being, before it has continuance and remainder. This appears to be the plain and natural interpretation of the 1st clause of the 8th article. But for a more perfect illustration of the intention of the Spanish negotiator, (and we will at present consider his intentions alone, without regard to the intentions of the other party to the contract,) it is only necessary for one moment to examine the laws and ordinances, rules and regulations, provided by the Spanish government, for the disposal of the royal domain.

Until after the date of the royal order of 1815, there was neither law, ordinance, or local regulation, in East Florida, which authorized a grant of land for any other purpose than that of habitation and cultivation.

This opinion is advanced with confidence, because the united efforts of numerous and learned counsel, in behalf of the claimants, in this and in the court below, have been unable to produce any authority: and the judge, although he decides otherwise, has been unable to refer to any such law, although specially required to do so in his decree, by the act of 1824.

The laws of the Indies, authorizing grants of land, forbid the investment of title in the grantee, until he shall have inhabited and cultivated the land during four years. (Law 1, liber 4, title 12, page 967, Land Laws. Law 2, Land Laws, page 968.)

If the grantee failed to comply with the conditions of his grant he acquired no right, and the land was granted to some other individual. (Law 2, Land Laws, page 969.) One of those conditions was, that the grantee should take *possession* of the land within six months from the date of the grant, and on failure to do this, he lost his right of occupancy.

When the condition was not expressed in the grant, it was nevertheless always understood:

"That all concessions in which no time is specified, shall become extinct, and shall be considered as null, if the persons to whom they are made do not take possession, and cultivate the same, within six months." (4th article of the regulations of the 12th of October, 1803, found at page 1001 of the Land Laws.)

That this was the rule governing the grants in East Florida, is fully shown by the opinion of Don Ruperto Saavedra, judge of the province, given on the 27th October, 1818, at the instance of the agent of the Duke of Alagon.

In the 7th article of his report, found at page 252 of White's Compilation, he says, that "the concessions made to foreigners or natives, of large or small portions of land, carrying their documents with them, (which shall be certificates issued by the secretary,) without having cultivated or even seen the land granted them—such concessions are of no value or effect, and should be considered as not made, because the abandonment has been voluntary, and they have failed in complying with the conditions prescribed for the encouragement of population."

Had Florida remained under the dominion of Spain, the grant to the Duke of Alagon would have been valid, and other grants within its limits would have been subjected to the rule above mentioned.

The first article of the instructions given to the surveyor, George Clark, found at page 1003 of the Land Laws, shows the distinction taken between perfect and imperfect titles to land in East Florida.

"The possessors of lands in this province shall be considered under three classes: 1. As proprietors; 2. As grantees; and 3. As grantees and proprietors.

"The first are those who hold lands by titles not obtained by grants from the government. (These were English inhabitants who remained in the province after the treaty of 1783, and who held lands by patent from Great Britain.) The second are they who, on compliance of certain conditions of time and labor, *will get* titles of property. And the third are those who *have acquired those titles.*"

The following opinion of the notary of government of the royal domain, whose duty it was to countersign all complete grants under his official seal, will further show the distinction between a complete and an incomplete grant, and will show the usage and custom of the province until the month of October, 1818, the time when it bears date. It will be found at page 250 of White's Compilation.

"As I best can and ought to do, I certify and attest that the conditions prescribed by this government for grants of land, to which the decrees of the 2d instant, placed on the proceedings refer, are the same which appears in the foregoing title delivered in favor of Don John McQueen, dated on the 12th of March, 1804, which conditions subsisted in all their force until the year 1815, when the then governor of this place, Brigadi Don Sebastian Kendelan, altered them at his discretion, granting lands under the *single circumstance* that when the *grantee proves that he has cleared them, built houses, fences, and other things necessary for the improvement of a plantation*, the title of proprietorship should be delivered to him, as has been done to several who have not passed the ten years' possession pointed out in said title of McQueen, as appears from the different proceedings in the archives in my charge, to which I refer; and in compliance with orders in said decree, I sign and seal these presents in St. Augustine, &c., October, 1818."

The regulations of Governor White required ten years' residence to enable the grantee to obtain a perfect title. Governor Kendelan, in 1815, altered this regulation, and granted the land in absolute property, in proportion to the working hands each family possessed, whenever they could prove satisfactorily that they had performed the conditions of "*clearing land, building houses, fences, and other things necessary for the improvement of a plantation.*" This alteration appears to have been the only one made by Governor Kendelan, as the largest grant confirmed by him or his predecessors up to, and inclusive of, the year 1815, was the grant to McQueen for 3,275 acres, and that on proof of the number of his family and slaves, and of his having complied with the conditions of cultivation and improvement.

The royal order of 1735 required that all perfect titles should be given by the king, after the grantee had performed the four years' residence and cultivation required by the laws of the Indies. To remedy the inconvenience arising from this regulation, the royal order of 1754, found at page 973 of the Land Laws, was issued, which vested the power of appointing sub-delegates and judges for the disposal of the royal domain, in the presidents and viceroys of his American dominions. The 5th article of the royal order authorizes the confirmation of all imperfect grants, where the grantee had complied with the conditions of the grant, and where the quantity claimed was no more than the party was entitled to.

By the 81st article of the ordinance of 1768, the power of granting and confirming titles to land was vested in the intendants. (See Land Laws, 972.)

The royal order of 1774 repealed this article of the ordinance of 1768, and conferred the granting power on the civil and military governors. The royal order of the 22d of October, 1798, so far as it regards the provinces of Louisiana and West Florida, invested the intendant with full and exclusive power to grant "all kinds of lands." (See White's Compilation, 218.) In East Florida, the royal order of 1774 remained unrepealed in every particular, and the granting power continued to be exercised by the governors of that province.

From the preceding laws, ordinances, royal orders, and official reports, the court will readily perceive the difference between a title in full property, and an inchoate title, where the fee is yet in the crown, and to be divested only on the performance of a condition precedent to the estate; the difference, in the language of the treaty, between a grant *ratified and confirmed*, and a grant to be ratified and confirmed after the performance of the conditions of habitation and cultivation.

This difference will be still more fully illustrated by a comparison of the form of the imperfect title, which was always given in the first instance, with the perfect, or "ratified and confirmed" title, given after the performance of all the conditions of the grant. The imperfect title consisted always of the petition of the grantee, and the order of decree of the governor, under which the party was permitted to take possession of the land, and to enjoy its use and possession, until, by his habitation and cultivation during the time prescribed, he became entitled to have his grant confirmed. The petition and decree, or order of the governor, found at pages 6 and 7 of the record, in the case of the United States *vs.* John Huertis, No. 82, presents the ordinary form of an inchoate title, or a title intended afterward to be confirmed when the conditions should have been performed, with the exception of the following words, which are altogether unusual: "With the precise condition to use the same for the purpose of raising cattle, without having the faculty to alienate the said tract, either by sale, transfer, contract of retrocession, or by any other title in favor of a stranger, without the knowledge of this government." These unusual and extraordinary restrictions prove the intentions of the governor to have been, only to grant the use and occupation for the purpose of "*raising cattle*," and not to give the incipient title, afterward to be matured into a perfect grant.

At page 8 of the same record, will be found the form of a perfect title, or a "ratified and confirmed" title, such as could only be given after the performance of the conditions, either expressed in the imperfect grant, which it is intended to confirm, or implied in law. The court will perceive by comparison, that the concluding part of this instrument conforms almost literally to the latter clause of the 5th article of the royal regulation of 1774, found at page 974 of the Land Laws, which provides that "the confirmation of the patents of the possessors of these lands shall be given in my royal name, by which their property and claim in the said lands shall be rendered legal." That this royal order and the several laws of the Indies, to which it relates in the 2d article, and found from page 967 to page 971 of the Land Laws, were in force in East Florida, we have the most conclusive proof furnished by the royal order of the 8th of June, 1814, found at page 1010 of the Land Laws. By the latter order, the king commands the royal order of 1754, and the laws of the Indies, to be observed and obeyed.

The court is respectfully referred to those laws and those royal orders, which, with the royal orders of 1790 and 1815, and the local regulations founded upon them, formed the entire code and system for granting lands in East Florida. All grants made and confirmed according to these laws, royal orders, and local regulations, are, according to the decision of the court in the case of Arredondo and son, confirmed by the Spanish version of the treaty.

All grants made in contravention of these laws, royal orders, and local regulations, are made without authority. They are not made by the "lawful authorities of his Catholic Majesty," and were therefore void before, and cannot have been ratified and confirmed by the treaty.

Having shown that the terms "shall remain ratified and confirmed," as expressed in the first paragraph of the 8th article of the treaty, can be applicable only to those grants which have been confirmed by the Spanish government before the time limited in the treaty; and having shown from the laws and usages of Spain, what is the nature and form of such a grant, we are now the better enabled to discuss the nature of an imperfect title, and to decide what rights the grantee had under it, and what responsibility was imposed on the United States to confirm those grants.

The following is the language of the last clause of the 8th article, which expresses, very clearly, the intention of the Spanish negotiator, at the same time it shows the nature of the imperfect titles, intended to be confirmed on the occurrence of the contingency on which the right of confirmation might be claimed by the grantee: "But the proprietors who, in consequence of the circumstances in which the Spanish nation has found itself, and the revolutions of Europe, have not been able to fulfil all the obligations of their grants, shall be obliged to fulfil them according to the conditions of their respective grants from the date of this treaty, in default of which they shall be null and void." Without perverting the terms employed, and distorting the obvious intention of the negotiator, this clause of the treaty cannot be made to apply to any other than imperfect titles, grants made on conditions which remained to be performed at the date of the treaty, and which, until the performance of those conditions, entitled the grantee to no estate in the land. It cannot be so construed as to confirm any imperfect grants by its own action, but imposes an obligation on this government to confirm them, provided the conditions shall have been performed by the grantee within the time specified in the same clause of the treaty.

It proves, as do the laws, ordinances, and royal regulations of the Spanish government, that all these grants depended on conditions precedent; and with them, as with us, the conditions must be performed, the contingency must occur, before the estate can arise or take effect. If all the conditions be performed within the time specified in the treaty, an obligation is imposed on the United States by the treaty to confirm the title. If all the conditions be not performed within the time stipulated, then the grant is, by the force and effect of the laws of Spain, no less than by the express provision of the treaty, forever "null and void."

The first and second clauses of the 8th article of the treaty, when taken and construed with each other, according to the translation of the Spanish version, ratify and confirm all grants ratified and confirmed by his Catholic Majesty, or his lawful authority, before the 24th of January, 1818, and it imposes an obligation on the American government to ratify and confirm all imperfect grants made by his Catholic Majesty, or his lawful authorities, before the 24th of January, 1818, to the same extent that they would have been valid, or in the "*same manner that they would have been*," (ratified and confirmed,) "if his Majesty had remained in the dominion of the territories."

If the Spanish word "*concesiones*" be translated concession, instead of grant, it cannot vary in the most remote degree the construction given to this article of the treaty. In technical phrase there is with us a difference between concession and grant. The one generally implies an imperfect, the other a perfect grant. But the term, as expressed in the first and second clauses of the 8th article, can only mean the grant or the title which the claimant may have. If rendered "concession," in English, and understood to mean imperfect titles which had not been confirmed by the Spanish government, then they could not remain ratified and confirmed, because they must have been confirmed and ratified before they can so remain. If they are ratified and confirmed concessions, they are perfect grants, by which the crown has been divested of the fee, and they remain ratified and confirmed by the treaty. The court will then perceive that the language of the 8th article of the treaty gives the best explanation of the term "*concesiones*," and shows that it was intended by the Spanish negotiator to signify grant or title, perfect or imperfect, or the land granted, as its meaning is varied by other terms with which it is associated in the first and second clauses of the treaty. When it speaks of a concession which shall remain confirmed, it means a title which has been confirmed; and when it speaks of a concession to be confirmed on the performance of certain conditions, it means an imperfect or inchoate grant or title.

With this understanding of the 8th article of the treaty, and the distinction and manifest difference between confirmed grants or titles in full property, by which the crown was divested of the fee, and imperfect titles, where the party had obtained only the first decree by which he went into possession of the land, when he was merely progressing in the performance of those conditions imposed by law, and where the fee still continued in the crown, as we have shown by the laws and usages of Spain, and the form of the respective titles given in either case, we shall be prepared to decide what lands were conveyed to the United States, and what lands were confirmed to the inhabitants of the ceded territory by the stipulations of the 8th article of the treaty.

The treaty conferred no new or additional right of soil on the inhabitants of the ceded territory, it only secured those rights to the same extent that they had been conferred by the government of Spain. The United States found them as they had been left by Spain; some with perfect titles to the soil, granted by the lawful authority of his Catholic Majesty; some with inchoate titles, to be perfected after proof of performance of the conditions of the grant; and others with titles, formal and informal, not made by the lawful authorities of his Catholic majesty, or any other than the self-created authority of the officer by whom they were made in anticipation of the change of government, and his relief from responsibility.

If then, as we think, we have abundantly shown that in no case the fee of the crown was divested, until after the performance of the conditions of the grant, and then, only by that formal deed or grant prescribed by the 5th section of the royal order of 1754, found at page 974 of the Land Laws, and according to the 18th article of the regulations of Morales, found at page 984 of the Land Laws, which refers to other preceding articles that contain the same provision, and declares that no one of those who have obtained the first decree or imperfect title, "notwithstanding, in virtue of them, the survey has taken place, and that they have been put in possession, can be regarded as *owners* of land until their *real titles are delivered, complete with all the formalities before recited*," it must follow, as a natural result, that the fee in all lands within the ceded territory, not embraced in *real titles*, or formal and complete titles, passed to the United States by virtue of the treaty. The estate must rest somewhere. The King had not conveyed it to the claimant; he held it as security for the faithful performance of the conditions on which it was to be given; and if it did not vest in the United States by virtue of the treaty, the King of Spain is yet the proprietor of millions of acres of land in a territory which he declares in the 2d article of the treaty he cedes in full property and sovereignty to the United States.

We think, then, that the United States is invested with the fee in all lands claimed by imperfect titles, or illegal titles from the government of Spain; that when the claimant, under these imperfect titles made by the lawful authority of his Catholic Majesty, shall prove a compliance with the conditions of his grant within the time prescribed by the laws of Spain, and the treaty, the United States will be bound to confirm his title to the same extent that such title would have been valid under the government of Spain.

The nature of these conditions, and the time within which they must be performed, can only be determined by the laws under which they are imposed, and the provisions of the treaty by which they are recognized and required to be performed.

A treaty is a contract between two nations, and may, in many respects, be construed by the rules which govern contracts between individuals. The intention and understanding of the parties is to be sought in the language in which they have contracted with each other; and they are only bound to the extent of their understanding and intention in creating the obligation.

The eighth article of the treaty imposes an obligation on the United States. She contracted in her own language, and is responsible to the full extent of the obligation which she created and to which she assented in the negotiation. But can she be responsible under a contract not understood, and to which her consent was never given?

On this subject, Vattel observes, at page 310:

"But it is asked, which of the contracting parties ought to have his expressions considered as most decisive, with respect to the true sense of the contract; whether we should stop at those of the power promising, rather than at those of him who stipulates? The force and obligation of every contract arising from a perfect promise, and he who promises, being no farther engaged than his will is sufficiently declared; it is very certain, that in order to know the true sense of the contract, attention ought principally to be paid to the words of him who promises; for he voluntarily binds himself by his words, and we take for true against him what he has sufficiently declared."

It is provided in the English version of the eighth article of the treaty, that "all grants of lands made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities in the said territories, ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the land to the same extent that the same grants would be valid," &c. This is the obligation imposed by the contract, and which, in good faith, she is bound to observe. That which is sought to be enforced against her is written in a language which she did not comprehend, and to which her assent was never given. It is, according to the translation of the Spanish version of the eighth article of the treaty, "all grants of lands made by his Catholic Majesty, or by his lawful authorities, before the 24th of January, 1818, in the said territories, which his Majesty ceded to the United States, shall *remain ratified* and confirmed to the persons who are in possession *of them*, in the same manner," &c. The term "*them*" refers to the "*grants of land*," and it is contended that the United States are bound under this stipulation to confirm the grants to the persons in possession of *them*, (the grants,) instead of the persons who are "in possession of the lands," according to the express stipulation made in the English language. If thus understood, they are separate and distinct obligations; they impose responsibilities essentially different from each other. The United States are not bound by both, and the question arises, which of them her national faith is pledged to redeem? She can only be required to execute her contract; her contract is to confirm the "grants of land" to the persons in possession of the "*lands*," and not to confirm the *grants of land* to the persons in possession of the *grants or title papers*. It is believed to be a rule in diplomacy, and one invariably observed by civilized nations, to negotiate in their own language, and to be bound only by the contract expressed in that language. If this principle be correct, then it is obvious that the United States are not bound to confirm the grants or titles to the persons in possession of "*them*;" but to confirm the grants to the persons in "*possession of the land*."

The eleventh article of the treaty provides, that the United States shall pay to our merchants, on account of spoliations committed on our commerce, a sum not exceeding five millions of dollars. This obligation is clearly expressed in the English language, and shows the will and intention of the negotiator, by which the nation is bound. Suppose in the Spanish version of the same article, when translated into English, it should be found that the stipulation was to pay the five millions to the King of Spain; would any one seriously contend that the United States are bound to pay this money to the King of Spain, or to pay it to any other person, or in any other manner, than she had promised to pay it? The cases are parallel, and the reasons the same. The government has the same legal right in a controversy with individuals, that it would have in a controversy with a foreign nation, and the treaty must be construed according to the same rules.

There are other reasons why the English version of the treaty should prevail, and be in force. It expresses, beyond doubt, the understanding and intention of both the contracting parties, at the time of the negotiation, as is fully shown by the following extract from the correspondence of Mr. Adams, Don Onis, and Mr. de Neuville. (Executive papers, vol. i., pages 46, 59, 68; 1819–20.)

"The minutes upon the eighth article, compared with the draft in the project of Mr. de Onis, with that of the counter project by the Secretary of State, and with the article as finally expressed in the treaty, fully elucidate the understanding of the parties, that the grants of land, dated before, as well as after, the 24th of January, 1818, were annulled, excepting those among which settlements had been commenced; the completion of which had been prevented by the circumstances of Spain, and the recent revolutions in Europe.

"Mr. de Neuville's particular attention is requested to the difference between the two projected articles, because it will recall particularly to his remembrance the point upon which the discussion concerning this article turned. By turning to the written memorandum drawn up by Mr. de Neuville himself, of this discussion, he will perceive he has noted that Mr de Onis insisted, that "this article could not be varied from what was contained in the chevalier's project, as the object of the last clause therein was merely to save the honor and dignity of the sovereignty of his Catholic Majesty.

"It was then observed by Mr. Adams, that the honor and dignity of his Catholic Majesty would be saved by recognising the grants prior to the 24th of January, as 'valid to the same extent as they were binding on his Catholic Majesty,' and he agreed to accept the article as drawn by Mr. de Onis, with this explanation. (See Mr. de Neuville's memorandum.) It was on this occasion that Mr. de Neuville observed, that if the grants prior to January 24, 1818, were confirmed only to the same extent that they were binding on the King of Spain, there were many *bonafide* grantees, of long standing, in actual possession of their grants, and having actually made partial settlements upon them, but who have been prevented, by the extraordinary circumstances in which Spain had been situated, and the revolutions in Europe, from fulfilling all the conditions of the grants; that it would be very harsh to leave these persons liable to a forfeiture, which might, indeed, in rigor, be exacted from them, but which very certainly never would be if they had remained under the Spanish dominion. It will be well remembered by Mr. de Neuville how earnestly he insisted upon this equitable suggestion, and how strongly he disclaimed for Mr. Onis every wish or intention to cover, by a provision for such persons, any fraudulent grants. And it was then observed, by Mr. de Neuville, that the date assumed of 24th of January, 1818, was not sufficient for guarding against fraudulent grants, because they might be easily antedated. It was with reference to these suggestions of Mr. de Neuville, afterward again strenuously urged by Mr. de Onis, that the article

was finally modified as it now stands in the treaty, declaring all grants subsequent to 24th January, 1818, absolutely null, and those of prior date valid to the same extent, only that they would have been binding upon the King, but allowing to *bonafide* grantees, in actual possession, and having commenced settlements, but who had been prevented by the late circumstances of the Spanish nation, and the revolutions in Europe, from fulfilling *all* the conditions of their grants, time to *complete* them. It is needless to observe, that, as these incidents do not apply to either of the grants to Alagon, Punon Rostro, or Vargas, neither of those grants is confirmed by the tenor of the article as it stands; and that it is perfectly immaterial in that respect, whether they were dated before or after the 24th of January, 1818, it being admitted, on all sides, that these grants were not binding upon the King, conformably to the Spanish laws. The terms of the article accord precisely with the intentions of all the parties to the negotiation and the signature of the treaty. If the dates of the grants are subsequent to the 24th of January, 1818, they are annulled by the date; if prior to that date, they are null because not included among the prior grants confirmed"

This shows the sense in which the term *grant* was expressed and understood by Don Onis, and it shows the persons who were intended to be embraced by the treaty. It was not those persons who had obtained conditional grants, who held "them" in possession, and had not settled on, or even seen the land granted to them; but *bonafide grantees* of *long standing, in actual possession of their grants*, and having *actually made partial settlements upon them*, who had been prevented by the extraordinary circumstances in which Spain had been situated, and the revolutions in Europe, from fulfilling all the conditions of their grants.

No one can read this correspondence and resist the conviction, that it was the intention of both parties to the negotiation to provide for the confirmation of grants to the persons in possession of the land, and that by the possession of the *grants*, was meant the *possession of the land*. To use this expression in any other sense would involve an absolute absurdity. In propriety of speech we could not say that a person had actually made partial settlements upon the grants, unless we understand, by the term grants, the lands granted, instead of the title papers. As this is evidently the sense in which it was understood in the correspondence, we may naturally infer that the same terms were understood in the same manner when afterward adopted by the same parties in the treaty.

The letter and spirit of the whole of the 8th article of the treaty, both in the English and Spanish languages, give further proof that such was the intention of the parties. The terms of the treaty, as well as the laws of Spain, to which we have already invited the attention of the court, shows that the grants were made on conditions precedent. These conditions were, that the grantees should, according to the 4th article of the regulations of 1803, found at page 1001 of the Land Laws, take possession and cultivate the land granted to them within six months from the date of the grant, and on failure to do so, that the grant should be void Habitation and cultivation being the condition required by the laws of Spain, as well as by the treaty, and as the grantee could not inhabit or cultivate without being in possession of the land, it is self-evident that the treaty required the claimant to have been in possession of the land, and in progress with the performance of the conditions, on which his confirmation of title might be acquired.

Except in the few cases where grants were made for military services, under the royal order of 1815, all the grants legally made in the province of East Florida were in consideration of habitation and cultivation, to be performed by the grantee. Under the government of Spain, those persons would not be entitled to the land until they proved a performance of all the conditions of the grant. The treaty places them under the government of the United States on the same conditions; and to say the possession of the title papers or grants shall be substituted for the possession, habitation, and cultivation of the land, required no less by the treaty than by the laws of Spain, is to defeat both the treaty and the law, and to confirm titles to millions of acres of land, which, under the Spanish government, would never have been confirmed.

There is now, and has been, in suit in the courts of Florida, more than ten times the quantity of land to which confirmed titles were given by the Spanish government, and where the claimants are in possession of the grants or title papers, without ever having seen the land which they claim.

The conditions imposed by the laws and usages of Spain, and enforced by the treaty, were not that the claimant should have possession of his grant or title papers, for copies of those, duly certified, were always given to him at the time of making the concession; but that he should enter into possession of the land, should cultivate and improve it, and make it his home for four years at least, to entitle him to a grant in fee simple.

The truth of this proposition is fully shown by the following laws of the Indies, found at page 968 of the Land Laws: "To those who shall have lands and lots in the new settlement of any province, there shall not be granted or distributed any lands in another province, unless they shall have left their first residence, and proceeded to reside in the new settlement, except they *shall have continued the four years necessary* to acquire *property in the lands*," &c.; "And we declare the allotment of lands made contrary to the provisions of this, our law, to be null." As a further evidence that the conditions required to be performed by the treaty were possession, habitation, and cultivation, the court is respectfully referred to law 1, title 12, book 4, 2d vol. of the Laws of the Indies, a translation of which is found at page 967 of the Land Laws, which provides, that "after a residence in those settlements (referring to the settlement required by the preceding part of the same laws to be made on the land by the grantees) for four years, and labor therein, we grant them power thereafter to sell their possessions, or dispose of them at pleasure as their own property."

We have already shown, by the royal order of 1814, that these and other laws containing the same provisions, were in force in Florida. That, until after the receipt of the royal order of 1814, ten years' habitation and cultivation were invariably required before the grantee could acquire a title to the land in full property. That, in the year 1815, according to the statement of Entralgo, notary of government, found at page 250, (White's Compilation,) Governor Kendelan altered the regulations of Governor White, of the year 1803, which required ten years' habitation and cultivation, and "granted lands under the single circumstance that when the *grantees proved that they had cleared them, built houses, fences, and other things necessary for the improvement of a plantation*, the title of proprietorship should be delivered to them." This appears to have been the custom ever after, until 1818. Entralgo states that this alteration was made at the discretion of Governor Kendelan; but the court will perceive, from the time when the alteration was made, that it was under the royal order of the 8th of June, 1814, addressed to the governor of St. Augustine (the same Sebastian Kendelan), who made the alteration, commanding him to obey the laws of the Indies, and the royal order of 1754, in all things relative to the distribution of lands. This royal order shows, not only that the laws above referred to were in force in East Florida, but it shows the limited discretion of the governor, and the laws themselves show the limited power conferred on him in making grants of land.

In the case of Percheman, 7 Peters, page 87, the court remarked, "had Florida changed its sovereignty by an act containing no stipulation respecting the property of individuals, the right of property, in all those who be-

came subjects or citizens of the new government, would have been unaffected by the change." This just and equitable principle is not controverted by the counsel for the United States; on the contrary, it is that for which they contend. We received the people of the ceded territory with the same "*right of property,*" and none other, than that which they possessed under the former government. And the question arises, what is the nature of that right? This court has ever decided that the right of property in land must be determined by the laws of the country where the land is situated. The law, therefore, must be produced, and by the law individual rights must be determined. We have already referred the court to the laws of Spain, and we have endeavored to show from those laws, that no grants of land in Florida, other than those authorized for military services, by the royal order of 1815, could have been made, except in proportion to the ability of the grantee to cultivate and improve them, and on condition of actual habitation and cultivation. We have endeavored to show by those laws, and we think not without success, that no "*rights of property*" in land were conferred on the grantee, until after the performance of all the conditions of the grant, on proof of which a title in full property or "real title," divesting the crown of the fee, was made out and executed under the hand and seal of the proper officer, and delivered to the grantee. The grant or concession, given in the first instance, was ever on conditions precedent, leaving the fee still in the crown, and not to be divested until after the performance of all the conditions. We have shown that the practice of the province conformed to these laws, at least until the year 1816, without the least variation; that it was continued after that time until October, 1818, (See White's Com., page 250,) which creates the strongest presumption against the validity of any grant not made in conformity to those laws, and the long-continued practice under them; a presumption only to be rebutted by producing the authority of the officer by whom the grant is alleged to have been made, not in comformity with that practice.

With this understanding of the laws of Spain, and the unvaried practice of the provincial government under those laws, until after Don Onis had been commissioned by the King of Spain to negotiate with the American government for the cession of the Floridas, we cannot be at a loss in understanding what was ceded to the United States, and what is meant by the term "*vacant lands*" in the second article of the treaty. The term "*vacant lands*" is well understood to mean the lands of the crown, (law 14, title 12, book 4, 2d vol., page 42 of the Laws of the Indies, a translation of which is found at 969 of the Land Laws, declares "that all lands and soil that have not been granted away by the kings, our predecessors, or by us in our name, belong to our patrimony and royal crown.")

No land or soil was granted in cases of imperfect titles, when the right of property and of soil was withheld until after the performance of the conditions prescribed by law, and the lands in all such cases were vacant lands, and passed to the United States; but the claimant came with the lands, under this government, with the same right to consummate his title by a performance of the conditions imposed by law, that he had under the government of Spain. According to the decision of this court, in the case of Percheman, page 87, without the stipulated protection of the treaty, his right of property would "have been unaffected by the change." It would have remained the same as under the former government. It does remain the same as it was under the former government, by the 8th article of the treaty, which provides that such claims shall be ratified and confirmed to the persons in possession of the land, to the same extent that the same grants would have been valid if the territories had remained under the dominion of his Catholic Majesty." The fee not having vested in the grantee before the treaty, it must have passed to the United States as vacant land, charged with the incipient right of the claimant, under an obligation to perfect that right, and convey the estate in fee simple, after the performance of the conditions, or the fee is still in the crown of Spain. Nor is this view of the subject changed in the smallest degree by the enumeration of what is ceded in the 2d article: "The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, that are not private property." It never has been contended that private property was conveyed by the treaty. The King professes to cede only that which belonged to him, and the government claims nothing more. Private property reserved in the enumeration, refers not to vacant lands, public lots and squares, public edifices, fortifications, and barracks; these, from their very terms, show that they were not private property; that they were public property, or property of the crown. But "private property" refers to "buildings." The King ceded all that he had, either of soil or sovereignty, and among other things, "*all buildings*" that were not "*private property.*"

In the case of Percheman, at page 88, 6 Peters, the court, in remarking on the difference between the English and Spanish versions of the 8th article of the treaty, observe "if the English and Spanish parts can, without violence, be made to agree, that construction which establishes this conformity ought to prevail." From what we have already observed on the subject, it will be shown that this conformity of construction may be given in all points presented under that article which affect materially the interest of the parties. We make this qualification, because we deem it quite unimportant whether the complete grants, executed with all the legal formality necessary to convey the fee in the land, be considered ratified and confirmed by the action of the treaty, or whether the treaty requires them to be confirmed. In either case, if the grant was made before the 24th of January, 1818, by his Catholic Majesty, or his lawful authority, the land was private property at the date of the treaty, and the government has no interest in it; and in neither case can the right of inquiry be denied, whether the officer had power to make the grant. This is the first question presented in every case, and if the court is satisfied that the power has been legally exercised, it must give a decree of confirmation; and if it be not satisfied, the claim must be rejected.

But the other technical variance suggested is of a more important character, and which, if not reconciled, must operate with peculiar injustice to the government, and defeat the spirit and design of the 8th article as expressed in both languages. That article was intended to save the validity of grants made by the government of Spain, to the same intent and no further than the same grants would have been valid under that government, if Florida had not passed under the dominion of the United States; the English version requires a confirmation to that extent to the person *in possession of the land;* the Spanish version requires a confirmation to the same extent, to the persons *in possession of the grants.* By considering the term grants as signifying the land granted, as it was most certainly considered by the negotiators of the treaty, as shown by their correspondence, then the English and Spanish versions of the treaty will correspond with each other, and impose the same obligation on the government of the United States. Both will require the confirmation of grants made by his Catholic Majesty, or his lawful authorities, to the same extent that they would have been valid under the former government; if, however, we construe the "possession of the grants" to be the mere possession of or custody of *the title papers,* as contended, then the grants must be confirmed to a greater extent than they would have been valid under the former government. The treaty, in requiring the performance of conditions, evidently contemplates the conditions prescribed by the laws of Spain, and the performance of which must have been precedent to an estate in land; those conditions were not, as we have shown, the possession of the grants, unless we understand by that term, the possession

of the *land granted:* it was not one of the conditions that the claimant should be in possession of the title papers, but that he should be in the actual occupancy and cultivation of the land. In common speech, the term grant is a figurative expression, from which, in one sense, we understand the land granted; nothing is more common, and nothing better understood; and the sense in which it is intended to be regarded, is to be sought in the expressions with which it is associated. On this subject, Vattel, at page 315, sec. 278, remarks, "There are figurative expressions, become so familiar in the common use of language, that they take place on a thousand occasions of the proper terms, so that we ought to take them in a figurative sense, without paying any attention to the original, proper, and more direct signification; *the subject of the discourse sufficiently indicates the sense that should be given to them.*" According to this rule of interpretation, the *possession of the grant*, in the Spanish version of the 8th article of the treaty, can, without "violence," be construed to agree and correspond with the possession of the land granted, as expressed in the English version of the same article. "The subject of discourse, as expressed in that article in both languages, shows this to have been the sense in which it was understood. The condition required to be performed by both, was habitation and cultivation; actual possession of the land was an essential prerequisite to habitation and cultivation. If we dispense with the first, we cannot require the second, although it constitutes the entire condition required by the language of both the contracting parties, and without the performance of which, both declare the grant to be null and void. If we reject this interpretation, then we depart from all the well-established rules of construction; we do not arrive at the intention and understanding of the parties, from what they have said on the subject; but we take one isolated expression of one of the parties, and give it a meaning by which the whole force and character of the contract is perverted. If we construe the term possession of the grant, in the translation from the Spanish version of the 8th article, to mean the possession of the title papers, then that term not only defeats the stipulation of the English version, which requires the possession of the land, but it destroys the spirit and letter of the residue of the article, in the language in which it is written.

The interpretation for which we contend restores harmony and correspondence between the Spanish and English versions of the 8th article of the treaty, and agrees with the letter and spirit of both. We believe it will be adopted by the court, and that in all cases in which the crown of Spain had not been divested of the fee, by a grant in fee simple, made by *his Catholic Majesty in his lawful authority*, the first inquiry will be, was the party in possession of the land at the time contemplated by the treaty; and secondly, has he performed all the conditions required by the treaty and the laws of Spain? If he has, his title must be confirmed; if not, it must be rejected.

When the party had acquired a perfect title, after the performance of all the conditions expressed or implied, the laws of Spain did not require him to remain in possession. The land was in his full property, and he could do with it as he thought proper. The treaty requires no more than was required by the laws of Spain, and the United States require no more than is required by the treaty. The law and the treaty are the test by which the rights of the United States, and the rights of her adopted citizens, are to be determined. The court will administer the law, and the law will dispense justice.

But if the fixed and stable principles of the law are to yield to the vague and uncertain presumption drawn from the exercise of power unknown to the law—if we are to presume the law, to which we have referred the court, repealed, because the act of the officer is contrary to the law—if we are to presume the existence of other laws, in order to sustain the exercise of the granting power—then the law may not be administered, and justice may not be done. If the law, as known and understood, commands one thing, and another be done, apparently contrary to law, we ask whether the natural presumption, arising from such premises, be not in favor of the supremacy of the law, and against the validity of the act? If it be, as we believe it is, we respectfully submit to the court, whether both the presumption and the law be not opposed to the claim of each of the present petitioners. We further most respectfully ask of the court, whether the royal order of 1790, which constituted the only authority, and under which all grants professed to have been made, except those for military services, and which authorized "grants of land to be *made in proportion to the working hands each family may have*," will authorize a grant for fifteen, twenty, and twenty-six thousand acres of land, when the petitioners, by their own showing, prove that the grants were not made "*in proportion to the working hands they had.*" And we ask, whether any other authority, save the apparently illegal act of the officer making the grant, has been produced in favor of the claims presented, and professing to have been made under this royal order?

We make the same inquiry with regard to claims presented for military services, all of which expressly profess to have been made under the royal order of the 29th of March, 1815, which appears to have been the only authority delegated by the King for that purpose; and we ask, whether the provisions of this order, which effectually limits the exercise of the granting power in favor of the soldiers of the three companies of white militia, of the city of St. Augustine, and the married officers and soldiers of the third battalion of Cuba, can be extended so as to include persons who, by their own showing, prove beyond the existence of doubt, that they were not soldiers or married officers of either of those corps? And we ask whether the royal order, providing in express terms for a grant of only "a certain quantity of land as established by regulation in this province, agreeably to the number of persons composing each family," can be so construed as to confer authority on the governor of the province to grant 25,000 acres of land to one not embraced in this royal order, and who shows that he did not receive the grant agreeably to the number of persons composing his family, and according to the quantity established by regulations in this province?" The regulation referred to is found at page 1001 of the Land Laws, and authorizes a grant of fifty acres of land to each head of a family, and twenty-five acres for each child or slave above the age of sixteen years, and fifteen acres for each child or slave between the age of eight and sixteen years. To have authorized a grant of land for 25,000 acres under the royal order of 1790, and 1815, the family of the grantee must have consisted of *nine hundred and ninety-eight persons above the age of sixteen years.* This extraordinary possession is a fact, in the absence of all proof, which cannot be presumed to sustain the granting power, which appears independently of this to have been illegally exercised. The royal order of 1815 proves that the regulation of the province to which it refers was in force, and must have continued in force as long as the order by which it was adopted, for it became and by adoption constituted an essential part of that order. The grants themselves, by referring to this royal order as the source of power under which they were made, prove that it was in force at their respective dates, and that the governor, who made the grant, considered that he had neither power nor discretion beyond that conferred by this order to make a grant for military services. This proves, most conclusively, that no other law, ordinance, or royal order, could have been in force at the same time inconsistent with the provisions of the royal order of 1815. The same remarks are applicable to the royal order of 1790, and the same results ensue. The court will find, on examination, that each of the grants refer to one or the other of these royal orders as constituting the power of the governor to make the grant. His express reliance on this source of power repels the presumption that these orders were repealed, or that there were other grants of power which he

might legitimately have exercised. We have then the evidence of Governor Coppinger himself to prove that these royal orders were in force; that in making the grants he acted under them; and if, according to the ordinary rules of construction, these royal orders do not sustain the authority of the governor in making the grant, then it must follow that they were made without authority, and are therefore void.

In the case of Soulard and others, the court observed, it was important, in order to make a satisfactory decision of the case, that the power of the officer to make the grant should be produced. That case has been postponed three years, for the production of this authority. The cases now under consideration have been pressed on the court by the learned counsel of the petitioners, and a decision required. If, after the unremitted researches of ten years, with all the facilities and assistance given by the government, they have been unable to find the least authority for making grants of this magnitude, and they still persist in having a decision, it would seem that the decision should be against the validity of the grants.

The time when made, no less than the quantity of the land embraced in the grant, and the persons to whom they were made, all concur in creating a presumption of fraud designed against this government. They were made in anticipation of the transfer of the province to the United States. They were about the same time with those of the Duke of Alagon and others, which Don Onis admits were fraudulent and a disgrace to his country. When we have detected the fraudulent design of the monarch himself, in exercising the granting power; when we have compelled him to revoke the grants which he had fraudulently made; can we give greater faith and credit to the acts of his subordinate officers than we give to his, and greater than we are required, by the treaty, to give to the requisitions of the laws and ordinances of Spain?

The court will find, on examination, that Don Onis was commissioned by the King to negotiate with the American government, in September, 1816. And it will find, by an examination of the transcript from the archives of East Florida, that there was near ten times the quantity of land granted, in the year 1817, and from that time until the year 1821, than had been granted, previously, during the whole period of the occupation of that province by Spain, commencing in the year 1783.

The position taken by the learned counsel in the several cases now before the court is worthy of remark. He says: "The grantees whose names are herein stated, and whose cases are now before the court, did not belong to either of the corps mentioned; and in referring to that article, as one of the motives for giving the grants, only intended to indicate the royal sanction to gifts of lands to soldiers for their fidelity in the recent insurrection.

It does not say that his Majesty forbids his governors to grant to any other portion of his loyal and faithful subjects; it does not limit the quantity, nor indicate the royal will, that no larger quantity shall be given to those who suffered losses, advanced money, or rendered distinguished services. The recitation therefore in these grants, that 'Whereas his Majesty has been pleased to grant the favors and gratifications proposed by Governor Kendelan' to certain officers and soldiers, in land, does not change that pre-existing power under the laws of Spain, nor confine it to that class of subjects alone.

It will not be denied that those embraced by the royal order are restricted by its provisions, and that they are entitled to no more land than the order authorizes to be granted to them.

Now, if the learned counsel is correct in his conclusions, what an unparalleled instance of injustice and inconsistency is presented by the royal order of 1815! The claimants under the provisions of that order are admitted not to be embraced by the same, and it is therefore contended, that they are not restricted to the quantity which the order authorizes to be granted for military services. It is further argued, that the governor had unlimited power before the date of the order, although no such power has been shown, and yet he has requested grants to be made to the gallant officers and soldiers who served in a protracted and harassing siege, for a few acres of land only, when, without the order, he might, in his own discretion, have rewarded each according to his merit, by giving him such quantity of land as he thought proper. The natural conclusion resulting from these erreoneous premises is, that in consequence of the gallantry, fidelity, and patriotism of those who rendered important services during the siege, the governor made a suggestion, by which his power to reward them was restricted, and that they are therefore entitled to a less reward than others who rendered less important services. This proposition, we think, involves an absolute absurdity, and cannot be sustained by the court. It is evident there was no power vested in the governor, before the date of the royal order of 1815, to grant lands for military services. If that unlimited power existed before, why should it have been restricted? Why should the soldiers of the three companies of militia of the city of St. Augustine, and the married officers and soldiers of the third battalion of Cuba, by royal order, be denied the same reward which, it is contended, the governor had power, both before and after the order, to bestow on others, particularly when the order professes to grant a reward for their fidelity, and not to deprive them of a bounty, which, before the date of the order, they might have received under the power of the governor?

R. K. CALL.

24TH CONGRESS.] No. 1349. [1ST SESSION.

LEVEES ON THE MISSISSIPPI, RED, ARKANSAS, AND MISSOURI RIVERS, FOR RECLAIMING OVERFLOWED PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

TREASURY DEPARTMENT, *December* 9, 1835.

SIR: In obedience to a resolution of the House of Representatives, dated the 2d of March last, directing "the Secretary of the Treasury to cause an estimate to be made of the probable expense of constructing a levee on the public land on the western bank of the Mississippi, and the southern bank of Red river, in the State of Louisiana; also, an estimate of the expense of constructing levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary; together with the probable advantages or disadvantages of such works, respectively: the probable effect upon the health and prosperity

of the country in which any such works may be constructed; and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees, and make report thereof to the next Congress," I have the honor to submit copies of letters from the department to the Commissioner of the General Land Office, and a copy of his circular, showing the measures taken to fulfil the objects of the resolution; and also his reports, communicating the result of the inquiries in reference to the subjects embraced in it. (Nos. 1 to 17.)

I have the honor, likewise, to transmit the original letters referred to in the Commissioner's report, together with a tabular statement, prepared by this department, to exhibit, in a summary view, such specific information, required by the resolution, as is contained in those letters. In connection with the objects embraced in the resolution, I would respectfully refer to a communication from this department to the House of Representatives, dated 14th January, 1829; and which is numbered 99 in the documents of that body for the 2d session of the 20th Congress; and which contains some general suggestions and facts which may be deemed pertinent and useful.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

No. 1.

TREASURY DEPARTMENT, *March* 5, 1835.

SIR: I transmit a copy of a resolution of the House of Representatives, adopted on the 2d ultimo; and have to request that you will immediately institute the inquiries necessary to enable the department to give the desired information. The inquiries will be addressed to the surveyors general within the proper surveying districts, and to the registers and receivers in the land districts indicated by the resolution, and to such other sources of information as are to be relied on, and may be accessible to the General Land Office. It is desirable that all the information necessary to comply with the resolution, may be in the possession of the department on or before the first of October next. As all the information desired must be obtained without expense, no appropriation having been made for the purpose, the information expected will be only the best which the parties can procure and give by correspondence.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 2.

GENERAL LAND OFFICE, *March* 13, 1835.

SIR: Annexed is a copy of a letter from the Secretary of the Treasury to this office, dated the 5th instant; and, also, a copy of the resolution of the House of Representatives therein referred to.

In pursuance of the instructions of the Secretary of the Treasury, I have to request that you will have the goodness to furnish the department with any information in your power, touching any of the several points of inquiry embraced in the resolution, as follows:

"An estimate of the probable expense of constructing a levee on the public land on the western bank of the Mississippi river, and the southern bank of the Red river, in the State of Louisiana.

"An estimate of the expense of constructing levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary; together with the probable advantages or disadvantages of such works, respectively; the probable effects upon the health and prosperity of the country in which any such works may be constructed; and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees."

In the estimate respecting levees, it is desirable that the points between which it may be recommended to construct them, the length of the line, and the probable expense of construction, per rod, should be clearly and distinctly indicated.

It is highly desirable that any information you may be enabled to afford on these subjects, either from your own personal knowledge and observation, or from the experience of others in whose judgment and accuracy you can confide, should be as much *in detail* as practicable, and calculated to lead to practical results.

With great respect,

ELIJAH HAYWARD.

TREASURY DEPARTMENT, *March* 5, 1835.

SIR: I transmit a copy of a resolution of the House of Representatives, adopted on the 2d ultimo, and have to request that you will immediately institute the inquiries necessary to enable the department to give the desired information. The inquiries will be addressed to the surveyors general within the proper surveying districts, and to the registers and receivers in the land districts indicated by the resolution; and to such other sources of information as are to be relied on, and may be accessible to the General Land Office. It is desirable that all the information necessary to comply with the resolution, may be in the possession of the department on or before the 1st of October next. As all the information desired must be obtained without expense, no appropriation having been made for the purpose, the information expected will be only the best which the parties can procure and give by correspondence.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

The following resolution, offered by Mr. Clay, from the Committe on Public Lands, on the 3d February, was taken up, read, considered, and agreed to, viz.:

Resolved, That the Secretary of the Treasury be directed to cause an estimate to be made of the probable expense of constructing a levee on the public land on the western bank of the Mississippi, and the southern bank of Red river, in the State of Louisiana; also, an estimate of the expense of constructing levees on, or removing

obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary; together with the probable advantages or disadvantages of such works respectively, the probable effects upon the health and prosperity of the country in which any of such works may be constructed, and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees, and make report thereof to the next Congress.

No. 3.

GENERAL LAND OFFICE, *November* 10, 1835.

SIR: In pursuance of the instructions of your letter of the 5th of March last, transmitting a copy of the resolution of the House of Representatives of 2d February last, in the words following, to wit:

"*Resolved*, That the Secretary of the Treasury be directed to cause an estimate to be made of the probable expense of constructing a levee on the public land on the western bank of the Mississippi, and the southern bank of the Red river, in the State of Louisiana; also, an estimate of the expense of constructing levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary; together with the probable advantages or disadvantages of such works respectively, the probable effects upon the health and prosperity of the country in which any of such works may be constructed, and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees, and make report thereof to the next Congress,"—a circular letter was addressed to the registers and receivers of the land districts indicated by the resolution, and to such other sources of information as are to be relied on, and may be accessible to the General Land Office, of which a copy is herewith transmitted; paper marked A.

The following are the only replies which have been received, up to date, viz:

From William G. Bozeman, St. Francis Co., A. T., September 27, 1835,
" P. T. Crutchfield, receiver, Little Rock, September 4, 1835,
" Allen Martin, Little Rock, October 9, 1835,
" William M. Campbell, St. Charles, Mo., May 12, 1835,
" Register and receiver, Fayetteville, A. T., September 26, 1835,
" T. B. Martin, New Madrid, Mo., June 11, 1835,
" William Strong, St. Francis, A. T., June 3, 1835;

all of which are herewith transmitted for your consideration.

I have the honor to be, most respectfully, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 4.

ST. FRANCIS COUNTY, ARKANSAS TERRITORY, *September* 27, 1835.

SIR: I received your communication from the General Land Office, dated March 13, 1835, requesting me to give such information to that department as was in my power, "touching any of the several points of inquiry embraced in the resolution of the Congress of the United States, as agreed to, February 3d."

As to the first inquiry laid down in your communication, "an estimate of the probable expense of constructing a levee on the public land on the western bank of the Mississippi river," I shall, in this communication, give you the "information" which I have derived from authentic sources, which you may rely on, as I received it from gentlemen of undoubted veracity. As to my "personal knowledge and observation," of the section of country which I shall here describe, it is but little known to me by "personal observation," though I live immediately adjoining it; but by information from other persons, I can give you a very correct description of it, which, perhaps, may throw some light on the subject of inquiry.

I shall commence at Cape Girardeau, on the Mississippi river, in the State of Missouri, and end at Helena, on the said river, in the Territory of Arkansas, as my professional business has been of that nature which called my whole attention to it. I have not travelled much in the section of country I shall describe. I have lived four years bordering on it.

From Cape Girardeau to Helena is 350 miles, as the Mississippi river meanders, and the land subject to inundation from the large freshets of the Mississippi river, will average thirty miles in breadth, from the first to the latter place. Taking this as an average medium, there are 10,500 square miles, and one mile contains 640 square acres, which gives in round numbers, 6,720,000 square acres of land; which, at $1 25 per acre, will amount to $8,400,000. And in 350 miles, there are 112,000 rods, (320 rods in a mile,) and the "probable expense of constructing the levee, per rod," I shall put down at $4 per rod, including all the necessary expenses. The amount, then, for constructing the levee from Cape Girardeau to Helena, will cost the general government $448,000, leaving a balance for the treasury of $7,952,000: this will be a handsome revenue to the government, for lands at this time not considered worth one cent per acre. There will be many places along the line where the levee will run, that will not need any throwing up. There are, in this section of country, many places of high land, that do not inundate, averaging from fifty to a thousand acres; but when the Mississippi overflows its banks, they are surrounded with water from one to six months in the year; therefore, those places are of no more value, in their present situation, than if they did overflow. There is land that will be worth from ten to twenty dollars per acre, under the public hammer, if reclaimed; and in a few years this section of country would be thickly inhabited, and would be the paradise of the southwestern section of the United States. Lying immediately, as it does, on the majestic Mississippi, which is an outlet at all times and seasons of the year to the New Orleans market, and not only there, but to the commercial world, the farmer or merchant could ship his commodities to any port or market, whether American, European, African, or Asiatic, from his own door.

As to the "health of the country," it would be greatly promoted, not only in the section reclaimed, but in other sections of country lying adjacent. There are sections of country, which, to my certain knowledge, at this time are very sickly; and if the said leveeing was to be completed, there are many sections, now subject to fevers of various kinds, which would become entirely healthy, or as much so as any low country enjoys.

As to the "prosperity" and value of the lands, there cannot be any exact computation made; it will so far

surpass any calculation that can be made at this time. The whole country that I have described can be cultivated, if reclaimed, with the exception of some lakes, and many of them can be drained, if the overflow waters did not come every year, and fill them up; and the reclaimed lakes would make as good farm land as any, and I shall not hesitate in saying, as good as any in the world.

There is another subject I shall call your attention to, not named in your communication, the removing the rafts out of the St. Francis river, and removing other obstructions, which are at this time an impediment to the navigation of that river with steamboats. Steamboats, about from two to three months in the year, can ascend from one hundred to one hundred and fifty miles up the said river at this time. In the time of the winter and spring freshets, there is another essential obstruction to the navigation of the said river. In the years of 1811 and 1812, the land sunk about one hundred feet perpendicular, about fifty miles in length, and thirty in breadth. This sunk land, as it is called by the inhabitants, is about one hundred and fifty miles from the mouth of the St. Francis river. This forms different channels through the said sunk land, which makes it dangerous to navigation, as a true channel has not as yet ever been ascertained. The river is navigable from its mouth, where it empties into the Mississippi, for upward of five hundred miles, if the above obstruction was removed. Meandering through the public lands for several hundred miles, and immediately through the lands that will be reclaimed, as stated above, extending far up in the State of Missouri, which, if the above obstruction was removed, would be an outlet of large quantities of produce from the State of Missouri and the upper parts of the Territory of Arkansas, and would make the public lands lying adjacent to it much more valuable. The section of country above described was never known to overflow until the shakes of the earth in 1811 and 1812; and by the survey of the United States engineer, in laying out the *military road*, from Memphis to Strong's, on the St. Francis river, he found, by actual measurement, the bank of the Mississippi, from the point where the road commences, to be sixteen feet higher than the banks of the St. Francis river, where the said road crosses. The eastern bank of the St. Francis river should be leveed one hundred miles up from its mouth, to prevent the back water of the Mississippi from overflowing the public lands that lie between the two rivers, in time of a freshet in the Mississippi.

The probable expense to remove the rafts, (three in number,) and other obstructions to the navigation in the St. Francis river, would be about $15,000; and the expense of constructing the levee 100 miles on the east bank of the St. Francis river, at $4 per rod; there is 32,000 rods in 100 miles, which makes the sum of $128,000—add $15,000 to $128,000, makes, in the aggregate, $143,000; take this from $7,952,000, the surplus left, after paying all the expenses for leveeing the western bank of the Mississippi from the above named points, leaves $7,809,000, the whole profits to the general government, after constructing the above works. The St. Francis river runs through the section I have above described.

As it respects Red river, Arkansas river, and Missouri river, I know nothing about them, and, therefore, cannot make any communication respecting them.

I have the honor to be, yours, with great respect,

WILLIAM G. BOZEMAN.

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

No. 5.

RECEIVER'S OFFICE, *Little Rock, September* 4, 1835.

SIR: From the want of *experience, and practical, personal knowledge*, I am unable to furnish the information, in a satisfactory manner, which you desire in your circular letter of the 13th of March last, wherein you requested me to furnish "an estimate of the probable expense," &c., &c. I have, however, endeavored to procure the information desired, from others in whose judgment and accuracy I have confidence.

I enclose you herewith a letter from Nicholas Righton, esq., a practical surveyor, and an old resident of this Territory, in reply to mine, requesting him to furnish me all the information in his power, on the several points of inquiry embraced in your letter of the 13th of March last. I trust, the letter of Righton will shed some light on the subjects of your letter. I also enclose you herewith, a copy of my letter to Thomas Mathers, esq., an old resident of the Territory, and formerely a practical surveyor therein, a gentleman of much experience and information, as regards the subjects of inquiry contained in your letter of the 13th of last March. As soon as I receive his reply, which, I have no doubt, will shed additional light on the subjects of inquiry embraced in your letter, I will transmit it to you.

I am, sir, with great respect, your obedient servant,

P. T. CRUTCHFIELD.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

HELENA, COUNTY OF PHILLIPS, *Arkansas Territory, May* 10, 1835.

SIR: I have received your letter of the 5th inst., by which you request of me to make "an estimate of the expense of constructing levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary, together with the probable advantages and disadvantages of such works respectively; the probable effect upon the health and prosperity of the country in which any of such works may be constructed, and the probable quantity, quality and value of the lands belonging to the United States, which would be reclaimed by the construction of any such levees." You commencing, however, by saying such "information has been requested by the Treasury Department," wherefore I should most naturally draw this conclusion, that the object in the department was barely to feel the pulse of the Western citizens upon the subject, for they must have known that they could not obtain good and useful information through such channels. The subject is too weighty, entirely too ponderous for any man, (or set of men who possess the ability,) to do it justice gratuitously. As to myself, it is true, I have surveyed for the United States, to a large amount, in the Arkansas and Mississippi bottoms, and well know that it is practicable to reclaim by levees large tracts of land, and so too peculiarly situated, as to fall within the sphere of advice for the same to be done; but to make an estimate for the cost of such embankments against the water, and the amount of land which would be reclaimed, I should have to survey the same; then I would have the data upon which I could make the estimate for cost, and the amount of land which would be reclaimed, and could further answer the question as regards quality; however, the quality of the soil in overflowed bottoms is generally good, sometimes rather too sandy.

As to the atmospheric tendency which the reclaiming system would have, I cannot conceive any counteract-

ing principles to its adding regularly to the salubrity or improvement of the air and health, in proportion to the extent of the works.

As to reclaiming upon general principles, that is, confine all the water to the open streams in our large western rivers, such as Missouri, Arkansas, or the Mississippi, would be an undertaking, I believe, too great for our government; but, for the sake of a position, I will admit that it is practicable, and say that it is now the policy of our government The first question now is, how high would a Mississippi levee have to be made; or, in other words, if all the water of the Mississippi was confined to the open stream, how much higher would the river rise? It is not likely that this question would get a satisfactory solution in the world; for there would be such a discordance in the calculations and the results, that there would be no knowing what to believe, and the question still remain unsettled; but I shall here undertake to answer the question by hypothesis, or rather data marked with much simplicity, and the truth of which will be recognised by every man who is acquainted with the western waters. In the first place let it be understood, that the bottom lands of our rivers are very wide; the Mississippi anywhere below the mouth of the Ohio, about thirty straight miles across, interspersed with deep reservoirs, or overflows in some places for miles together, bearing marks of from twelve to twenty feet in height. These large overflows, or reservoirs, communicate with the river by means of bayous, and when the river rises, the water runs from the river, through those bayous, and pours their contents into those large reservoirs, or overflows and fills them up, and when the river falls, the water returns through the same bayous into the main stream, with some slight exceptions.

The bottom or beds of those bayous are generally about twelve feet above low-water mark of the river. Now, when the river commences to rise at low water, (or ten to fifteen feet of low water,) it is not uncommon for it to rise four feet in twenty-four hours, but as soon as it gets up so that the water flows through the bayous to the overflows, it is checked in its rising; in lieu of four feet in twenty-four hours, it then rises only about two feet, and the higher it rises the more of these communicating bayous are brought into action, as their beds are various in regard to depth; so that when the water is within eight to ten feet of the top of the high bank, it is shocking to all persons acquainted with the Mississippi to learn that the river is rising at the rate of twelve inches in twenty-four hours.

Now, if not for the thousand bayous flooding the water from the main river, in lieu of its rising but twelve inches in twenty-four hours, it would rise four feet, the same as it did before the bayous were brought into action; but the higher the river gets, the slower it rises, so that when it is near bank full, the water from the river running over some of its low banks, as well as all the communicating bayous flooding the waters off into the great basins of overflow, the main river now rises one inch in twenty-four hours, notwithstanding the mighty rivers of the north, east, and west, Mississippi, Ohio and Missouri, together with their thousand tributaries, with their foaming mouths gorged to overflowing into the lower Mississippi, it is no larger in its channel than either of the others aforementioned.

Now, from the above data could be nearly estimated how high the Mississippi would rise, if all its waters were confined to the main stream; but it is sufficiently proven, that our highest bottoms would have to present a front levee of ten feet at least, to be preserved against the high floods, and the reckless consequence that would follow can be easily conceived.

I have spun out this branch of the subject so far, that I have not the time to nominally analyze others; wherefore I will conclude by saying, that I am an advocate for the reclaiming system judiciously conducted.

N. RIGHTON.

PETER T. CRUTCHFIELD, Esq.

Copy of a letter from P. T. Crutchfield, Receiver, &c., to Thomas Mathers, Esq.

RECEIVER'S OFFICE, *Little Rock, September* 3, 1835.

SIR: I have been requested to furnish the Treasury Department of the government of the United States "an estimate of the probable expense of constructing a levee on the public land, on the western bank of the Mississippi river, and the southern bank of the Red river, in the State of Louisiana;" also, "an estimate of the expense of constructing levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary; together with the probable advantages or disadvantages of such works, respectively, the probable effects upon the health and prosperity of the country in which such works may be constructed, and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees."

I have been requested to furnish information on the foregoing subjects of inquiry, either from my own personal knowledge and observation, or from the experience of others in whose judgment and accuracy I can confide. Having little *personal knowledge* and *experience* touching the foregoing points of inquiry, I am unable to reply to them satisfactorily. Believing, however, that you have great *practical* knowledge and experience relative to the subjects embraced therein, I trust that you will impart it to me, by responding to the above inquiries as early and as much in detail as may comport with your time and convenience. By doing so, you will confer a favor on the public at large, and oblige me from whom the information is sought.

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

P. T. CRUTCHFIELD.

THOMAS MATHERS, Esq., *of Conway County, now at Little Rock, A. T.*

No. 6.

LITTLE ROCK, ARKANSAS, *October* 9, 1835.

SIR: In compliance with your request of the 13th March last, touching the expense of constructing levees on the west bank of the Mississippi river, and the southern bank of Red river, in the State of Louisiana, and the constructing of levees on, or removing obstructions from, the rivers of Arkansas and Missouri, through the public lands, wherever they may be necessary, together with the probable advantages or disadvantages of such works; the probable effect upon the health and prosperity of the country in which any of such works may be constructed, and the probable quantity, quality, and value of the land belonging to the United States, which will be reclaimed by the construction of any such levees, I now give answer, containing such information as I have in my possession. With regard to leveeing Red river, in Louisiana, and the removal of obstructions from the Arkansas and Missouri rivers, and the constructing of levees on the Missouri river, I will not undertake to give information, as

I am not acquainted with Red river in Louisiana, nor the Missouri river, and am not acquainted with the expense of operating in the removing of obstructions from rivers. But with the situation of the country on the Mississippi and Arkansas rivers, within this Territory, I have some acquaintance—have seen some levees on the Mississippi river, and with the cost of the constructing of which I made some inquiry. Such levees as I saw on the Mississippi river, would cost from one to one and a half dollars per rod. There are points on the Mississippi river yet not leveed, which would cost more to construct levees upon than those levees I saw, on account of the bank inundating to greater depth; consequently, the levee would have to be proportionately higher, and more than proportionately broad, to give it sufficient strength to withstand the weight of water that would come against it in a high flood. Those levees I have seen on the Mississippi river (in the Territory) are from one to two and a half feet in height, and from five to eight feet broad on the base. It would, I think, rarely be the case that a levee of more than four feet in height would be required on the west bank of the Mississippi river, in the Territory; and where a levee of four feet in height would be required, it should be at least twelve feet broad at the base, to make it of sufficient strength to withstand the weight of the water. The construction of such a levee would cost two and a half to three dollars per rod.

The Arkansas river would require, in some instances, larger levees than the Mississippi, but rarely any more than four feet in height, the cost of the construction of which would be about the same as on the Mississippi. The quantity of land that would be reclaimed from inundation, by making a permanent levee on the west bank of the Mississippi river, within this Territory, and the banks of the Arkansas river, would be immense. The most fertile lands are subject to inundation, which, if reclaimed, would not be surpassed, in point of fertility, by any land in the world. I can give no correct estimate of the quantity of land that would be reclaimed from inundation, by making permanent levees on the banks of those rivers, within the bounds of the Territory, but will say that many hundreds of thousands (at least a million) of acres of this superior soil would be reclaimed. As to the effects produced by such works on the health and prosperity of the country, there is not a doubt with me that they would be of great importance. As to health, the permanent drying of the land would evidently contribute much to that greatest blessing—the blessing of health, together with the many other advantages which would result from the drying of those lands, to wit, principally the rapidity with which they would be thrown into successful cultivation, would add incalculably to the prosperity of the country.

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

ALLEN MARTIN, *D. S.*

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

No. 7.

ST. CHARLES, Mo., *May* 12, 1835.

SIR: I have just received a copy of a circular from you, making inquiries respecting the practicability, utility, and probable cost of constructing a levee to prevent the overflowing of the Mississippi, and certain other western rivers.

I am not possessed of sufficient mathematical skill, statistical information, and knowledge of the nature of such works, to form anything like an estimate of the cost of such an undertaking, nor do I believe that any safe estimate could be made without a careful examination of the ground by competent engineers. I have had just enough of experience in the business of engineering to know, that men are generally greatly deceived when they attempt to judge by the eye, respecting ascents and descents, and different levels. This is especially so, when the ground is apparently level, or nearly so.

All that can be expected of men who have made no scientific examination of the country, is to give a general statement of the extent and quality of the country that is occasionally inundated, and of the nature of the work required to prevent such inundations. I am aware that there are many persons who are much better qualified to give you satisfactory information on this subject than myself; but I fear that many of those to whom your circular is addressed will not take the trouble to lay before you the facts and important information in their possession. I have therefore taken my pen to contribute my mite of information, on a subject of immense interest and importance to the whole western country.

On the whole course of the Mississippi there is an immense quantity of first-rate land that is sometimes overflowed, and consequently rendered useless, unsaleable, and uninhabitable. This land is generally of the very richest soil that exists in the world, and very advantageously situated for access, exportation, and commerce. If it were drained, it would be forthwith thickly settled, and become the most productive and valuable part of the country. At present these inundations render the bottoms unfit for cultivation, and impair the health of the adjacent country to such an extent, as greatly to retard and prevent the settlement of the neighboring bluffs and uplands. The Mississippi bottoms, in the States of Missouri and Illinois, would produce the greatest abundance of all kinds of grain and bread stuffs, and are admirably calculated for meadows, and for raising various other productions. Their situation is such, that all their produce could be quickly, safely, and cheaply shipped down the river, to supply the wants of the citizens of our sister States that are engaged in the culture of sugar and cotton. The unusual fertility of the soil, and the commercial facilities and advantages possessed by those living on the Mississippi bottoms, would enable them to establish an extensive trade, highly beneficial to themselves and the southern planters. The general settlement of the bottoms would afford much more desirable accommodations to steamboats and other vessels engaged in the navigation of the river, and render navigation and travelling on it more comfortable, healthful, and safe.

It would bring into market a large body of superior land now overflowed, and promote the settlement and cultivation of much valuable country, that now lies waste on account of the fears entertained respecting the health of its situation.

In the southern part of this State, the quantity of fine land that is overflowed is much greater than in the northern. But as I am better acquainted with the northern part of the State, I will confine my remarks to that section.

The point of land between the Missouri and Mississippi rivers is entirely alluvial for twenty miles above the confluence. The highlands terminate at the "Mamelles," about three miles below the town of St. Charles. All the strip of country below that point is level, and exceedingly fertile. It varies from two to ten miles in width. No section of country, of equal extent in the United States, possesses greater agricultural and commercial advantages than this country would, if proper measures were taken to prevent the inundations of the Mississippi, and to drain some lakes, such as the "*Marais Croche*," and the "*Marais Temp Clair*." The *bottom* of the Mississippi

is about four miles wide at the "*Mamelles*," and extends to Clarksville, about sixty miles higher up the Mississippi river. In this distance, it varies from one to four miles in breadth. From Earlsville, there are no bottoms of consequence on the Missouri side of the river, until you come into Marion county, in the neighborhood of the town of Hannibal. From that point to the mouth of the Des Moines river, there is a similar bottom, which extends some distance up the Des Moines river. This would be a most delightful and productive farming country, if the high floods of the river could be effectually guarded against. In this bottom, as well as in that extending through St. Charles and Lincoln counties, the soil is loose and alluvial, and the work of excavation would be easy, and the cost of canals and embankments comparatively small. In many places, the ground near the river is sufficiently high to render embankment unnecessary, but it would be required in the intermediate places. There are several creeks that empty into the Mississippi through this bottom, which would have to be embanked for a short distance from their mouths. If the high water of the river were kept out, the work of draining the lakes would be cheap and easy.

If this were effected, every foot of the land in this region would be speedily bought by individuals, and reduced into a state of cultivation. If the main work were done by the government, much work of a similar nature would be done by individual enterprise. If the whole of this country were owned by an individual, it would certainly promote his pecuniary interest to execute this important enterprise; and as the government owns the greater part of the overflowed land, and much valuable land adjacent thereto, policy would dictate the propriety of undertaking the work. The land is unproductive and useless to the government as it lies, and will continue so, until some energetic measures be taken to render it valuable. It would be much better that the whole of this land should be ceded to the State, or given to individuals or companies, on condition that they drain and embank it, than that it should lie in its present state.

During last winter, I wrote a short account of a new county, recently organized in the southern part of this State, called "*Stoddert*," which I have cut from a paper in which it was published, and enclose to you, as being somewhat connected with the inquiries in your circular.

Respectfully yours, &c.

WM. M. CAMPBELL.

Hon. ELIJAH HAYWARD.

STODDERT COUNTY.

We are indebted to the kindness of a highly intelligent friend for most of the material facts contained in the following article on Stoddert county. This county has been recently established by the legislature of this State, and, as it is a section of country about which very little has as yet been said, although of very considerable extent, and possessing in a high degree inducements to emigrants and settlers, we have therefore thought proper to give to the description more space than is usually allotted to a single article.

This county is an island surrounded on all sides by rivers, swamps, or lakes. It is bounded on the north by a swamp, which separates it from Wayne and Cape Girardeau counties; on the east by an extensive swamp, which separates it from Scott and New Madrid counties; on the south by Arkansas Territory; on the west by the St. Francis river, which separates it from that Territory and Wayne county in Missouri.

Owing to the insular situation of Stoddert county, it is very inconvenient of access. A tolerably good road passes through the swamp on the north, leading from Cape Girardeau to Stoddert, by which nearly all the existing intercourse is carried on with the new county. The inconvenience of access from the direction of New Madrid and Arkansas is great, in consequence of the almost total impracticability of crossing the swamps in their present state. Stoddert county is about ninety miles long and from ten to twenty wide. It is very generally of an alluvial formation; there are no mountains, the hills are not considerable, and are entirely free from rock and stones. Stoddert is the region which was most seriously injured by the earthquakes, which ruined a part of New Madrid. By the extraordinary effects of the earthquakes a large part of the territory sank and was destroyed, the courses of the creeks and rivers were changed and interrupted, and their waters thrown into the depressed territory, and a number of extensive swamps and lakes formed. The waters of the St. Francis river and other streams were spread over the region to such an extent that it is sometimes difficult to determine where their channels really are. St. Francis river would be navigable for steamboats to the upper part of the county, if the rafts which obstruct its channel were removed. The inhabitants of that region sometimes call it Lead Fork. Castor river flows through Madison and Wayne counties, and the northern part of Stoddert, and in the swamp unites with White Water, and forms Little river, which flows south for some distance and empties into the St. Francis. The rafts on the St. Francis river and its branches are formed of immense masses of heavy timber, piled up and compactly driven together, extending across the streams until some of them cover several hundred acres. By the deposit of trash and the decay of timber and vegetation, a soil has been formed on them, and they are covered with living trees, grass, and herbage. On some of them a person may cross the St. Francis river without seeing the stream, or being conscious that he is near a watercourse. The river enters above, flows under the raft, and issues again below as if it had just risen out of the ground.

Some of these rafts rise and fall with the rise and fall of the stream, like a floating bridge. The principal raft is opposite to the lower end of West Prairie, and is about a mile long. There are several smaller rafts lower down the St. Francis, and on its tributaries. It is considered very practicable to avoid the obstruction in the navigation of the St. Francis and its branches, by cutting channels around the rafts. As they are situated at the bends of the river, and the soil is alluvial, the expense would be inconsiderable, and the benefits and advantages great.

A considerable part of the counties of St. Francis, Perry, Cape Girardeau, Madison, Wayne, Scott, New Madrid, and Stoddert, are watered by this river and its tributaries; and as much the greater part of the territory on its waters is still the property of the United States, an appropriation by Congress for the removal of the rafts, and the improvement of the navigation, would be not only just and reasonable, but highly politic and expedient. No part of the county of Stoddert has been surveyed or brought into market by the general government.

There are no private land claims in the county, except a very few old Spanish grants. The inhabitants live on the land as squatters, with the expectation of availing themselves of pre-emption rights, whenever the land shall be brought into market. A large part of Stoddert is heavily timbered with valuable kinds of timber. The northern part of the county is alternately swamps and ridges. There are within its boundaries two rich prairies of considerable exteut. West prairie, about the centre of the county, is twenty miles long and five wide. Grand prairie, in the southern part of the county, is about twelve miles long, and extends into Arkansas. The soil of these prairies is loose, sandy, and exceedingly productive. The timbered land is all of the richest kind of soil, equal in fertility to any part of the world. The climate is that of the northern part of

Tennessee, and the productions similar. Sometimes there is ice, frost or snow, in this region, but not in great quantities. The woodland, prairies, and swamps, afford a varied and inexhaustible range of the finest kind, for horses, hogs, and cattle of all kinds, both winter and summer. The canebrakes also afford valuable range for stock. Cattle never require to be housed and fed here in winter. Immense stocks of hogs can be raised with great ease. Corn is produced in large abundance; other crops might be advantageously cultivated, and most kinds of stock may be raised with very little labor, trouble, or expense. The soil and climate are admirably adapted to the culture of cotton, in which article it can compete advantageously with any part of the southern States. The soil of Stoddert is fertile, its climate pleasant, its products plentiful, and its opportunities for trade in stock to the lower country valuable. Its territory holds out inducements to emigrants who expect to engage in stock raising or the culture of cotton. When the navigation of St. Francis river shall have been cleared out, it will possess very advantageous means of trade and intercourse with New Orleans, as the navigation will never be obstructed by ice.

Game, of various kinds, is abundant. There are immense numbers of bears and deer, some elk, and a few scattering buffalo. In the swamps are great numbers of muskrats and otters, and a few beavers. The principal trade is in peltries. For many years past there have been taken from these swamps, furs to the amount of from $20,000 to $30,000, and sold at New Madrid and other places. Owing to the difference of climate and situation, there are, in this region of the State, a number of fowls, wild animals, and vegetable productions of different species and descriptions from those that are found in the northern and western parts of Missouri. Until within a few years past, this section of the State was inhabited almost exclusively by Indians, but they have nearly all removed to the territory assigned to them west of the State of Missouri. There is still one Indian village situated on the edge of the swamp, between West and Grand prairies. It is composed of fragments of tribes of Senecas, Shawnees, Muscogees, Delawares, and Cherokees. They have resided long in the village, and their number is reduced to about fifty. They are peaceable, inoffensive, and have made some progress in agriculture and the ruder arts of civilization. They subsist by farming on a small scale, stock-raising, hunting, and the trade in peltries. They have had no opportunities of education, or of any kind of literary or religious instruction. The tribe owns no land here, and they only remain by the sufferance of the government and its citizens. Some of them are shrewd men, and very desirous of becoming permanently settled citizens of the country. Chiletican is principal chief, and exercises a species of patriarchal government over them.

Until lately the inaccessible situation of Stoddert kept off all population. Some speculators fixed upon this county as a situation for a terrestrial paradise separated from the evils of society; others viewed it as only a fit resort for outlaws and fugitives from justice.

It has, however, recently began to attract a population of a valuable and substantial description, and by the influx of inhabitants and progress of society, promises to become a flourishing county. The present population is supposed to be about one thousand. They are principally emigrants from Carolina, Tennessee, Kentucky, and other quarters. The soil, climate, and productions peculiarly suit the feelings, habits, and constitutions of emigrants from those States, and other portions of the southern country.

A large portion of that part of Stoddert which is now a swamp, might be readily reclaimed and rendered valuable and productive. Several of its streams might be rendered navigable for boats. It is said that there are indications of lead and iron ore in parts of the swamps that have sunk, and about the "*earthquake hills.*" This region affords a fine field for the researches of the curious, and the enterprise of the trader and emigrant. The adjacent counties of Lawrence and Phillips, in Arkansas, contain considerable population, and there is a considerable region of country in that territory west of Stoddert.

A measure has been proposed in Congress by General Ashley to construct a road across the great swamp from New Madrid to Stoddert. If this should be effected, it would attract an immense amount of travelling and emigration to Arkansas and Missouri. It would render the road from New Madrid to Batesville, in Arkansas, shorter by more than one half the distance. It would require to be made across the swamp about nine miles, and would thus connect good roads in Kentucky with fine roads in the best part of Arkansas. It would be advantageous to the government of the United States to make this road, if they appropriate the whole of the land in Stoddert county for that purpose. This region only needs to be known in order to attract much emigration.

No. 8.

LAND OFFICE AT FAYETTEVILLE, *September* 26, 1835.

SIR: Your circular letter of the 15th of March last, in relation to the construction of levees on the Mississippi, Missouri, and Arkansas rivers, has been received, and in reply thereto, we can only say, that our situation is so remote from those rivers, that we are unable to give any correct opinion, or form any correct estimate, in relation to the subject of inquiry.

We are, with great respect, your obedient servants,

WM. K. HALL, *Register.*
BY MATTHEW LEIPER, *Receiver.*

COMMISSIONER *of the General Land Office.*

No. 9.

NEW MADRID, MO., *June* 10, 1835.

DEAR SIR: I received your letter of the 13th of March, containing a resolution from the Committee on Public Lands, touching divers inquiries, &c., in answer to which I must confine myself pretty much to the county of New Madrid, which is the extreme southern county of the State of Missouri, and occupies a front on the Mississippi river of about 70 or 75 miles, including its meanderings, and 45 or 50 on a direct line, two thirds of which distance is occasionally subject to inundation; which liability is annually diminishing, from some unknown cause, probably its gradual increase of width, depth of channel, removal of the obstructions thrown up in the bed of the river in the time of the earthquakes. Ten years ago, when I first came to this county, great quantities of lands, occupying a front on the river, and at that time considered worthless and invaluable, from the great depth of the annual overflow covering them, are at this time (except in very uncommon seasons) dry and arable land,

and held in high estimation by the occupants. Most of the land which is termed refuse, i. e., which was never surveyed by the United States government, was deeply overflowed in 1828, very partially in 1832, and not at all since, except at particular low places at the mouth of the bayous, creeks, &c. Every deep overflow leaves behind it a deposit, of from three to ten inches, just in proportion to the length of time and the depth the country is covered with the muddy water of the Missouri. Hence, the raise of the lowlands and the gradual diminution of the overflow. The greatest rise of water that ever takes place in the Missouri, Upper Mississippi, Ohio, Cumberland, or Tennessee, singly, has but slight effect to produce inundation here; but when these upper rivers raise simultaneously (as in 1815) at the same time, a universal flood is the consequence, when all the feeble efforts of man must stand in quiet submission. These circumstances are, however, like "angels' visits, few and far between," so that little dread and apprehension of injury arises from them. New Madrid is situated at the mouth of bayou St. John, near the middle of a large bend in the river; and except about two sections of surveyed land on the opposite side of the bayou from the town, all the scope of country of thirty miles fronting the river (20 direct), and 20 back, lying E. and N. E. to the mouth of James bayou, thence W. and S. W., embracing a great tract of country, is all refuse land, that has neither been surveyed nor brought into market as yet; and if it could be drained, by the means of a levee, would reclaim at least 200 sections. I think the general average height of a levee to answer every purpose, would not be over five feet, and the cost of that per rod not over $2 00; so that the expense of a levee from New Madrid to James bayou, (the mouth,) the N. E. corner of New Madrid county, would not be over $20,000, thereby leaving a net balance to the government of $140,000. The whole extent of this territory just spoken of is occupied by settlers every mile fronting the river. The country back from the river between the two bayous, St. John and St. James, holds a pretty near equal height to that on the bank, generally speaking, some higher and some lower; so that, in ten miles, there is not probably a descent of more than ten feet, which would lead to some doubts as to the salutary effect a levee would have, as there would seem to be no drain to the water that oozes up through the ground during an inundation, and the rain-water which falls frequently in such great abundance as to inundate large tracts of low boggy country, six and seven feet deep in water. It is, however, absorbed into the earth, and taken by evaporation much quicker than the doctrines that govern those subjects would seem to admit. This section of country just spoken of approaches directly to the town of New Madrid, embracing a tract over twenty miles square, lying N. and E. As to the probable effect these improvements would have on the health of the country, on both sides of the bayous, it is manifest to every eye. Whatever may have the effect to render this tract dry and arable, would of course check animal and vegetable decomposition, and cut short miasmatic diseases, at least in some measure. The section of country from bayou St. James to the mouth of the Ohio, and for some distance above that, are subject pretty much to the same observations as the one just spoken of, except some ten or fifteen miles front in the neighborhood of Wolf Island, which lands have been surveyed, and are now in market, or at least have been entered and sought after with great avidity.

The distance from bayou St. James to the mouth of Ohio, is about forty miles; and probably the private lands may occupy one third or more of this distance, Spanish grants and congressional entries. No accurate calculation could be made without admeasurement, as to the quantity of land that would be reclaimed by a levee from this to the mouth of the Ohio; not less, however, than five hundred sections of the first quality; and the cost of the levee, say seventy-five or eighty miles, would fall far short of the amount of proceeds arising from the sale of one hundred sections.

Great care would have to be used in running the levee at some distance from the bank of the river in the bends, (say from one to two hundred yards,) so as to avoid being destroyed by the falling banks. The country from New Madrid down the river, for the distance of twenty-five miles, is but little subject to inundation, the banks and the country back being generally high, so as to render any levee entirely unnecessary. This space of twenty-five miles is entirely occupied by private lands, congressional entries, and Spanish grants. The country from where these high lands terminate, is subject pretty much to the same remarks as the country to the mouth of the Ohio, except that the descent back is greater toward the lowlands of Little river, a branch of the St. Francis, and the water finds its outlet in this way. The distance here to levee to the southeast corner of the county is about twenty-five miles, intersected, however, with spots of several miles not requiring it; at least, one not over three feet would be sufficient. Bayou Pemisco empties into the Mississippi, fifteen miles above the southeast corner of the county, and presents a low, flat aspect at its mouth, for two or three miles, that would require a levee of ten feet. The amount of land to be reclaimed by this levee, back with the Arkansas line, thence north, intersecting the high lands in the middle of the county, would be even greater than the country described above, with the same salutary effect as regards health.

Twenty miles back of the Little prairie, in a northwest course, is the West prairie, Grand prairie, &c., and but for the lowlands that cut it off and separate it from the river in a direct line, would be one of the richest and most fertile counties of Missouri (now Stoddert).

In conclusion, upon a fair calculation, forty thousand dollars would levee all that is necessary to levee in New Madrid county, fronting the river, and would reclaim five hundred or one thousand sections of land, worth $1 25 per acre, on a general average. Some situations on the river, on those refuse lands, are now worth from one to three thousand dollars for the bare occupant right to half a mile front, and one or two back. These lands afford homes for thousands of families free from taxation and the sheriff's reach; over which the poor, but happy man, can walk in proud independence, as proprietor of the soil, without money and without price. I can see no propriety in constructing levees on the Mississippi, as the highlands approach always within three miles of the river; on one side or the other, much nearer, as far as my observation extends, about three hundred miles up. Of the waters of Red river and Arkansas I know nothing, and, therefore, can offer no reflections on the subject of improvements there.

Very respectfully, your obedient servant,

T. B. MARTIN.

ELIJAH HAYWARD, Esq.

No. 10.

ST. FRANCIS, *June* 3, 1835.

SIR: Your communication, directed to me, dated 13th March, has been duly received and considered; and in reply, I have been settled on and in the vicinity of the Mississippi for the last twenty-eight years, and am pretty well acquainted with the local situation from Cape Girardeau, in the State of Missouri, to the mouth of the Arkansas, a distance of something near four hundred and sixty-five miles by way of the river. Of this distance,

I believe it to be practicable to levee three hundred and fifty miles, that is, from Cape Girardeau to the town of Helena, as at Helena the high lands run down the St. Francis river from its head on its west bank, intersecting the Mississippi at this point; from Cape Girardeau to Helena, there are but few places but what can be leveed with little expense, comparatively speaking, as in many places there are high ridges of land running parallel with the river, that would not require a levee of more than from one to three feet in height. I believe one half the distance would be protected with a levee averaging three feet; say the other half would require a levee of six feet, which I am conscious would be as high as would be required. The amount that would be required to levee from Cape Girardeau to Helena, three hundred and fifty miles, I believe would not exceed $500,000. But in order to reclaim this section of the country, there must be a levee run up the east bank of the St. Francis river, say one hundred miles, which would require the further sum of $166,000. There would also be other objects which would have to be taken into consideration, to reclaim and qualify for farming, navigation, &c., this section of the country. About three hundred miles up the St. Francis, from its mouth, are three rafts of timber formed across the river; the most extensive one does not exceed one mile in length. Those rafts are formed at the head of the back water on the St. Francis, from the overflow of the Mississippi. By leveeing the Mississippi, and the clearing out of those rafts, they never would impede this stream again. In the vicinity of this raft, what is called the Big swamp, in the southeast corner of the State of Missouri, empties in. This swamp is something like eighty miles in length, situate adjoining the ridge of high lands lying in the fork of the St. Francis and Mississippi, and running parallel with the Mississippi swamp, is made from the waters of these hills, which can easily be reclaimed, by cutting a canal adjacent to the high lands, to intersect a small stream situated in the bottom, called Little river, which empties in the St. Francis, a short distance below the raft. To cut this canal would require say $250,000. There is also one other object to be taken into consideration. A short distance below the raft on the St. Francis, in 1811 and 1812, the earthquakes sunk a considerable portion of these low lands, so much so that it destroyed the channel of the St. Francis for near thirty miles. The channel is divided into a number of streams, none of which are large enough for large boats to pass. By filling up all those channels except one, and cutting it deeper, it would afford a good navigation the most part of the year for tolerably large steamboats. I believe that this object might be effected say for $50,000. The St. Francis river, if cleared of the obstructions above named, is one of the finest streams of its size in the western country. It would afford a splendid navigation for the distance of from four to five hundred miles; and if reclaimed, there is no country under the heavens, for its extent, affords more good lands; and the southern counties of the State of Missouri would be greatly profited, as it would afford them a safe navigation, as it were, from their doors. The country that would be reclaimed from these two points would be vast; say a country of three hundred miles in length, averaging thirty miles in width. By making the improvements as herein detailed, it would be hard to estimate the value of the country reclaimed. It must be borne in mind that by making these improvements, it would in a great degree make the country healthy. Only to think that 36,000 families can he settled down for life on lands that improve and get better for fifty years to come, and that on lands now considered to be worth nothing. There is something very remarkable in the vast overflow between the St. Francis and Mississippi. From the best information that I can get, and from my own knowledge, the bottoms of the St. Francis did not overflow until since the earthquakes in 1811 and 1812. It appears the country between the St. Francis and Mississippi was sunk, so that the high water made its way into the St. Francis several places, the first of which is near New Madrid, and from there in different places within fifteen miles of Memphis. It has been ascertained by engineers, from running a level from the bank of the Mississippi to the bank of the St. Francis, that the bank of the Mississippi is sixteen feet above the bank of the St. Francis. Where the banks are equal as regards the overflow, one hundred miles above the mouth of the St. Francis, I believe that the required levee between Cape Girardeau and Helena will not exceed four feet in height on an average; and I am bound to believe that it could be done for less than four dollars and fifty cents per rod; but I believe the best plan for the government to insure the work for the least sum, would be to purchase negroes and provisions, and employ overseers.

As regards the improvement on the Mississippi south of Helena, I believe it may be done, but the expense will be considerably increased beyond the estimate before laid down; and as there are many others, I presume, better acquainted than myself to inform you, I will forbear giving any further indication.

I have a slight knowledge of the Arkansas, but not of that particular character to enable me to give you the necessary information. I am not acquainted with the Missouri, and am unprepared to advise in relation thereto. I hope that my slight sketch may be of some service.

I am, very respectfully, WILLIAM STRONG.

ELIJAH HAYWARD, Esq.

No. 11.

TREASURY DEPARTMENT, *November* 14, 1835.

SIR: In looking over the answers to your circular of the 13th March last, on the subject of the resolution of the House of Representatives, dated the 2d of that month, I perceive that none of them have any reference to the southern bank of Red river, in the State of Louisiana; and as in replying to the resolution, it will be proper to account for the reason for the absence of the required information on that head, I will thank you to state what steps were taken to procure it, and the cause of the failure. It has occurred to me that a Mr. Brooks, now in this city, and who has resided for several years in the interior of Louisiana, may be acquainted with the locality of that region, and be able, on application to him, to communicate some information on the subject. I shall be glad, therefore, you would seek an interview with him for that purpose, and report the best estimate you can form as to that section.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

The COMMISSIONER *of the General Land Office.*

No. 12.

GENERAL LAND OFFICE, *November* 16, 1835.

SIR: In relation to the subject of your letter of the 14th inst., I have the honor to inform you that the circular letter of 13th March last, to which you refer, was transmitted to the following sources of information:

To the registers and receivers of the land offices in the States of Louisiana, Missouri, and the Territory of Arkansas.

To the senators and representatives from the same States, and to the delegate from the Territory, and, also, to the governors of each; to whom was also furnished an additional number of copies for distribution to such other sources of information as they might see proper to direct them to, amounting in all to one hundred and eighty-three copies.

Agreeably to your suggestion, I purpose to consult Jehiel Brooks, esq., who has resided for many years in the interior of Louisana, as to the probable expense of constructing a levee on the public lands on the southern bank of Red river in that State.

I am, respectfully, sir, your obedient servant,

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 13.

GENERAL LAND OFFICE, *November* 16, 1835.

SIR: I have the honor to transmit a reply from the land officers at Jackson, Missouri, on the subject of the circular letter of the 13th March last, respecting the resolution of the House of Representatives, passed on the 3d day of February last.

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

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

LAND OFFICE, *Jackson, Mo., October* 20, 1835.

The undersigned, register and receiver of the land office at Jackson, Missouri, in obedience to instructions from the Land Office Department, of the 13th March last, respectfully submit the following report:

Having no means to obtain the information required by that portion of the instructions relating to the State of Louisiana, they have confined their inquiries to that portion relating to this State, and more particularly to the inundated lands in this immediate land district.

To construct a levee on the margin of the Mississippi river, so as to effect the object of the department, if indeed practicable, will be attended with great expense, and from the instability of the banks, (being principally composed of sand,) and the great rapidity of the current of the river, would, in the opinion of the undersigned, be of little utility. It is true, levees are permanently constructed on the Mississippi in Louisiana, but it should be taken into consideration that the material of which the banks are composed higher up the river is very different, and the current much more rapid.

From the best information the undersigned have been enabled to obtain, a levee cannot be constructed at a less average expense than from two thousand five hundred to three thousand dollars per mile, and when completed cannot be considered permanent.

The undersigned, however, would respectfully suggest, that the object of the department in reclaiming the inundated lands in this district could be effected by a mode entirely practicable, and at comparatively little expense, and beg leave to refer to the enclosed letter of Mr. John Rodney, who having surveyed the public lands in the vicinity of the Great swamp, and whose residence in that section of country for many years has given him opportunities to obtain much practical information; and would further suggest, that a survey—by a competent person—of the inundated lands, in what is generally known as the Great swamp, be ordered; having no doubt not only of the entire practicability of the plan suggested by Mr. Rodney, but that it would result in advantage to the government, and incalculable benefit to this section of country, reclaiming a vast extent of land of the highest productive quality, and at the same time furnishing an easy and safe navigation.

They also beg leave to refer to the enclosed letter from Dr. Thomas Neale, whose views of the effects upon the health of the country is founded upon the experience of thirty years' residence in this section of the country, all of which is respectfuly submitted.

FRANK J. ALLEN, *Register.*
RALPH GUILD, *Receiver.*

JACKSON, MO., *October* 14, 1835.

GENTLEMEN: In compliance with your request I now briefly present to you views in regard to the influence on the health to the inhabitants of Cape Girardeau county which the clearing and draining the lands of the Great swamp would be productive of. The present condition of the Great swamp to engender disease, and the salutary influence on the health of those residing near it, when drained and in a state of cultivation, are evident to the most ordinary observer.

The immense mass of vegetable matter which annually grows in the swamp and on its margin, when decomposed, is unquestionably a prolific source of disease to those living within its destructive influence. The season most favoring the decomposition of vegetable matter is the summer, and the agents which nature employs for that purpose are heat and humidity, and at that season of the year they are always present in the swamp region.

The undrained situation of the Great swamp, and the peculiar humid state of the atmosphere in and around it, aided by the action of an intense summer sun on vegetable matter and stagnant water covering superficially its surface, are calculated to impart great activity to marsh effluvia, which is highly deleterious to human health and life. During the season when fever prevails in this country, it has always been observed to be of a more malignant character during the prevalence of south winds than under any other circumstances. This is accounted for upon the principle that the extensive morbid exhalations of the swamp are wafted by the south winds to the settlements lying in an opposite direction.

The draining and cultivation of the Great swamp would disencumber it of its superabundant decayed and decaying vegetable matter, and of its noxious stagnant waters.

What benefit, it may be asked, would result from the new order of things as above stated? It is believed that it would improve the health of the country fifty per cent., by rendering the atmosphere more salubrious; and

the advantage in an agricultural point of view would be immense, for it is as fertile a region as is on the globe. Much might be written to illustrate this subject; but as medical gentlemen now generally agree as to the causes that produce fever, it is presumed that the cursory remarks here presented will be deemed sufficient.

I am, gentlemen, very respectfully, your obedient servant,

THOMAS NEALE.

Messrs. FRANK J. ALLEN and RALPH GUILD, *Register and Receiver.*

GREAT SWAMP, SCOTT COUNTY, MO., *August* 28, 1835.

Messrs. FRANK J. ALLEN and RALPH GUILD, *Register and Receiver of the Land Office, Jackson:*

Having been solicited by you to give some information on the subject of levelling and draining the swamp and earthquake lands lying in the southeast part of the State of Missouri, and also lying within the bounds of your Land Office:

It will, of course, be expected that the office within whose bounds the swamps lie, will give the fullest and most detailed description of them, and would be most able to advise and suggest a plan to reclaim them. I therefore take the liberty to state to you what I know from ocular examination, and also what would be my plan of reclaiming them in the cheapest and most practicable method.

Beginning at the head of the Great swamp, about three miles west of the Mississippi river, near the range line between ranges thirteen and fourteen, township thirty, north, it being the highest part of the swamp, to construct a small levee across the lowest part or bed of the swamp, to prevent the overflow or back water of the Mississippi from passing down the swamp: The length of the levee would not exceed one mile; the highest part of the levee, in the lowest place, would not exceed six feet, and that only a small distance; the balance of the levee, each way from the lowest part of the swamp, would become still of less height, until it would come to the surface of the highest part of the swamp, so that the whole line of levee would not average more than a height of three feet by a width of eight feet, which would be sufficient to keep out the water at all stages of the Mississippi river. The probable cost of constructing said levee, at the estimate of one cent for removing each cubic foot of earth or other substance that would intervene, will amount to eleven dollars and eighty-eight cents per rod or perch, and consequently, the whole levee would amount to three thousand eight hundred and one dollars and sixty cents.

This levee is all that is necessary to prevent the water of the Mississippi from flowing down the swamp, and of course there would be no other water to drain off the swamp, except what might fall into it by rain and the small creeks and rivulets that fall into it on each side, which all descends down the swamp in a southwest direction, and almost forms a natural canal, until it enters Hubble's creek, which is a distance of about eight miles. This natural canal, improved and cleared out to about the width of eight feet at top and four at bottom, and six feet deep, would be all-sufficient to carry off all the waters that would collect in the swamp between the first-mentioned levee and Hubble's creek, by the assistance of a few small drains cut from the body of standing water to intersect said canal.

The canal, at the same rate of one cent for each cubic foot of earth, at a distance of eight miles, would amount to the sum of fifteen thousand two hundred dollars, for the second section of eight miles of canal. Thence down Hubble's creek to its intersection with Whitewater, a distance of about six miles, allowing the clearing out of the bed of the creek of logs and other obstructions at about the same rates per mile, will amount to eleven thousand four hundred dollars, and from that point, Whitewater will be fully sufficient to drain off all waters that would accumulate, by the assistance of the same process of widening and deepening the channel so as to confine all the waters within its banks; and it would also afford a good navigation as high up as the foot of the highlands on Whitewater. The clearing out of the same down to what is called the large body of earthquake lands, opposite a point on the Mississippi, six miles below New Madrid, to the mouth of Portage bay, about thirty miles distance, at the same rates per mile of the former sections, will amount to the sum of fifty-seven thousand dollars, and would completely drain and reclaim all the swamp lands that lie low down, and cause the whole of the lands to be arable and fit for cultivation, and in fact, will entirely become the most desirable lands in our country. Thence a canal cut through the Portage bay to cause the whole collection of waters to mouth in at that place, would curtail a great deal of the further expense of continuing it down the natural bed of the large body of standing water that lies south of that.

The canal down to Portage bay would necessarily be about six miles in length, and would give the water a reaction in said bay, inasmuch as the bay is shallowest at its head; it has no supply of water only from the Mississippi river in time of high floods, and throwing up a levee across the bed of Little river, immediately below the junction of the Portage bay, would cause all the waters that supply that large body of standing water to vent out at the mouth of the bay, and of course the head of the bay would become the mouth of all the waters of the swamp north of it, and would cut off the supply of water to the swamp south of it. The six miles of canal, and cleaning out the Portage bay, at the above rates quoted, would amount to the sum of eleven thousand four hundred dollars, and for constructing the cross levee to turn the water down Portage bay, say a levee of two miles in length, at an average height of six feet, at the rate of one cent for each cubic foot of earth or other substance removed, would amount to the sum of three thousand eight hundred dollars; which sums altogether amount to one hundred thousand six hundred dollars; which would, in all probability, drain and reclaim about what would be equal to twenty townships of land, equal to four hundred and sixty thousand eight hundred acres of public lands, which, taken at the government price, will amount to five hundred and seventy-six thousand dollars; from which subtract the probable cost of reclaiming, leaves a balance in favor of government of four hundred and seventy-five thousand six hundred dollars of the public land reclaimed. And not only that profit would result to the government, but then an equal to that quantity of land adjoining those swamps, that is not included in this estimate, that will, in all probability, come into demand immediately after the operation on these swamps should or would be performed; as it is well ascertained that many purchasers from different States seem very anxious to become landholders on the margin of the Mississippi river in the State of Missouri, and all the other navigable waters of the State, if those large bodies of swamps and standing waters are drained off and formed into navigable streams, and thereby the whole cause of sickness removed from the south part of the State of Missouri.

Respectfully,

JOHN RODNEY.

No. 14.

GENERAL LAND OFFICE, *November* 20, 1835.

SIR: I have the honor to transmit enclosed a letter from Mr. Brooks, of Natchitoches, in answer to an inquiry directed to him from this office, (agreeably to your suggestion,) concerning embankment on the southern shore of Red river.

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

ETHAN A. BROWN.

The SECRETARY *of the Treasury.*

NEAR WASHINGTON CITY, *November* 19, 1835.

SIR: I received your communication of the 16th instant, with the accompanying circular, &c., &c., last night, and am sorry to say that I find myself badly prepared at this time to reply to its various contents satisfactorily.

The resolution itself seems ambiguous: for, as nearly all of "the public land on the western bank of the Mississippi, in the State of Louisiana," is north of the mouth of Red river, I cannot discern its relation, as to a levee, with "the southern bank of Red river;" nor why the northeast bank of that stream should not also be taken into consideration, when equally as much, if not a greater part of the public land lies on that side.

But if the resolution only means the country immediately below the mouth of the Red river which is submerged the greater part of the time, occasioned by the junction of the two rivers, then I would say, that in my poor judgment, the land reclaimed would not compensate the expense of the work, while the shutting out the wide spread of water in that direction must of necessity extend the overflow proportionally north and west, and probably jeopard the eastern bank of the Mississippi for some distance below; for, it must always be borne in mind, that alluvial formations are uniformly graded according to the local influences of the water. Now it is a fact well settled in the mind of every observer, that originally, the Red river and Mississippi were not united; that the valley of Red river was comparatively the lowest; and that their accidental junction has given a factitious elevation to the waters of both, but of greatest extent upon Red river. I once had occasion to travel through this low region of country, diagonally, from the northernmost part of the Avoyelles prairie, to the Mississippi river, some miles above the mouth of Red river. It was an uncommonly dry season, which enabled me to perform it on horseback. And while in the valley of Red river, proper, the high water mark upon the trees was from fifteen to twenty feet from the ground, which rapidly diminished as I approached the Mississippi.

The "expense of constructing a levee" must depend entirely upon its dimensions, whether made or cleared, or wood land, and the season of the year when the work could be carried on; but I am too little informed in the detail, to venture even a conjecture as to its probable expense through such a country. Still as to the Red river, throughout, I cannot refrain expressing, that my decided impressions are against the utility of the measure, as appears to be contemplated in the resolution, even if applied to both banks, so far as the interest of the government is involved.

As to its "effects upon the health of the country," I will barely remark, that, in those fertile alluvial sections, sickness is not so much occasioned by inundations, as by the excessive exuberance of vegetable growth.

In short, as to improving the present condition of the Red river valley, (except near its mouth,) and where the largest tracts of public land abound, all that is necessary to reclaim the overflowed part is, to widen and deepen the channel of the stream, which, to my mind, is much the most feasible operation.

I know not, sir, to whom I owe an apology most; to the originator of the resolution, or to yourself, for the long detention upon vague generalities, doubts and uncertainties, and therefore, will not increase my imprudence, by the attempt at so unprofitable a discrimination; but conclude with the prediction that, should the government carry out the present plan of operations on the Red river, to the full extent of their utility, it will inevitably develop, by its process, the advantages of any other plan of future improvement.

I am, sir, with esteem and respect, your most obedient servant,

J. BROOKS.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

No. 15.

GENERAL LAND OFFICE, *November* 25, 1835.

SIR: I herewith transmit a communication from Henry T. Williams, esq., surveyor general of Louisiana, in compliance with the request of the circular letter of the 15th of March last, with an estimate of the expense of constructing a levee on the west bank of the Mississippi river, below the efflux of the Atchafalaya, accompanied by a plat; and his letter of the 9th instant, intended to correct an error presumed to exist in the original estimate.

I am, very respectfully, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 16.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, November* 1, 1835.

SIR: In compliance with the request in the circular letter from your office, of the 13th of March last, I beg leave to submit, for the examination of the Secretary of the Treasury, the enclosed plat, and estimate of expense for constructing a levee on the west bank of the Mississippi river, below the efflux of the Atchafalaya.

The proposed levees are designated on the plat by parallel red and yellow lines; which, with the lands known to be owned by private individuals, will make the levee complete as far as the Atchafalaya; and in addition of the remote benefit to the land on the west side of the Atchafalaya and south of Grand river, will

materially improve the district between the Mississippi and Atchafalaya, which is represented on the plat, and estimated at 675,000 acres, two thirds of which (to wit, 450,000 acres) is believed to be government land.

I have thought proper to divide the work into lots, which will be designated on the map by appropriate numbers.

	Cubic yards.
No. 1 is a proposed levee across Racourcie bend, upon private land, so situated that the claimant could not be compelled to make the cross levee. It is 2,640 yards long; 400 yards requires a levee 10 feet high, and the balance averaging 5 feet	23,866
No. 2, a levee from the west Bouligny's upper line, to the lower line of Gen. Lafayette's Latenache tract, being 4,576 yards, and requiring an average levee of 5 feet. It is believed that there are some pre-emptions on this line, but the improvements are very small.	31,777
No. 3, an embankment at the mouth of the Latenache, 100 feet long, by an average height of 25 feet	4,814
No. 4, an embankment near the mouth of Bayou Moreau, 100 feet long, and averaging 25 feet high	4,814
No. 5, a levee from the upper end of the private claim of S. Devanport, to the lower side line of lands, said to have been granted to Gen. Lafayette; part of this is believed to have been covered by pre-emption rights, under the act of 1830 and 1834; the length of levee required, will be 3,586 yards, averaging 4 feet high	15,141
No. 6, 10,516 yards long; this passes through land believed to have been granted to Gen. Lafayette, but unimproved; 600 yards should average 10 feet high, and the balance 4 feet	56,201
No. 7, 2,596 yards long; part of this is believed to be covered with pre-emptions under the acts of 1830 and 1834; the levee should average 5 feet high	16,585½
No. 8, an embankment near the mouth of the little Atchafalaya, averaging 25 feet high and 200 feet long; nearly the whole line passes through timbered land	9,628

The above estimates are made on a calculation of four times the height for the base, and a level surface at the top of 3 feet, which is believed to be sufficiently strong.

The total number of cubic yards will be 143,571; which, estimated at 25 cents per yard for embankment and clearing, will be $40,706 75; to which should be added $4,000 for surveying and laying off the line, and for contingent expenses.

These estimates have been made on personal knowledge of the country, acquired by actual survey, and are respectfully submitted.

To reclaim the land effectually, it will be necessary to continue a levee, averaging 4 feet high, down the east side of the Atchafalaya about 40 miles, which will be 297,244 cubic yards, and will cost $74,311; but the resolution of Congress does not refer to this improvement, and it is believed that if the levee were made on the margin of the Mississippi, it would be continued by individual enterprise.

My knowledge of the west bank of the Mississippi above the mouth of the Atchafalaya and the south bank of Red river, is not sufficient to justify my offering any remarks on the expense of leveeing them; but presuming that it may be attended to by some other person, for the south bank of Red river, I have annexed to my plat a sketch of the country that would be benefited by such an improvement, and have marked by a yellow line the route that is believed to be least expensive.

I am, with great respect, sir, your obedient servant,

H. T. WILLIAMS, *Surveyor General, La.*

E. A. Brown, Esq., *Commissioner of the General Land Office.*

P. S.—A large proportion of the line of levee upon Red river and Bayou de Glaize, has been and will be made by individuals.

Surveyor General's Office, *Donaldsonville, November* 9, 1835.

Sir: On review of the copy of my letter of the 1st instant, I find the following errors which are presumed to exist in the original, to wit:

In estimate No. 2, it was transcribed 4,576, it should be 4,974 yards.

The total cubic yards transcribed 143,571, it should be 162,827.

I omitted also to state that I allowed in my calculations, 4 feet level surface for the embankments at the mouths of the bayous, to afford a single track for horses during high water.

May I beg the favor of you, to have the corrections made either in the body of the letter, or by marginal note? By so doing, you will greatly oblige

Sir, most respectfully, your obedient servant,

H. T. WILLIAMS, *Surveyor General.*

Ethan A. Brown, Esq., *Commissioner of the General Land Office.*

November 17, 1835.

A levee to commence where the range line between range four and five strikes the Arkansas river, on the south side; thence down on the south side of Arkansas to strike the Mississippi river, one mile east of the meridian line; thence down the Mississippi river with the dotted line of the map furnished, to the south boundary of Arkansas. The distance would be about ninety-five miles. This levee should be eleven feet at its base, and four feet wide at the top, and six feet high, and at fifteen cents per square yard, for throwing up dirt, it would cost one hundred and twenty-four thousand four hundred and fifty dollars. In making this levee there also would be about eight bayous to levee, which would cost about fifty thousand dollars in addition to the first sum named, which would make the entire cost one hundred and seventy-four thousand four hundred and fifty dollars. This levee would reclaim about five hundred and fifty-one thousand acres of land, of which about five hundred thousand belongs to the government, and would be worth at *least* a million of dollars, if this levee was made, and would add greatly to the prosperity and health of the country.

SILAS CRAIG.

No. 18.

Tabular statement, showing the information called for under a resolution of the House of Representatives, adopted 2d of March, 1835, as relates to the particular points presented in the resolution.

Rivers.	Levees and Canals.	Cost per rod.	Whole cost.	Cost of removal of obstructions and improvement of channels.	Number of acres reclaimed.	Value of reclaimed land.	Remarks as to health, &c.
Eastern bank of the St. Francis.	Levee from one hundred miles from its mouth to its junction with the Mississippi.	$4 00	$128,000 00	$15,000 00	Not stated.	Not stated.	Information furnished by Wm. Bozeman. Land of superior quality; and its reclamation will improve the health of the country.
Eastern branch of the St. Francis..	Levee to and from the same points as above.	.....	166,000 00	.....	Not stated.	Not stated.	Information furnished by William Strong. Land of superior quality; and favorable effect of the work upon the health of the country.
Arkansas river and west bank of the Mississippi.	Levee from a point on the Arkansas river, between range lines 4 and 5, to the southern boundary of Arkansas, ninety-five miles and leveeing bayous.	.....	174,450 00	.....	500,000	1,000,000	Favorable effect on the health, and prosperity of the country. Information furnished by Silas Craig.
West'rn bank of the Mississippi.	Levee from Helena to Cape Girardeau, distance three hundred and fifty miles.	4 00	448,000 00	.....	6,720,000	8,400,000	Land of superior quality, and of opinion the salubrity of the country will be improved by the work. Information by William Bozeman.
West'rn bank of the Mississippi. (Duplicate.)	Levee to and from same points.	4 50	500,000 00	.....	5,760,000	Not stated.	Same remarks. Information by Wm. Strong.
West'rn bank of the Mississippi.	Levee from Bayou St. Johns to Bayou St. James.	2 00	20,000 00	.....	128,000	160,000	Land good; its reclamation will produce favorable effects on health: Information from T. B. Martin.
West'rn bank of the Mississippi.	Levee from Bayou St. James to the mouth of the Ohio.	.....	76,000 00	.....	320,000	Not stated.	Same remarks. Information from the same source.
West'rn bank of the Mississippi.	Levee from a point twenty-five miles below New-Madrid to the Arkansas line.	.....	20,000 00	.....	320,000	400,000	Same remarks, by same source.
West'rn bank of the Mississippi.	Levee and canal from the head of the Great Swamp to the Arkansas line.	.....	100,600 00	.....	460,000	576,000	Salubrity of the country improved by the proposed work: land fertile. Information by John Rodney, and land officers at Jackson, Missouri.
West'rn bank of the Mississippi.	Levee from the Mississippi State line to that of Louisiana, and along the bank of the Arkansas river.	3 00	Not stated.	.....	1,000,000	Not stated.	Land of fertile quality, and health of the country improved by levees. Information from Allen Martin.
West'rn bank of the Mississippi.	Levee from and to certain points below the efflux of the Atchafalaya, as designated on the accompanying maps.	.....	44,706 75	.....	Not stated.	Not stated.	Information by H. T. Williams, surveyor general.
Red River.....	.....	.....	.....	.....	.....	.....	Information by J. Brooks, who gives no specific facts in regard to the expense of the work referred to, and expresses an opinion against the utility of levees, and thinks the deepening and widening the channels all that is necessary to reclaim the land.

TREASURY DEPARTMENT, *December* 9, 1835.

Letter from the Secretary of the Treasury, transmitting the information required by a resolution of the House of the 24th December last, in relation to lands on the Mississippi, in the State of Louisiana, which are rendered unfit for cultivation by the inundations of said river.

TREASURY DEPARTMENT, *January* 14, 1829.

SIR: In obedience to the resolution of the House of Representatives of the 24th of December last, directing the Secretary of the Treasury to "communicate to the House any information in his possession, showing the quantity and quality of the public lands in the State of Louisiana which are rendered unfit for cultivation from the inundations of the Mississippi, the value of said lands when reclaimed, and the probable cost of reclaiming them," I have the honor to transmit, herewith, a report from the Commissioner of the General Land Office, dated the 12th instant; the statements and views contained in which are deemed to be of much interest on the subject embraced by the resolution.

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

RICHARD RUSH.

The Hon. the SPEAKER *of the House of Representatives of the United States.*

GENERAL LAND OFFICE, *January* 12, 1829.

SIR: In compliance with a resolution of the House of Representatives, "directing the Secretary of the Treasury to communicate to this House any information in his possession, showing the quantity and quality of the public lands in the State of Louisiana which are rendered unfit for cultivation from the inundations of the Mississippi, and the value of said lands when reclaimed, and the probable cost of reclaiming them," I have the honor to report, that the Mississippi, in its course between the 33d degree of north latitude, the northern boundary of Louisiana, and the gulf of Mexico, inundates, when at its greatest height, a tract of country, the superficial area of which may be estimated at 5,429,260 acres: that portion of the country thus inundated which lies below the 31st degree of latitude may be estimated at 3,183,580 acres: and that portion above the 31st degree of north latitude may be estimated at 2,245,680 acres, of which 398,000 acres lie in the State of Mississippi. This estimate includes the whole of the country which is subject to inundation by the Mississippi and the waters of the gulf. A portion of this area, however, including both banks of the Mississippi, from some distance below New Orleans to Baton Rouge, and the west bank nearly up to the 31st degree of latitude, and both sides of the Lafourche for about fifty miles from the Mississippi, has, by means of levees or embankments, been reclaimed at the expense of individuals. The stripes of land thus reclaimed are of limited extent; and estimating their amount as equal to the depth of forty acres on each side of the Mississippi and Lafourche, for the distance above stated, they will amount to about 500,000 acres, which deducted from 3,183,580 acres, will leave the quantity of 2,683,580 acres below the 31st degree of latitude, which is now subject to annual or occasional inundations; this, added to the quantity of inundated lands above the 31st degree of latitude, makes the whole quantity of lands within the area stated, and not protected by embankments, equal to 4,929,160 acres.

By deepening and clearing out the existing natural channels, and by opening other artificial ones, through which the surplus water that the bed of the Mississippi is not of sufficient capacity to take off, may be discharged into the gulf, with the aid of embankments and natural or artificial reservoirs, and by the use of machinery (worked in the commencement by steam, and as the country becomes open and cleared of timber, by wind-mills,) to take off the rain-water that may fall during the period that the Mississippi may be above its natural banks, it is believed that the whole of this country may be reclaimed, and made, in the highest degree, productive.

The immense value of this district of country, when reclaimed, is not to be estimated so much by the extent of its superficies as by the extraordinary and inexhaustible quality of the soil, the richness of its products, and the extent of the population which it would be capable of sustaining. Every acre of this land lying below the 31st degree of north latitude might be made to produce three thousand weight of sugar; and the whole of it is particularly adapted to the production of the most luxuriant crops of rice, indigo, and cotton. Good sugar-lands on the Mississippi, partially cleared, may be estimated as worth $100 per acre, and rapidly advancing in value. The rice-lands of South Carolina, from their limited quantity, are of greater value. It is believed that the exchangeable value of the maximum products of these lands, when placed in a high state of cultivation, would be adequate to the comfortable support of 2,250,000 people, giving a population of one individual for every two acres; and it is highly probable that the population would rapidly accumulate to such an extent as to banish every kind of labor from agriculture except that of the human species, as is now the case in many of the best districts of China; and this result would also have been produced in many parts of Holland, had not that country become, from the nature of its climate, a grazing country.

The alluvial lands of Louisiana may be divided into two portions: the first, extending from the 33d to the 31st degrees of north latitude, in a direction west of south, may be termed the upper plain, is 120 miles in length, and generally from 25 to 30 miles in breadth, and at particular points is of still greater width. That portion below the 31st degree of north latitude may be termed the lower plain. It extends in a direction from northwest to southeast for about 240 miles, to the mouth of the Mississippi; is compressed at its northern point, but opening rapidly, it forms at its base a semicircle, as it protrudes into the gulf of Mexico, of 200 miles extent, from the Chafalaya to the Rigoletts. The elevation of the plain at the 33d degree of north latitude above the common tide waters of the gulf of Mexico, must exceed one hundred and thirty feet.

This plain embraces lands of various descriptions, which may be arranged into four classes:

The first class, which is probably equal in quantity to two thirds of the whole, is covered with heavy timber, and an almost impenetrable undergrowth of cane and other shrubbery. This portion, from natural causes, is rapidly drained as fast as the waters retire within their natural channels; and possessing a soil of the greatest fertility, tempts the settler, after a few years of low water, to make an establishment, from which he is driven off by the first extraordinary flood.

The second class consists of cypress swamps: these are basins, or depressions of the surface, from which there is no natural outlet; and which, filling with water during the floods, remain covered by it until the water is evaporated, or is gradually absorbed by the earth. The beds of these depressions being very universally above the common low-water mark of the rivers and bayous, they may be readily drained, and would then be more conveniently converted into ricefields than any other portions of the plain.

The third class embraces the sea marsh, which is a belt of land extending along the gulf of Mexico from the Chafalaya to the Rigoletts. This belt is but partially covered by the common tides, but is subject to inundation from the high waters of the gulf during the autumnal equinoctial gales; it is generally without timber.

The fourth class consists of small bodies of prairie lands, dispersed through different portions of the plain; these pieces of land, generally the most elevated spots, are without timber, but of great fertility.

The alluvial plain of Louisiana, and that of Egypt, having been created by the deposit of large rivers, watering immense extents of country, and disemboguing themselves into shallow oceans, moderately elevated by the tide, but which, from the influence of the winds, are constantly tending in a rapid manner to throw up obstructions at the mouths of all water-courses emptying into them, it is fairly to be inferred that the alluvial plain of Egypt has, in time past, been as much subject to inundation from the waters of the Nile, as that of Louisiana now is from those of the Mississippi; and that the floods of the Nile have not only been controlled and restricted within its banks by the labor and ingenuity of man, but have been regulated and directed to the irrigation and improvement of the soil of the adjacent plain: a work better entitled to have been handed down to posterity by the erection of those massive monuments, the pyramids of Egypt, than any other event that could have occurred in the history of that country.

That the labor and ingenuity of man are adequate to produce the same results in relation to the Mississippi river and the plain of Louisiana, is a position not to be doubted; and it is believed that there are circumstances incident to the topography of this plain, that will facilitate such results.

The Mississippi river, entering this plain at the 33d degree of north latitude, crosses it diagonally to the highlands a little below the mouth of the Yazoo; thence it winds along the highlands of the States of Mississippi and Louisiana, to Baton Rouge, leaving in this distance the alluvial lands on its western bank; from a point a little below Baton Rouge, it takes an easterly course through the alluvial plain, and nearly parallel to the shores of the gulf of Mexico, until it reaches the English Turn; and thence, bending to the south, it disembogues itself into the gulf of Mexico by six or seven different channels. The banks of the Mississippi, which are but two or three feet above common tide-water near its mouth, gradually ascend with the plain, of which they constitute the highest ridges, to the thirty-third degree of north latitude, where they are elevated above the low-water mark of the river from thirty to forty feet. The banks are, however, subject to be overflowed throughout this distance, except at those points protected by levees or embankments; this arises from a law incident to running water-courses of considerable length, which is, that the floods in them acquire their greatest elevation as you approach a point nearly equidistant from their mouths and sources. The depth of the Mississippi is from 130 to 200 feet, decreasing, as you approach very near the mouth, to a moderate depth. Exclusive of a number of small bayous, there are three large natural canals or channels, by which the surplus waters of the Mississippi are taken off to the gulf. The first of these, above New Orleans, is Lafourche, which, leaving the river at Donaldsonville, reaches the gulf in a tolerably direct course of about ninety miles. The Lafourche is about one hundred yards wide; its bed is nearly on a level with the low-water mark where it leaves the river; its banks are high, and protected by slight levees; and in high floods it takes off a large column of water. Above Lafourche, the bayou Manchac, or Iberville, connecting with the lakes Maurepas and Pontchartrain, takes off into the gulf, through the Rigoletts and other passes, a considerable portion of the surplus water of the Mississippi. The bed of this bayou is fourteen feet above the level of the low water of the Mississippi; and as it reaches tide-water in a much shorter distance than the Mississippi itself, it would take off a large column of water, if its channel was not very much obstructed.* Nearly opposite to Manchac, but lower down the river, is Bayou Plaquemine, a cut-off from the Mississippi to the Chafalaya; but as there is a considerable declination, in this part of the plain, of the alluvial lands, and being unobstructed in its passage, it is rapid, and takes off a large body of water; where it leaves the river, however, its bed is five feet above the level of the low-water mark. About eighty-eight miles above Manchac, and just below the 31st degree of latitude, is the Chafalaya. This is one of the ancient channels of the Mississippi river, and being very deep, carries off at all times great quantities of water; and were its obstructions removed, it would probably carry off a much larger quantity. As the distance from the point where the Chafalaya leaves the Mississippi, along its channel, to the gulf, is only 132 miles, and that which the Mississippi traverses, from the point of separation to the gulf, is 318 miles, it is evident that a given column of water may be passed off in much less time through the channel of the latter stream. From this topographical description of that portion of the plain south of the 31st degree of latitude, it is evident that, independent of the general and gradual declination of this plain, descending with the Mississippi, it also has a more rapid declination toward the lakes Maurepas and Pontchartrain on the east, and toward the valley of the great lake of Attakapas on the west; and it may, as to its form and configuration, be compared to the convex surface of a flattened scollop shell, having one of its sides very much curved, and the surface of the other somewhat indented; there is, therefore, good reason to believe, that, by comforming to the unerring indications of Nature, and aiding her in those operations which she has commenced, this plain may be reclaimed from inundation.

The quantity of water which has been drawn off from the Mississippi, through the Iberville, the bayou Lafourche, and the Chafalaya, has so reduced the volume of water which passes off through the Mississippi proper, that individual enterprise has been enabled to throw up embankments along the whole course of that river, from a point a little below that where the Chafalaya leaves the Mississippi nearly to its mouth, and for forty or fifty miles on each side of the Lafourche; the lands thus reclaimed will not, however, average forty acres in depth fit for cultivation, and may be estimated at four hundred thousand acres. This is certainly the most productive body of land in the United States, and will be, in a very short period, if it is not at the present, as productive as any other known tract of country of equal extent.

If the waters drawn off in any given time from the Mississippi, through the natural channels now formed, were delivered into the gulf through those channels in the same given time, then they would not overflow their natural banks, and the adjacent lands would be reclaimed; but this is not the fact; and the object can only be accomplished by increasing the capacities and numbers of outlets of the natural channels, by which the water is now disembogued, and by forming other artificial ones, if necessary, by which the volume of water that enters into the lower plain of Louisiana in any given time may be discharged into the gulf of Mexico within the same time. If that volume were ascertained with any tolerable degree of accuracy, then the number and capacity of the channels necessary for taking it off into the gulf might be calculated with sufficient certainty. A reference to the map of that country will show that the rivers which discharge themselves into the lower plain of Louis-

* The difference between the highest elevation of the waters at the efflux of the Manchac, and the lowest level of the tide in Pontchartrain, is from 27 to 30 feet

iana, and whose waters are carried to the gulf in common with those of the Mississippi, drain but a small tract of upland country; for Pearl river, and, if necessary, at a very moderate expense, the Teche, may be thrown into the ocean by separate and distinct channels.

At the thirty-first degree of north latitude, and near to the point where Red river flows into, and the Chafalaya is discharged from, the Mississippi, the waters of that river are compressed into a narrower space than at any other point below the thirty-third degree of north latitude; this may be considered as the apex of the lower plain. The contraction of the waters of the Mississippi at this point is occasioned by the Avoyelles, which, during high water, is an island, and is alluvial land, but of ancient origin; from this island a tongue of land projects toward the Mississippi, which, though covered at high-water, is of considerable elevation. It is probable, therefore, that, at the point thus designated, a series of experiments and admeasurements could be made, by which the volume of water discharged, in any given time, on the lower plain, by the Mississippi, at its different stages of elevation, might be ascertained with sufficient accuracy to calculate the number and capacity of the channels necessary to discharge that volume of water into the gulf of Mexico in the same time. With this data, the practicability and the expense of enlarging the natural, and excavating a sufficient number of new channels to effect this object, might readily be ascertained. If that work could be accomplished by the government, everything else in respect to the lower plain should be left to individual exertion, and the lands would be reclaimed as the increase of the population and wealth of the country might create a demand for them.

The contraction of the plain of the Mississippi by the elevated lands of the Avoyelles, and the manner in which Red river passes through the whole width of the upper plain, in a distance of nearly thirty miles, has a strong tendency to back up all the waters of the upper plain; therefore it is, that, immediately above this point, there is a greater extent of alluvial lands, more deeply covered with water, than at any other point perhaps on the whole surface of the plain of Louisiana; and at some distance below this point, the embankments of the Mississippi terminate. To enable individuals to progress with these embankments, and to facilitate the erection of others along the water-courses, and to reclaim with facility the lands of the upper plain, it will probably be found to be indispensably necessary to draw off a considerable portion of this water by artificial channels. The Red river, arrested in its direct progress by the elevated lands of the Avoyelles, is deflected in a direction contrary to the general course of the Mississippi, and traverses the whole width of the upper plain in a circuitous course of upward of thirty miles before it reaches that river. There is good reason to believe that the waters of the Red river, or a very large portion of them, in times past, found their way through the Bayou Bœuf and the lake of the Attakapas to the ocean; and during high floods, a small portion of the waters of that river are now discharged into the Bayou Bœuf, at different points between the Avoyelles and Rapides. A deep cut from the Red river, through the tongue of elevated alluvial land east of the Avoyelles, to the Chafalaya, and opening the natural channels by which it now occasionally flows into the Bayou Bœuf, would probably take off the waters which accumulate at the lower termination of the upper plain with such rapidity, and reduce their elevation so much as to enable individual enterprise and capital to continue the embankments, which now terminate below this point, not only along the whole course of the Mississippi, but along all those extensive water-courses running through the upper plain.

The Tensa, a continuation of Black river, is, for fifty miles above its junction with Red river, a deep water-course, and in breadth but little inferior to the Mississippi. It draws a very small portion of its waters from the high lands, but communicates with the Mississippi by a number of lakes and bayous, at different points, from near its mouth to its source, which is near the thirty-third degree of latitude, and through these channels aids in drawing off the surplus water of the Mississippi, while it continues to rise: when the Mississippi, however, retires within its banks, the waters in these bayous take a different direction, and are returned through the same channels into the Mississippi. Particular local causes will produce this effect at particular points; but the general cause, so far as these bayous connect with the Tensa, will be found in the fact that there is not a sufficient vent for the waters of the upper plain at the point of connection with the lower plain of Louisiana. The Tensa is also connected in times of high-water, at several points, with the Washita and its branches. When the Mississippi has risen to a point a few feet below its natural banks, the whole of the upper plain of Louisiana is divided by the natural channels which connect the Mississippi with the Tensa, and the Tensa with the Washita, into a number of distinct islands of various extent. The banks of the rivers, and the natural channels which connect them, are very generally the most elevated lands; and each and all these islands might be reclaimed from inundations by embankments, thrown entirely round them, of from six to twelve feet high; provision being made to take off the rain-water, and that occasioned by leakage and accidental crevasses in the banks, by machinery. While the Mississippi is rising, the waters are carried off through these natural channels and their outlets into the lakes, and the lowest and most depressed parts of the plain. During this process, there are currents and counter currents in every possible direction; but when the floods have attained their greatest known height, then this whole plain becomes covered with water, from a few inches to twelve feet deep, as its surface may be more or less depressed; and if it could be exposed to view, would exhibit the appearance of an immense lake, with a few insulated spots dispersed throughout it, such as the island of Sicily, the banks of the lakes Concordia, Providence, and Washington, and some very narrow strips partially distributed along the banks of the Mississippi and the other water-courses. If the whole of the upper plain were reclaimed in the manner above mentioned, then the waters, being contracted into much narrower channels, would, necessarily, be very considerably elevated above the point to which they now rise; and passing off on the lower plain with greater elevation and greater rapidity, and having only the present natural channels of outlet to the gulf, the inevitable consequence would be, that the whole of the lower plain would be inundated, and probably parts of Attakapas and Opelousas would again be subject to inundation.

The reclamation of both of the plains of Louisiana will depend, under any possible plan that may be proposed, upon the practicability of tapping the Mississippi and Red rivers at one or more points, and to an extent that may draw off rapidly such a quantity of water as will prevent the refluent waters now collected just above the thirty-first degree of latitude from rising to the heights to which they now do, and the practicability of delivering the waters into the ocean within periods equal to those in which they were drawn off. We have seen that the natural channels of the Lafourche, Plaquemine, Iberville, and the Chafalaya, have so reduced the mass of water in the Mississippi below their points of efflux, as to enable individuals, by very moderate embankments, to confine that part of the Mississippi within its banks. The Lafourche is the only one of these natural channels that takes off the waters to the ocean so rapidly and directly as to enable individuals to erect levees or embankments along its whole course. The passes at the Rigoletts and at Berwick's bay not being sufficient to take off the waters, which flow through them, as fast as they are discharged into their reservoirs, it is evident that no beneficial effect could be derived from tapping the Mississippi at any point on its eastern bank, or at any point on its western bank above the Lafourche, unless the capacity of the outlets at Berwick's bay and the Rigoletts be

greatly enlarged. The passes at the Rigoletts are well known; and it is probable that, by enlarging them, and cutting off that portion of the waters of Pearl river which now flows through them, they might be made adequate to take off, in a sufficiently short period, the waters of Iberville, and those of the short rivers of Feliciana, so as to prevent that portion of the plain between the Iberville and the city of New Orleans from being inundated, except so far as the waters of Pontchartrain, elevated by high winds and tides, may produce that effect. It is only, therefore, on the west bank of that river, or the south bank of Red river, that the proposed tappings can be made with the prospect of a successful issue.

The course of the Mississippi from Donaldsonville to New Orleans being nearly parallel to the gulf, and the distance to the gulf across that part of the plain being much shorter than that by its natural channel to tide water, that portion of the river presents eligible points for tapping, particularly near to New Orleans; the commerce to which, in time, not perhaps distant, may require a deep cut to be made to the gulf. The width of the river at Donaldsonville being about seven hundred yards, the rise above its natural banks about one yard, and its velocity two and a half miles per hour; if then, by one or more tappings below this point, a volume of water of the above dimensions could be carried off to the ocean with equal velocity, then would the highest elevation of the river be reduced very considerably everywhere below such tapping, and for some distance above. Such a reduction of the elevation of this part of the river, aided by the clearing out of the rafts from the Chafalaya, would possibly produce so great a reduction of the refluent waters at the junction of the Red and Mississippi rivers, as to enable individuals to proceed gradually to the reclamation of the whole of the upper plain by common embankments. It would require only an increased capacity to be given to the outlets of the lake of Attakapas to insure the reclamation of both plains. But if this effect cannot be produced by the tappings below the Lafourche, then they must be made at points higher up, either between Plaquemine and the Chafalaya, or at a point about the mouth of the Bayou Lamourie, or Du Lac, on Red river. A reference to the map will show that the waters of Red river can be taken to the gulf from this point in almost a direct course, through channels that it is more than probable they formerly occupied, and in a distance of less than one half of that by which they reach the ocean through the channel of the Mississippi, and by forty or fifty miles less than that through the channel of the Chafalaya. A deep cut at this point, of ten miles, through an alluvial soil, would discharge the waters of Red river into Bayou Bœuf; and as these waters would pass through an alluvial plain, having probably a fall of not less than sixty feet in seventy miles from the point of tapping, there is reason to believe that they would work for themselves, without much artificial aid, a channel of great capacity.

The question then arises, how are these waters, in addition to the superabundant waters of the Chafalaya, which already overflow all the valley of the lake of Attakapas, to be taken off to the gulf? To solve this question satisfactorily, it will be necessary to take a view of the outlets of the lake of Attakapas. The Teche is a natural canal, almost without feeders or outlet, except at its mouth; and having, no doubt, been a channel for a much larger mass of water in time past, its adjacent lands have been formed precisely as those of the Mississippi have been, and its banks, of course, occupy the highest elevation of the country through which it runs. For forty miles above its mouth it is contracted by the waters of the Attakapas lake on the one side, and by those of the gulf on the other, so as to exhibit almost literally a mere tongue of land just above high-water mark. It enters Berwick's bay about eighteen miles from the gulf. Nearly opposite to the mouth of the Teche, is the mouth of Bayou Black, or Bayou Bœuf. This bayou, like the Teche, is also a natural canal, occupying the highest elevation of a narrow tract of land extending eastwardly nearly to the Bayou Lafourche, that is seldom inundated, and which would seem to be a prolongation of the Attakapas country; inducing a belief that the Teche formerly discharged its waters, at a point further east, into a bay that occupied the whole of the present plain, from the Attakapas lake to Bayou Lafourche and the Mississippi. It is this elevated ridge that causes the indentation in the lower plain to be deluged by the waters of the Mississippi; which, forcing a passage for themselves across the Teche, have formed an outlet called Berwick's bay. This pass is narrow, and is about seven or eight feet deep, passing, in part of its course, through lands not of recent alluvion, and disembogues into the bay of Achafolia, through the lake of that name, and two or three other outlets.

Following up, then, this indication of nature, by cutting artificial outlets from the lake to Attakapas across the Teche, at different points, for a distance of fifteen to twenty miles above its mouth, at such places as the drains emptying into the ocean may approach nearest to Attakapas lake, giving to such cuts any width that may be required, and a depth that may be on a level with low-water mark, and embanking the lake of Attakapas so as to raise it three feet above its present surface, it is believed that a capacity may be obtained for taking off any volume of water that it may be necessary to throw into the lake of Attakapas, and at an expense very trifling in comparison to the object to be obtained. All the waters of the Atchafalaya being thrown into Lake Attakapas, and that late embanked, the whole of the plain between it and the Mississippi would be exempt from inundation. The rain-water, and that from the weepings and crevasses in the embankments, would find a reservoir in the deeper lakes and beds of Grand river, the surplus being taken off by machinery, or by tide locks in some of the bayous, which now connect with these lakes in the highest floods.

It is believed that three brigades of the topographical corps, operating for a few seasons from the 1st of November to the 1st of July, would be able to obtain sufficient data to decide upon the practicability of devising, and the expense of accomplishing, a plan that would affect the reclamation of both plains; but if it should be found to be impracticable, or too expensive for the state of the population and wealth of the country, yet the minute knowledge which they would obtain of the topography of the entire plain would enable them to designate different portions of it in both plains which could be reclaimed from inundation at an expense commensurate with the present capital and population of the country.

The gradual elevation of the plain of the Mississippi* by the annual deposits, and the accumulation of population and capital, will ultimately accomplish its entire reclamation from the inundations of the Mississippi,

* The gradual elevation of the plain is not perceptible, because the gradual elevation of the beds of the water-courses, arising from the same cause, occasions as general an overflow of their banks as formerly; but that which is perceptible is the rapid filling up of the ponds and shallow lakes; and there can be no question that the great annual alluvion and vegetable deposite must produce similar effects through the whole plain.

The Mississippi river is among the muddiest in the world, and deposits its muddy particles with great rapidity; its waters hold in solution not less than one sixteenth part of their bulk of alluvion matter, and some experiments are stated to give a greater proportion. If, then, within the embankments of the Mississippi, a piece of level ground be surrounded by a dike sixteen inches high, and filled with the waters of the Mississippi when above its banks, and those waters drawn off when they have deposited all their muddy particles, nearly one inch in depth of alluvion matter will have been obtained; if this process be repeated as often as practicable during a season of high waters, a quantity of alluvion will have been accumulated of not less than six or eight inches in depth. This process is similar to that termed warping, in England, and is in use to some extent along the waters of the estuary of the Humber for manuring lands; and it is a process by which the lands of the plain of Louisiana will be rendered inexhaustible, so long as the Mississippi continues to bear its muddy waters to the ocean.

but the interposition of the government, and the judicious expenditure of a few millions of dollars, would accomplish that object fifty or perhaps a hundred years sooner than it will be effected by individual capital, aided by the slow operations of nature.

I attach a small diagram of the country, as illustrative of some of the points referred to in this report.

With great respect, your obedient servant,

GEO. GRAHAM.

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

An estimate of the expense of excavating outlets from the lake of Attakapas to the gulf of Mexico.

On the presumption that the waters of the gulf of Mexico, at low tide, reach within six miles of the lake —and it is believed that they do, at several points between the Bayou Cypress and Berwick's bay—let positions at one or more of the most favorable of these points be selected, the aggregate width of which shall be two thousand yards; let such portions of these positions as may be inundated at high-water be drained by common embankments so that oxen may be used in removing the earth; let excavations be made through them, of such numbers and of such widths as may be best adapted to the removal of the earth, leaving, however, the proportion of excavation to that of embankment as three to one. A number of canals will be then formed, with an embankment between each, the excavation of which, their beds being on a level with low-water, would not average a depth of three feet. These proportions will give the amount of excavation as equal to 15,840,000 cubic yards, which, at 20 cents the cubic yard, gives $3,168,000 as the expense of excavating outlets which, at low tide, would have the capacity of discharging from the lake, with great velocity, a column of water of fifteen hundred yards in width and one yard in depth, at the point where it left the lake.

No estimate, with any tolerable approximation to accuracy, can be made of the expense of excavating a deep cut from Red river to the Bayou Bœuf, and of enlarging the bed of that bayou; of the embankments along the lake of the Attakapas, necessary to give it the required elevation; or for tide-locks, machinery, &c., until an accurate survey on the ground be made. It is possible that the judicious expenditure of five millions of dollars by the government would be sufficient to make the excavations, and erect embankments, tide-locks, and other machinery, that would be necessary to give such a control over the waters of the Mississippi and its outlets as to reduce them so nearly within their banks at high floods as to enable individual capital to progress with the entire embankment of them, and the reclamation of the whole plain.

The quantity of land belonging to the government within the limits of the alluvial plain may be estimated at upward of three millions of acres, which, at a minimum price of ten dollars per acre, would be upward of thirty millions of dollars.

24TH CONGRESS.] No. 1350. [1ST SESSION.

RELATIVE TO PRIVATE LAND CLAIMS AT MICHILIMACKINAC, GREEN BAY, AND PRAIRIE DU CHIEN, IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 16, 1835.

TREASURY DEPARTMENT, *December* 10, 1835.

SIR: In obedience to the resolution of the House of Representatives, of the 14th of January last, directing the Secretary of the Treasury "to furnish the House with a copy of the decision of the commissioners on all private land claims at Michilimackinac, Green Bay, and Prairie du Chien, in the Territory of Michigan, together with connected plats and copies of the field notes of all such claims as have been surveyed at either of the aforementioned places," I have the honor herewith to transmit to the House a report from the Commissioner of the General Land Office, to whom this resolution was referred, together with the documents accompanying his report.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. K. POLK, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *December* 7, 1835.

SIR: The resolution of the House of Representatives, of the 14th of January last, directing the Secretary of the Treasury to furnish that House "with a copy of the decision of the commissioners on all private land claims at Michilimackinac, Green Bay, and Prairie du Chien, in the Territory of Michigan, together with connected plats, and copies of the field notes, of all such claims as have been surveyed at either of the aforementioned places," and the resolution of that House of the 3d of February last, requiring the information called for by the resolution of the 14th of January "to be prepared in season to be submitted at the commencement of the next session of Congress," having been referred to this office, I beg leave to state that, as all the reports referred to by the resolution had been printed in the compilations of State Papers, now published under the direction of Congress, and as preparing manuscript copies of those reports under these circumstances seemed to be unnecessary, while their preparation would have imposed considerable labor upon the office at a time when all its energies were unequal to the performance of its ordinary and indispensable duties, it was respectfully suggested to you whether a reference to the printed copies of the reports would not be a sufficient compliance with the calls of the resolution; and that suggestion having been acceded to by you, I now have the honor to enclose an abstract, marked A, referring to the volumes and pages of the beforementioned compilations of State Papers which contain the pro-

ceedings of the several boards of commissioners upon the claims at Michilimackinac, Green Bay, and Prairie du Chien. In obedience to that part of the resolution requiring connected plats and copies of the field notes of the claims which have been surveyed at those places, I beg leave to transmit the undermentioned documents, viz.:

A copy of Greeley's map of claims in the county of Michilimackinac, marked B.

A map of the private claims at Michilimackinac, surveyed in 1828, marked C.

A map of the private claims on the island of Michilimackinac, surveyed in 1828, marked D.

A map of the claims on the island of Bois Blanc, surveyed in 1828, marked E.

A map of the private claims on Fox river, surveyed in 1828, marked F.

A map of a claim at the portage of Fox river, surveyed in 1828, marked G.

A map of the private claims at Prairie du Chien, surveyed in 1828, marked H.

A book, containing copies of the field notes of Greeley's surveys at Michilimackinac, marked I.

A book, containing copies of the field notes of the surveys at Michilimackinac, Green Bay, and Prairie du Chien, of confirmed claims under the acts of 1823 and 1828, marked K.

All which is respectfully submitted.

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

[N. B.—The maps, books and papers communicated with the foregoing letter to the House of Representatives, are not to be found on the files of that House, nor could copies of them be furnished from the General Land Office for this publication.]

24TH CONGRESS.] No. 1351. [1ST SESSION.

LAND CLAIMS IN ARKANSAS.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

OFFICE OF THE RECORDER OF LAND TITLES,
St. Louis, Missouri, September 30, 1835.

SIR: The undersigned, recorder and commissioners for the final adjustment of private land claims in the State of Missouri, were required, by an act of Congress, entitled, "An act for the relief of John Eli Tholozan and William Russell," approved the 28th of June, 1834, to examine into and decide upon certain land claims within the Territory of Arkansas, and report the result of their proceedings in the next Congress.

In obedience to said act, the commissioners herewith respectfully transmit their report, with the request that you will lay it before the Senate at its next session.

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

F. R. CONWAY,
JAMES H. RELFE,
FALKLAND H. MARTIN.

Hon. MARTIN VAN BUREN, *President of the Senate of the United States.*

OFFICE OF THE RECORDER OF LAND TITLES,
St. Louis, Missouri, September 30, 1835.

Received of the recorder and commissioners on private land claims in the State of Missouri, one tin box or canister, containing their report upon eleven private land claims in the Territory of Arkansas, and a transcript of the evidence in each claim, directed to the Honorable Martin Van Buren, President of the Senate of the United States, Washington city, D. C., which I promise to deliver according to the direction, in a reasonable time from the date above written.

(Signed duplicates.) JAMES H. RELFE.

Resolved, That James H. Relfe, a member of the board, be, and is hereby authorized and required to take to the city of Washington the report mentioned in his foregoing receipt, and deliver the same as specified in his said receipt, in order that they may be submitted to Congress, according to the requisition of the act creating the board, approved the 9th July, 1832.

F. H. MARTIN,
F. R. CONWAY,
JAMES H. RELFE.

OFFICE OF THE RECORDER OF LAND TITLES,
St. Louis, Missouri, September 30, 1835.

To the Honorable the Senate and House of Representatives of the United States:

The board of commissioners for the adjustment of private land claims in the State of Missouri have, in pursuance of an act of Congress, entitled, "An act for the relief of John Eli Tholozan and William Russell," approved the 28th of June, 1834, examined into and classed all the claims which were submitted for their consideration under said act, eleven in number, of which ten are placed in the first class, numbered from one to ten

inclusive, and recommended for confirmation; and one, numbered one, in the second class, the evidence not being considered sufficient to recommend it.

The transcripts embracing the evidence in each claim are herewith forwarded. For the principles which governed the board in making their decisions on these claims, they beg leave to refer to the resolutions forwarded in their report made to the Commissioner of the General Land Office in 1833.

All of which is most respectfully submitted.

JAMES H. RELFE,
FALKLAND H. MARTIN,
F. R. CONWAY.

CLASS I.

No. 1.—*John Baptiste Dardenne, claiming* 1,600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
1	John Baptiste Dardenne.	1,600	Settlement right.		On Arkansas river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 29, 1814.—The representatives of John B. Dardenne, claiming 1,600 arpens of land on Arkansas river.

Jos. Imbau, duly sworn, says Dardenne inhabited and cultivated this tract during the French and Spanish governments, and died on the premises; that the son was taken by the Indians, and redeemed and brought back by the traders. After the death of the father, nothing was done on the premises by others. The old man resided on this tract eight or nine years; was on this tract when witness first saw it. A good house with stone chimney. This tract is at Big Point Remou. (At the margin: "Not granted.") (See Bates's minutes, page 158.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

John Baptiste Dardenne, by his legal representatives, claiming 1,600 arpens of land, situate on Arkansas river. (See record-book F, page 226; Bates's minutes, page 158; Bates's decisions, page 26. See book No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

John B. Dardenne, claiming 1,600 arpens of land. (See book No. 7, page 194.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said John B. Dardenne, or to his legal representatives, according to possession. (See book No. 7, page 220.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 2.—*John Hynam, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
2	John Hynam.	800	Settlement right.		

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 29, 1814.—John Hynam's representatives, claiming 800 arpens of land, on northern bank of Arkansas river, below Michael Boone.

Joseph Imbau, duly sworn, says that during the Spanish government, claimant inhabited and cultivated this tract for a year or two. There was nobody on the premises when the United States took possession of this country. (At the margin: "Not granted.") (See Bates's minutes, page 158.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

John Hynam, by his legal representatives, claiming 800 arpens of land, on Arkansas river. (See record-book F, page 226; Bates's minutes, page 158; decisions, page 25. See book No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

John Hynam, claiming 800 arpens of land. (See book No. 7, page 194.)

A majority of the board are of opinion that 640 acres of land ought to be granted to the said John Hynam, or to his legal representatives, according to possession.

James H. Relfe, commissioner, dissenting. (See book No. 7, page 220.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 3.— —— *Couissat, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
3	—— Couissat.	800	Settlement right,		On Arkansas river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 29, 1814.—The representatives of —— Couissat, deceased, claiming 800 arpens of land on Arkansas river.

Joseph Imbau, duly sworn, says that —— Couissat inhabited and cultivated this tract during several years before the cession, (three points above Big bluff.) Claimant died on the premises, and the family remain on the same to this time. (At the margin: "Not granted.") (See Bates's minutes, page 158.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

—— Couissat, by his legal representatives, claiming 800 arpens of land on Arkansas river. (See record-book F, page 226; Bates's minutes, page 158. See book No. 7, page 194.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

—— Couissat, claiming 800 arpens of land. (See book No. 7, page 194.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said —— Couissat, or to his legal representatives, according to possession. (See book No. 7, page 220.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 4.—*John Dortillier, claiming* 800 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
4	John Dortillier.	800	Settlement right.		On waters of Arkansas river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *June* 30, 1814.—William Russell, assignee, &c. (general notice No. 19), claiming 800 arpens of land, adjoining and including a prairie on waters of the Arkansas.

Joseph Imbau, duly sworn, says that these premises were inhabited and cultivated for 15 consecutive years under the Spanish government, by John Dortillier, who was killed about 10 or 12 years ago by the Osages, when the witness was present. This land is situated at Belle Point, at a prairie. (At the margin: "Not granted.") (See Bates's minutes, page 160.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

John Dortillier, by his legal representatives, claiming 800 arpens of land, situated on waters of Arkansas river. (See record-book F, page 14; Bates's minutes, page 160. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

John Dortillier, claiming 800 arpens of land. (See book No. 7, page 195.)

The board are unanimously of opinion that 800 arpens of land ought to be granted to the said John Dortillier, or to his legal representatives, according to possession. (See book No. 7, page 220.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 5.—*Joseph Duchassin, claiming* 750 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
5	Joseph Duchassin.	750	Settlement right.		On Arkansas river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *June* 30, 1814.—William Russell, assignee, &c. (general notice No. 310), claiming 750 arpens of land on the Arkansas river.

Joseph Imbau, duly sworn, says that Joseph Duchassin, during the Spanish government, inhabited and cultivated this land, lying at the Cadron, for three consecutive years, about 15 years ago. He then lived elsewhere for one year; then returned, and continued on these premises two years. He was trading both these times. (At the margin: "Not granted.") (See Bates's minutes, page 159.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Joseph Duchassin, by his legal representatives, claiming 750 arpens of land on Arkansas river. (See record-book F, page 19; Bates's minutes, page 159. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Joseph Duchassin, claiming 750 arpens of land. (See book No. 7, page 195.)

The board are unanimously of opinion that 750 arpens of land ought to be granted to the said Joseph Duchassin, or to his legal representatives, according to possession. (See No. 7, page 221.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 6.—*James Moore, claiming* 640 *acres.*

No.	Name of original claimant.	Acres.	Nature and date of claim.	By whom granted.	By whom surveyed; date, and situation.
6	James Moore.	640	Settlement right.		On Stump creek.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *June* 28, 1814.—Sylvanus Philips, assignee of James Moore, claiming 640 acres of land (book F, 227) on Stump creek.

James Murphy, duly sworn, says that claimant, Moore, inhabited and cultivated this tract in 1803. Turnips and corn were sown in garden and peach-trees planted, since which nothing has been done on the premises. The remains of the peach-trees are still on the ground.

William Smith says same. (At the margin: "Not granted.") (See Bates's minutes, page 154.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

James Moore, by his legal representatives, claiming 640 acres of land on Stump creek. (See record-book F, page 227; Bates's minutes, page 154. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James Moore, claiming 640 acres of land. (See book No. 7, page 195.)

A majority of the board are of opinion that 640 acres of land ought to be granted to the said James Moore, or to his legal representatives, according to possession.

James H. Relfe, commissioner, dissenting. (See book No. 7, page 221.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 7.—*Michael Aqueton, claiming* 2,000 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
7	Michael Aqueton.	2,000	Settlement right.		On waters of White river, Arkansas.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 29, 1814.—Michael Aqueton's representatives, claiming 2,000 arpens of land, on waters of White river, county of Arkansas.

John Fayac, duly sworn, says that claimant inhabited and cultivated this tract five or six following years, during the Spanish possession. Afterward, still during the Spanish government, he inhabited and cultivated a tract of land adjoining Tessier, on Cashe, during three or four years consecutively, when his wife, as well as himself, died. At this place, the family of claimant continued to cultivate this latter tract, until the United States came into the possession of the country.

As to first tract of which witness spoke, agent of claimant says he does not claim, but relies on second. (At the margin: "Not granted.") (See Bates's minutes, page 157; decisions, page 25.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Michael Aqueton, by his legal representatives, claiming 2,000 arpens of land, on White river. (See record-book F, page 227; Bates's minutes, page 157. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Michael Aqueton, claiming 2,000 arpens of land. (See book No. 7, page 195.)

The board are unanimously of opinion that 640 acres of land, situated on Cashe creek, adjoining Tessier, ought to be granted to the said Michael Aqueton, or to his legal representatives, according to possession. (See book No. 7, page 221.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 8.——— *Graver, claiming* 1,600 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
8	——— Graver.	1,600	Settlement right.		On waters of Black river, Arkansas.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

June 29, 1814.—The legal representatives of ——— Graver, namely, John B. and Francis Graver, otherwise called Graber, claiming 1,600 arpens of land on waters of Black river, county of Arkansas.

John Fayac, duly sworn, says that, at a place nine points below the little fork of the Embarras, claimant inhabited and cultivated a tract of land during eight consecutive years prior to the cession of this country to the United States. (At the margin: "Not granted.") (See Bates's minutes, page 157.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

——— Graver, by his legal representatives, John B. and Francis Graver, *alias* Graber, claiming 1,600 arpens of land on waters of Black river. (See record-book F, page 225; Bates's minutes, page 157. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

——— Graver, claiming 1,600 arpens of land. (See book No. 7, page 195.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Graver, *alias* Graber, or to his legal representatives, according to possession. (See book No. 7, page 221.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 9.—*Baptiste Socier, claiming* 760 *arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim	By whom granted.	By whom surveyed, date, and situation.
9	Baptiste Socier.	760	Settlement right.		Pine Bluffs, White river.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *June* 28, 1814.—Baptiste Socier's legal representatives, claiming 760 arpens of land, at Pine Bluffs, on the southward side of White river.

James Murphy, duly sworn, says he knows this tract, and that claimant inhabited and cultivated this land in 1803, and whenever the witness has seen it since, which is as often as three or four times, it has always been inhabited and cultivated, till about three years ago.

William Smith, duly sworn, says he knows generally the facts stated by the foregoing witness. Several Frenchmen lived at this place in 1803, one of whom was called Baptiste Socier. (At the margin: "Not granted.") (See Bates's minutes, page 156.)

June 19, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway and J. H. Relfe, commissioners.

Baptiste Socier, by his legal representatives, claiming 760 arpens of land, at the Pine Bluffs, south side of White river. (See record-book F, page 225; Bates's minutes, page 156; book No. 7, page —.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Baptiste Socier, claiming 760 arpens of land. (See book No. 7, page 196.)

The board are unanimously of opinion that 640 acres of land ought to be granted to the said Baptiste Socier, or to his legal representatives, according to possession. (See book No. 7, page 221.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

No. 10.—*Jacques Vincent, claiming* 10,000 *arpens.*

Before me, a notary public, residing in New Orleans, and the undersigned witnesses, personally appeared Mr. Jacques Vincent, who has for a long time resided in this city, and who exhibited to me a document, in order to have the same registered in the book kept in my office for the registry of notarial acts, and the said document to be afterwards returned to him; consequently, I have copied the same literally, as follows:

Senor Governor and Intendant General:

Don Santyago Vincent, an inhabitant of this city, with due respect presents himself before your lordship, and says that, wishing to settle in the post of Illinois, on some vacant lands of the royal domain, he supplicates your lordship to condescend to grant him ten thousand arpens of land in superficie, in the place commonly called Blackwater; that is to say, in the vicinity of the river of that name, or in a more convenient place which may be found vacant and belonging to his Catholic Majesty's domain, without prejudice to any of the neighbors; favor which he hopes to receive of your known justice.

J. VINCENT.

NEW ORLEANS, *May* 24, 1794.

NEW ORLEANS, *May* 30, 1794.

The surveyor of this province, Don Carlos Laveau Trudeau, shall put this party in possession of the ten thousand arpens of land in superficie, which he solicits in the foregoing memorial, provided they belong to the vacant lands of the domain, and are not prejudicial to any person; and he shall remit them to me, in order to provide the interested with the title of concession in form.

EL BARON DE CARONDELET.

In consequence of the foregoing decree, considering that my important occupations for the royal service in this city do not allow me to absent myself to go to such a distance as that of the Black islands (Islas Negras) in order to put the said decree in execution; besides, it being notorious that at the said Black islands there is actually no surveyor appointed by the government to despatch business of this nature, the party shall keep these documents in his possession until a surveyor shall have been nominated or commissioned to execute what is therein ordered.

CARLOS TRUDEAU.

NEW ORLEANS, *May* 31, 1794.

Conformable to the original, which I returned to the party on the same day as above dated, to which I refer, and, at the request of the said party, I do give these presents, at New Orleans, on the 31st of July, 1811.

CHARLES TRUDEAU.

I, the said notary public, do certify the above copy to be conformable to that which has been exhibited to me by the said Vincent, to whom I returned the same, to which I refer, and for which he gave me his receipt; that in consequence of the said document, the said Jacques Vincent has, by these presents, and in the best form possible, ceded, abandoned, and transferred, from now and forever, to the said Jean Elie Tholozan, residing in this city and here present, who accepts for himself, his heirs or assigns, all the right and title which he has, or may have, on the ten thousand arpens of land in superficie, situated in the place commonly called Blackwater, near the river of that name, in Illinois, without any reserve; and that, by virtue of this cession and transfer, he puts him in his stead and place, and he may lay claim to the said land, and take all the necessary steps, until he is put in possession by any competent authority, by virtue of these presents; the said Vincent desisting himself of, and abandoning all his right and title upon the ten thousand arpens of land in superficie which he has ceded and transferred gratuitously to the said Tholozan. Promising, &c., obliging himself, &c., and renouncing, &c.

Done in my office, at New Orleans, this 9th of August, 1811, and the 36th of the independence of America.

And, after reading was made, the parties have signed, and also Messrs. D. C. Williams and D. Wright, who were called as witnesses, being inhabitants and residents here present, and I, the said notary public, to which I certify.

NOTA.—When the said Jacques Vincent was requested to sign this deed, he represented that it was impossible for him to do so, on account of his short sight, which did not permit him to write; at his request, Messrs. Antoine Julia, Jean V. Drouillard, and Louis Liotau, witnesses, also inhabitants and residents here present, have signed, and I, the said notary, to which I certify.

A. JULIA, JN. ELIE THOLOZAN,
JOHN V. DROUILLARD, D. WRIGHT, } *Witnesses.*
L. LIOTAU, D. C. WILLIAMS,

[L. S.] STEPHEN D. QUINONES, *Notary Public.*

I certify that the foregoing copy is conformable to its original, remaining in the office under my charge, to which I refer, and at the request of Mr. Tholozan, I deliver these presents at New Orleans, August 12th, 1811, and in the 36th year of the American independence. I sign and set the seal of my office.

STEPHEN DE QUINONES, *Notary Public.*

ST. LOUIS, *April* 16, 1835. I certify the above to be truly translated from record-book F, pages 138 and 139.

JULIUS DE MUN, *T. B. C.*

By WILLIAM C. C. CLAIBORNE, *Governor of the Territory of Orleans.*

These are to certify that Stephen de Quinones, whose name is subscribed to the instrument of writing hereunto annexed, is a notary public in and for the city of New Orleans, and that the signature is in the handwriting of the said Stephen de Quinones, duly qualified and commissioned.

Given under my hand and the seal of the Territory, at New Orleans, this 12th day of August, 1811, and the thirty-sixth year of the independence of the United States.

[L. S.] WILLIAM C. C. CLAIBORNE.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, April* 16, 1835.

I certify the above certificate of William C. C. Claiborne to be truly copied from book F, page 139, of record in this office.

JULIUS DE MUN, *T. B. C.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
10	Jacques Vincent.	10,000	Order of Survey, 30th May, 1794.	Baron de Carondelet.	On Black river, New Madrid.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

April 11, 1835.—F. R. Conway, esq., appeared, pursuant to adjournment.

Jacques Vincent, by his legal representatives, Jean Elie Tholozan, claiming 10,000 arpens of land, situate on Blackwater, Arkansas Territory. (See record-book F, page 138; Bates's minutes, page 26; Bates's decisions, page 30.)

ST. LOUIS, *Commissioner's Office, December* 1, 1812.

Jean Elie Tholozan, claiming 10,000 arpens of land, on Blackwater river, north fork of White river.

Claimant being duly sworn, declares that he conceives the testimony of Antoine Janis to be very material to him in support of his claim, and that the extreme old age of the said Janis, together with a severe indisposition with which said witness is at this time afflicted, render it impossible to remove him from Saint Genevieve, where he now is, to this place; thereupon the said claimant is permitted to cause the deposition of said Antoine Janis to be taken *de bene esse*, by some justice of the peace within the district of St. Genevieve, and certified forthwith to this office, together with this order.

Attest: FREDERICK BATES.

(See Bates's minutes, page 26.)

In pursuance of the within order, I, Michael Amoureux, a justice of the peace in and for the St. Genevieve township, in the district of St. Genevieve, have taken, *de bene esse*, the deposition of Antoine Janis, as within the said order directed, and have annexed to this order the said deposition.

At St. Genevieve, this 6th day of December, 1812.

M. AMOUREUX.

[Translation.]

District of St. Genevieve, Territory of Missouri:

In the county of St. Genevieve, on the 6th day of the month of December, of the year 1812, before me, Michael Amoureux, one of the justices of the peace for the said county, by virtue of an order of permission, issued from the office of the honorable Frederick Bates, commissioner of the United States for the land claims in the said Territory, the said order being dated St. Louis, the 1st of December instant, and annexed to these presents, personally appeared Mr. Antoine Janis, residing on the Blackwater river, district of New Madrid, who, after having sworn on the holy evangelists to say the truth, has been summoned, at the request of Jean Elie Tholozan, to declare what he knew concerning the settlement of a concession of land originally claimed by Jacques Vincent, surgeon-major in the service of Spain. To which summons the said Antoine Janis answered, that he well knew the lands claimed by the said Jacques Vincent, on the Blackwater river, having visited them several times; that he has perfect knowledge that the said Jacques Vincent had caused sundry clearings to be made in the years 1795 and 1796 on the said lands; had built cabins and planted fruit trees, and that he knew that one Charles Logan was inhabiting and cultivating one part of the said lands. And further this deponent saith not.

In testimony whereof, the said Antoine Janis has signed this, his present deposition, at St. Genevieve, this 6th day of December, 1812.

ANTOINE JANIS.

Sworn to and subscribed before me, Michael Amoureux, a justice of the peace in and for the townships of St. Genevieve aforesaid, dated above.

M. AMOUREUX, *J. P.*

I certify the above translation of Antoine Janis's deposition to be truly translated from the original filed in this office.

JULIUS DE MUN, *T. B. C.*

(See book No. 7, page 125.)

June 27, 1835.—F. H. Martin, esq., appeared, pursuant to adjournment.

In the case of Jacques Vincent, claiming 10,000 arpens of land. (See book No. 7, page 125.)

Jean Elie Tholozan, the legal representative of claimant, being duly sworn, says that, in the year 1812, he started from New Orleans on horseback, for the purpose of bringing to St. Louis the original papers relating to this case; that when he arrived at Natchez, he had the yellow fever, and remained five weeks sick in said place; that when he started from Natchez, he was yet very weak, and on his way from Washitaw to Arkansas, having had to cross a creek on a log, he carried his saddle-bags, containing all his papers, on his arm, and when about the middle of the stream, finding himself giddy, he was obliged to let go his saddlebags, in order to prevent his falling into the water, and in this manner lost the said papers. (See book No. 7, page 199.)

August 20, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

Jacques Vincent, claiming 10,000 arpens of land. (See book No. 7, pages 125 and 199.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Jacques Vincent, or to his legal representatives, according to the order of survey. (See book No. 7, page 225.)

JAMES H. RELFE,
F. R. CONWAY,
F. H. MARTIN.

CLASS II.

No. 1.—*James McKim, claiming 760 arpens.*

No.	Name of original claimant.	Arpens.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
1	James McKim.	760	Settlement right.		On Wappinocke bayou.

EVIDENCE WITH REFERENCE TO MINUTES AND RECORDS.

St. Louis, *September* 29, 1813.—The legal representatives of James McKim, claiming 760 arpens of land, on Wappinocke bayou, D. A.

John W. Hunt, duly sworn, says, in 1801 or 1802, claimant had a cabin on this tract, and did some work on it. In 1804, witness saw this land; it had the appearance of former cultivation; was not on the land in 1803. Claimant had a wife and eight children in 1803. (At the margin: "Not granted.") (See Bates's minutes, page 53.)

June 19, 1835.—Board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, commissioners.

James McKim, by his legal representatives, claiming 760 arpens of land, on Wappinocke bayou. (See record-book F, page 226; Bates's minutes, page 53. See book No. 7, page 195.)

August 18, 1835.—The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and F. H. Martin, commissioners.

James McKim, claiming 760 arpens of land. (See book No. 7, page 195.)

A majority of the board are of opinion that this claim ought not to be granted; F. H. Martin, commissioner, voting for recommending the grant of 640 acres. (See book No. 7, page 222.)

F. H. MARTIN,
JAMES H. RELFE,
F. R. CONWAY.

24TH CONGRESS.] No. 1352. [1ST SESSION.

APPLICATION OF LOUISIANA FOR A DONATION OF LAND FOR REMOVING OBSTRUCTIONS IN ATCHAFALAYA RIVER.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

Whereas the removing of the obstructions in the Atchafalaya at the expense of the State, will cost immense sums of money, and that said improvement will considerably increase the value of the United States' lands on both sides of said river:

Resolved, That our senators and representatives in Congress be requested to use their best efforts to obtain from the general government in favor of the State of Louisiana, the donation of a quantity of land proportioned to the advantages accruing to the United States in consequence of said improvement.

Be it further resolved, That the governor of the State be invited to forward, as soon as possible, copies of said resolution to our senators and representatives in Congress, with all the information that he may have respecting the works mentioned in the aforesaid resolution.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
CHARLES DERBIGNY, *President of the Senate.*

Approved, February 4, 1835.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1353. [1ST SESSION.

APPLICATION OF LOUISIANA FOR THE CONSTRUCTION OF A ROAD AND LEVEE ON THE PUBLIC LANDS IN THE PARISH OF PLAQUEMINES.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

Resolved, by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That our senators and representatives in Congress be, and are hereby requested to obtain an order from the general government, to have a road and levee constructed on the public lands in the parish of Plaquemines.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
CHARLES DERPIGNY, *President of the Senate.*

Approved, March 18, 1835.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1354. [1ST SESSION.]

APPLICATION OF LOUISIANA FOR A GRANT OF LAND FOR THE CONSTRUCTION OF A RAILROAD FROM SPRINGFIELD TO LIBERTY, MISSISSIPPI.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

Resolved, by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That our representatives in Congress be requested, and our senators instructed, to use their best exertions to procure a grant of land, to assist in making a railroad from Springfield, in the parish of Livingston, to Liberty, in the State of Mississippi.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
CHARLES DERBIGNY, *President of the Senate.*

Approved, March 30, 1835.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1355. [1ST SESSION.

APPLICATION OF LOUISIANA FOR AN APPROPRIATION FOR THE CONSTRUCTION OF LEVEES ON THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

Resolved, by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That our senators and representatives in Congress be requested to use their best exertions to obtain from the general government an appropriation in money, for the purpose of making levees on the United States land from the mouth of the river Atchafalaya, on the river Mississippi, down as far as the land belonging to the United States extends, and also a levee across the point of Raccourci; by which important works many thousand of acres of valuable land now in a state of inundation, and which belong to the United States, will be reclaimed and rendered fit for cultivation.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
CHARLES DERBIGNY, *President of the Senate.*

Approved, March 27, 1835.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1356. [1ST SESSION.

APPLICATION OF LOUISIANA FOR A GRANT OF LAND FOR THE CONSTRUCTION OF THE ATCHAFALAYA RAILROAD.

COMMUNICATED TO THE SENATE, DECEMBER 21, 1835.

Be it resolved, by the Senate and House of Representatives of the State of Louisiana, in general assembly convened, That our senators and representatives in Congress be requested to use their best exertions to obtain from the general government, a grant of land between the parish of Point Coupee and Opelousas Church, on the tract which may be chosen by the Atchafalaya Railroad and Banking company, enough for the purposes of said railroad, and also that the said company have the privilege of using so much of the timber on the route as will be sufficient for the construction of said railroad. Also, that the governor of the State be requested to forward copies of this resolution, together with copies of the resolution passed on Wednesday, the twenty-fifth of February, 1835, in relation to levees on public lands and across Raccourci Point, to our representatives in Congress, forthwith.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
CHARLES DERBIGNY, *President of the Senate.*

Approved, March 13, 1835.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1357. [1ST SESSION.

APPLICATION OF MISSOURI FOR THE DISTRIBUTION OF THE FUNDS ARISING FROM THE SALE OF THE SEMINARY LANDS AMONG THE PRIMARY SCHOOLS.

COMMUNICATED TO THE SENATE, DECEMBER 24, 1835.

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

The memorial of the general assembly of the State of Missouri respectfully represents: That by the several acts of Congress, passed at different times, certain lands have been given to this State for the purpose of establishing therein a seminary of learning; that the greater part of said lands have been sold under the authority of the State, and the proceeds deposited in the treasury. Your memorialists acknowledge and appreciate the liberality of Congress, by which those lands have been acquired, and means to some extent thus provided for the instruction of our youth, so necessary for the preservation of our free institutions. A seminary in which the higher branches of literature might be taught, would no doubt be useful, less so, however, in a government like ours, where all are equally free, and where all to some extent participate in making and administering the laws, than in those less favored countries, in which the classes of society are widely separated, and the ignorant multitude governed by the few. As among governments, that is best which secures the greatest share of liberty ard happiness to the greatest portion of its citizens. So among systems of instruction, that is best which dispenses the greatest measure of useful learning among the greatest relative portion of the youth of the whole State. To your memorialists, primary school instruction, of which all, both rich and poor might avail themselves, appears best adapted to this desirable object, and therefore ask, that an act of Congress be passed, granting to the general assembly the right to appropriate for primary school instruction equally throughout the state, the interest which may arise from the funds produced by the lands aforesaid.

All of which is most respectfully submitted.

JOHN JAMESON, *Speaker of the House of Representatives.*
LILBURN W. BOGGS, *President of the Senate.*

Approved, March 17, 1835.

DANIEL DUNKLIN.

24TH CONGRESS.] No. 1358. [1ST SESSION.

APPLICATION OF ALABAMA FOR THE CONFIRMATION OF GRANTS OF LAND ON THE BOUNDARY LINE BETWEEN ALABAMA AND GEORGIA.

COMMUNICATED TO THE SENATE, DECEMBER 28, 1835.

A JOINT MEMORIAL of the Senate and House of Representatives of the State of Alabama, in General Assembly convened, to the Congress of the United States.

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

The memorial of the legislature of the State of Alabama would most respectfully represent, that the State of Alabama has been some years greatly desirous to have the boundary line between the States of Alabama and Georgia established; for this purpose, the legislature of Alabama has heretofore proposed to the authorities of Georgia, that commissioners might be appointed by the two States, to determine the permanent boundary line between said States. This proposition, though so just and reasonable, has not been acceded to by the State of Georgia, but she insists on her present western boundary remaining as heretofore fixed by herself. This determination on the part of the State of Georgia is believed to arise from the fact, that she has disposed of to her citizens the fee simple in the soil along her western boundary, and a change therefore in said boundary might interfere with the grants made to her citizens. In order to avoid this difficulty, your memorialists would respectfully ask of Congress to grant and relinquish to the persons who have acquired title from the State of Georgia, whatever lands may fall within the State of Alabama, and which have been disposed of by the State of Georgia to private persons by lottery, sale, or otherwise, when the boundary line between the States of Georgia and Alabama may be run and determined on; and your memorialists, as in duty bound, will ever pray.

Resolved, by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That our Senators be instructed, and our Representatives be requested to aid in effecting the object of the foregoing memorial.

And be it further resolved, That his excellency, the governor, forward a copy of this memorial to each of our Senators and Representatives in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*
F. S. LYON, *President of the Senate.*

Approved, January 10, 1835. JOHN GAYLE.

24TH CONGRESS.] No. 1359. [1ST SESSION.

APPLICATION OF ALABAMA FOR AN INCREASE OF COMPENSATION TO DEPUTY SURVEYORS OF PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1835.

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

The memorial of the general assembly of the Territory of Arkansas respectfully represents: That the public lands remaining unsurveyed in this Territory, although much of it is first-rate land, yet, in consequence of the selections which have been previously made, in the districts operated upon, in the progress of the public surveys, much of the unsurveyed land contains cane-brakes, some swamp, and a large portion of upland covered with undergrowth and brush, rendering it so exceedingly difficult for the surveyor to extend the lines of surveys, that, in many cases, his progress, throughout his district or contract, will not average more than one and a half miles per day. Your memorialist would further represent, that the present price for surveying the public lands remaining unsurveyed in this Territory is not a sufficient compensation to pay the surveyor for his extraordinary labor in performing the work, agreeably to the instructions furnished him by the surveyor general. It not unfrequently happens, as your memorialist has been informed and believes, that the price received by the surveyor, according to the present rate of compensation, for surveying a contract of eight or ten townships, has not reimbursed the moneys which he has expended in making the surveys, leaving him wholly unremunerated for his great labor in performing the work. Your memorialist further represents, that in many instances, the price received by the surveyor for surveying a district, has not paid for the provisions and hire of hands required in performing the work, leaving the surveyor wholly penniless, and his contracts with individuals unpaid. And further, that large sums of money have been offered by individuals, in addition to the price given by the government, to induce surveyors to take contracts in which they are interested, and wished brought into the market, which, in some instances, have been taken, and even then the surveyor was barely made safe by the private donation. In one instance, as your memorialist has been informed, a surveyor received five hundred dollars from individuals, as an inducement to survey a district which was offered by the surveyor general, and even then was not remunerated for his great labor and expense. Your memorialist represents, that it will require more than ordinary labor to complete the surveys which yet remain unfinished in this Territory. To run the lines truly, mark them distinctly, and establish the corners permanently, your memorialist believes that six dollars per mile for bottom lands, and four dollars per mile for uplands, would be a compensation barely paying the surveyor a reasonable compensation for performing the duties of this laborious business. Your memorialist, therefore, respectfully solicits

your honorable body, to pass a law, raising the price of surveying the public lands in Arkansas from the present prices given by the government, to the sums before mentioned, to wit: six dollars per mile for bottom lands, and four dollars per mile for uplands. And your petitioners, as in duty bound, will ever pray, &c.

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

Approved, October 29, 1835.

WM. S. FULTON.

GENERAL LAND OFFICE, *January* 12, 1836.

SIR: On the subject of the memorial of the legislature of the Territory of Arkansas, which accompanied your letter of the 8th instant, I have the honor to apprize the committee, that the public interest has frequently suffered for the want of suitable provisions of law to insure the execution of the surveys of public lands, under peculiar circumstances, where the maximum of compensation allowed by law for that service has proved inadequate. Cases of this description are not, however, peculiar to the lands in Arkansas, but exist to a greater extent in Louisiana. They also exist in Alabama and Mississippi.

Wherever the nature of the work is complex, the field of operation at a distance from the deputy, and the amount too small to render it an object worthy the attention of any deputy surveyor, by reason of the travelling expenses necessary to be incurred, it is evident that the work must either be left undone, or the parties interested in the survey must make up to the deputy the deficiency of the legal allowance. There are many cases of this character which have been suspended for years.

Also in the surveying of cane-brakes, and other lands where the local impediments are unusually great, it has been found that the maximum allowance is inadequate to effect the required surveys, as under the circumstances set forth in the Arkansas memorial.

The surveyors general have frequently been enabled to procure the execution of difficult and unprofitable work, by giving out their contracts in such a manner as to divide the advantages and disadvantages. But, in cases where this cannot be done, it is evident that the public interest requires that an increased allowance be made.

Although the exercise of a discretionary power is always odious, and one which I should feel very reluctant myself to exercise, yet it is not perceived how any remedy can be applied that would so well do away the existing difficulties.

The memorial, I observe, proposes an increase of the price to six dollars per mile for bottom lands, and four dollars per mile for uplands. These might answer in most cases, but would still leave a class of cases, of small amounts generally, but of difficult and complex character, unprovided for by law.

Although the committee have not been pleased to call on me to propose any plan, by way of relieving what are considered defects in the surveying laws in respect to the matter of the memorial, I have ventured, with a view to save time, to express the foregoing opinion, and to transmit herewith a paper, which, at the pleasure of the committee, may be shaped into a bill.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. W. C. DUNLAP, *Committee on Public Lands, House of Representatives.*

24TH CONGRESS.] No. 1360. 1ST SESSION.

ON A CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1835.

MR. CARR, from the Committee on Private Land Claims, to whom was referred the petition of William Bowman, reported:

That the affidavit of said Bowman sets forth that he erroneously entered the southeast quarter of section 21, and the west half of the southwest quarter of section 22, in township No. 13 north, of range No. 2, west; intending at the same time to have entered the northeast quarter of section 28, and the west half of the northwest quarter of section No. 27, in township 13, of range 2, west. That the mistake was made by the person employed by him to take the numbers, he being unable to do it himself, from want of education; that he used every reasonable precaution and exertion to obtain the correct numbers, by employing a person believed to be competent to take the numbers, and to prevent mistakes with the register, by sending him the same numbers, and that he has no way sold or transferred his right to the said erroneous entry. S. Dunagan swears that he was employed by the above named William Bowman, to take the numbers of the land above referred to, and that he made the mistake in doing so, intending to have given the numbers of the northeast quarter of section 28, and the west half of the northwest quarter of section 27, in township 13, range 2, west, instead of the numbers of that erroneously entered. The register and receiver of the land office at Crawfordsville, say the witnesses in this case are respectable and entitled to credit, and that the change of entry ought to be granted. It appears that application was not made to the proper department for change of entry, within six months from the date of entry, as requested by the act of 24th May, 1824, hence the application was rejected. The committee are of opinion that the petitioner is entitled to relief, and for that purpose report a bill.

24TH CONGRESS.] No. 1361. [1ST SESSION.

APPLICATION OF BEALE'S RIFLE COMPANY FOR A GRANT OF LAND ON ACCOUNT OF EXTRAORDINARY SERVICE IN DEFENCE OF NEW ORLEANS.

COMMUNICATED TO THE SENATE, DECEMBER 31, 1835.

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

The memorial of Beverly Chew, John McDonogh, Nathaniel Cox, Benjamin Story, William Flower, Dennis Prieur, Seaman Field, John K. West, Thomas Banks, and James Powell, citizens of the State of Louisiana, respectfully represents:

That they are, as they believe, the only survivors of the volunteer company of militia, styled "Beale's Rifle Company," which faced the British army on the shore of the Mississippi, at the invasion of this State, in the years 1814 and 1815, say on the memorable night of the 23d of December, 1814, and in every succeeding conflict down to the battle of the 8th of January, 1815, when that army was so completely overthrown and destroyed; that on the afternoon of the aforesaid night of the 23d of December, 1814, we, your memorialists, with said company, consisting of sixty-three men, led the van of the American army in the face of the British, (being the first company which marched from the city of New Orleans to their rencounter,) and kept that van until the end of the conflict, when we, your memorialists, with the residue of our company, in the withdrawal of the American army within its lines, brought up its rear, bringing with us a part of the British prisoners whom we had made on the field of battle.

Your memorialists beg leave further to state, in relation to that eventful struggle, and in proof of the justice of their claims for relief on your honorable body, (many of us being now poor in the good things of this world, and suffering from the effects of wounds, the scars of which we still carry about us, received in the defence of our country,) that, in the execution of our duty on that ever-memorable night, (our company being placed under the command of the lamented Colonel Lauderdale, with four hundred mounted riflemen, a great part of whom, with their brave commander, found an honorable grave on that night,) our company, always in the van, *penetrated and took possession of the British camp*, where, our fire being so destructive to the enemy, we had the satisfaction of seeing an entire British regiment of riflemen ground their arms and submit themselves prisoners of war to us.

In this situation, the British army, under Lieutenant General Keene, who was engaged with the American forces under our gallant general, now the President of the United States, on our right, hearing our fire in his camp, and fearing his communication would be cut off and intercepted with his fleet, from whence his supplies of men and everything else were drawn; and also induced to believe that the attack in front by our troops was a feint, and that the one on his camp in the rear was the principal attack, immediately drew off his troops from the right, from the contest with General Jackson, and marched them on us, where he found our company in possession of his camp, and with his overwhelming force cut us to pieces. By this means, this company, of which we, your memorialists, formed a part, drew off, as we have just stated, the whole of the British army from the attack of our gallant general, who was contending against it with an inferiority of force of one to three.

Under all these trying circumstances, though it was for the first time we had faced an enemy in battle, (having lost in killed, wounded, and prisoners made by the enemy, twenty-seven of our company,) the remainder, thirty-six in number, placing thirty-two British prisoners in our centre, in the face of an overwhelming British force, marched them out of the enemy's camp, brought up the rear of the American army, and, by command of General Jackson, marched the said prisoners the same night to the city of New Orleans, and lodged them in Fort St. Charles and the public prison.

Your memorialists beg leave further to state, in elucidation of their services and claims on their country, that on the day which succeeded that memorable night, say the 24th of December, 1814, the commander-in-chief of the American forces, in his general order of the day, directed the post of honor, the right of the army, to be occupied by the thirty-six men, the remains of Beale's rifle company, who had made good their retreat on that night, in which post they defended the honor of their country in every subsequent attack of the enemy; and on the general assault of the American lines by the whole British army, on the 8th of January, 1815, when the right of the American army was in imminent danger of being turned, in consequence of the misconduct of a company of regulars of sixty men, who abandoned and fled, on the approach of the British army, from a redoubt constructed there, in which were two brass eight-pound guns, which redoubt was taken possession of, and occupied for a moment, by the celebrated Colonel Rainy and a detachment of the British army, and might have been decisive of the day, had not your memorialists, with the residue of their company, retook said redoubt, making the British colonel, and every man who entered it, to bite the dust.

For those services, therefore, rendered our country, with many others not enumerated, and great privations, sacrifices, and sufferings, for which we have received neither bounty, indemnity, nor reward, your memorialists pray your honorable body to pass a law granting unto each individual of said company that is now in existence, and to the heirs and representatives of all who have paid the debt of nature, (as said company existed on the evening of the 23d day of December, 1814, and marched into battle,) permission to locate, on the public lands lying within the State of Louisiana, a section of six hundred and forty acres, to which they shall be entitled to a patent, that, by this means, they and their posterity may have a home and a resting-place on the soil which they have assisted to protect and defend; and your memorialists, as in duty bound, will ever pray.

NEW ORLEANS, STATE OF LOUISIANA, *November* 27, 1835.

24TH CONGRESS.] No. 1362. [1ST SESSION.

ON A CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. KENNON, from the Committee on the Public Lands, to whom was referred the petition of Thomas P. Eskridge and Alvarez Fisk, reported:

That said petition alleges that Thomas P. Eskridge, for himself and the said Alvarez Fish, entered sundry tracts of land in the Batesville land district, in the Territory of Arkansas, and at Helena, in the Mississippi land district, in said Territory, amounting in all to 3,800.36 acres, and for which he paid the sum of $4,750 45; that said entries have been declared void by the Commissioner of the General Land Office; that application has been made to the Secretary of the Treasury of the United States, to have said money refunded, and that said application was overruled upon the alleged ground, that the Secretary had no power at that time to cause the same to be refunded. The petitioners pray, that the money so paid may be refunded, with interest from the time payment was made until repaid.

It appears from the evidence exhibited by the petitioner, being letters from the register at the land office at Batesville; the Commissioner of the General Land Office; the Secretary of the Treasury, and copies of the receipts of the receivers of public moneys at those two land offices—

1st. That said Eskridge and Fish had entered in township 8 north, of range 8 east, at said land offices, the quantity of land specified in said petition, and that payment was made for the same, as follows, to wit:

By Alvarez Fisk,

1833, June 21st	$1,000 00
" August 19th	150 00
" October 8th	200 45
1835, March 10th	1,200 00
Total	$2,550 45

By Thomas P. Eskridge,

1833, June 21st	$1,000 00
" October 14th	400 00
1835, March 10th	800 00
Total	$2,200 00

2d. That the receivers of public moneys at those places at the times said entries were made, believed said lands to be subject to private entry, and permitted the same to be entered.

3d. That in fact said lands had not been offered at public sale, and were not at the time of private entry subject to be so entered.

4th. That so soon as the purchasers were notified that said purchase was void, they made application to the Secretary of the Treasury to have the purchase money refunded.

The committee are of opinion that the prayer of the petitioners ought to be granted, and report a bill accordingly.

24TH CONGRESS.] No. 1363. [1ST SESSION.

ON A CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. MAY, from the Committee on Private Land Claims, to whom was referred the petition of Daniel Smith, reported:

That, upon an examination of this case, it appears that, on the 13th of October, 1830, Daniel Smith entered at the Crawfordsville land office, Indiana, the southeast quarter-section 20, township 13 north, range 1 west. He received a certificate of purchase for the same, which was duly transmitted with the monthly abstracts of the register for that month, and recorded on the books of the office of the Commissioner of the General Land Office, preparatory to a patent being issued to him for said tract of land, and which patent, had it been duly issued, would have borne date January 3, 1831. On the 11th of April, 1831, Joseph Mosier entered the same land; the register at Crawfordsville granted his certificate of purchase, and a patent issued, bearing date November 2, 1831. The entry having been reported as a case of pre-emption, the books of the office of the Commissioner were made to conform thereto, and the original entry of Daniel Smith cancelled. This pre-emption right was claimed and reported under the act of the 29th of May, 1830; upon an examination of which, the committee are of opinion that the entry made by Smith should not have been cancelled. It appears to be just and lawful that he should be placed on a basis of equal right, as far as a patent may be deemed evidence of title, before the State tribunals. A bill is therefore reported.

24TH CONGRESS.] No. 1364. [1ST SESSION.

ON THE GRADUATION OF THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred so much of the President's message as relates to the Public Lands, reported:

That they have entered upon the examination of the subject referred to them, with a deep sense of the magnitude of the questions involved, as well as with a sincere desire to arrive, if possible, at such a result as shall be best calculated to preserve the respective rights of the old and the new States, and, at the same time, provide for that disposition of the public lands, by which they will, in the shortest period, pass out of the hands of the federal government, become the property of individuals, and be subject to the laws and jurisdiction of the States in which they are situated.

That part of the message of the President of the United States on the subject of the public lands, referred to the committee, is as follows, to wit: "Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of $11,000,000. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their *speedy* settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it in my former messages."

The committee have referred to the former messages of the President, on the subject of the public lands, and find that in his annual message of December 4, 1832, he says: "Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress, that a portion of the waste lands, owned by the States, should be ceded to the United States, for the purpose of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they have been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country. It cannot be doubted that the speedy settlement of these lands constitutes the true interests of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are, everywhere, the basis of society and true friends of liberty.

"In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the States and the powers of the general government; and unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the States, than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

"Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the national legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion, to urge it upon your consideration, and to the propositions which have been, heretofore, suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

"It seems to me to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the State, respectively, in which it lies.

"The adventurous and hardy population of the West, besides contributing their equal share of taxation, under our impost system, have, in the progress of our government, for the lands they occupy, paid into the Treasury a large proportion of forty millions of dollars, and of the revenue received therefrom but a small part has been expended among them. When to the disadvantage of their situation, in this respect, we add the consideration, that it is their labor which gives real value to the lands, and that the proceeds arising from their soil are distributed chiefly among States which had not, originally, any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt. To avert the consequences which may be apprehended from this course, to put an end *forever* to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Again, in his message of the 4th of December, 1833, returning with his objections the bill "appropriating for a limited time the proceeds of the sales of the public lands, and for other purposes," after a lengthy view of the manner in which the public lands were acquired, and the conditions upon which they are now held by the United States, says, "On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale."

And again, the President says: "I do not doubt that it is the real interest of each and all of the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years, the refuse, remaining unsold, shall be abandoned to the States, and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain for ever a title to lands within the States, which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States. This plan for disposing of the public lands impairs no principle, violates no compacts, and deranges no system. Already has the price of those lands been reduced from two dollars per acre, to one dollar and a quarter, and upon the will of Congress it depends whether there shall be a further reduction. While the burdens of the east are diminishing by the reduction of the duties upon imposts, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, to conciliate every interest, disarm the subject of all its dangers, and add another guaranty to the perpetuity of our happy Union."

From a careful examination of all the suggestions of the President of the United States in his former messages, on the subject of the public lands, and again recommended to the favorable consideration of Congress, in his annual message at the commencement of the present session, the committee can arrive at but one conclusion as to the policy of the present administration, on the subject of the public lands; that policy is, that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale; to reduce and graduate the price of the public lands; to afford to every American citizen of enterprise, the opportunity of securing a freehold and home of his own, and that, after they have been offered a reasonable length of time at reduced prices, the refuse, remaining unsold, should be surrendered to the States, and the machinery of the present land system entirely withdrawn. In those doctrines, and with this policy, the committee most cordially agree. Large and uninhabited tracts of land add nothing to a nation's strength. A hardy and industrious population, and every facility to encourage such a population, is, without doubt, the soundest policy of the government, and the best interest of its citizens. Can, then, any policy contribute more to this end than so to adjust the system of the public lands, as that every citizen shall be a freeman, indeed, by the possession of that species of property which makes him a home, and from which spring all those endearing attachments both to country and society?

In the cultivation of the soil, in the opening and improving of the wilderness, in the affording of homes to our people, that they may be independent and grow in wealth, that they may be surrounded with the means of raising their children in the paths of virtue and knowledge, consists the true policy which shall elevate us to the proud rank we aspire to, and make us in truth, what in justice we claim to be, the freest and happiest people on the globe.

Your committee are proud to have it in their power to say, that the public debt is now entirely extinguished; we are out of debt; we have a full and overflowing Treasury; the resources of the government multiplying, and daily developing her strength and greatness; the public mind already disturbed, not as to what plans shall be adopted for the purpose of raising a revenue, but what course is best to be adopted as to the disposal of the revenue, which is more, by millions of dollars, than is necessary for the expenses of the government, and yet, according to the present land system, the people, at whose sovereign will this government came into existence, are to be grievously taxed in procuring homes for themselves and families.

The purposes for which these lands were held by the government have been accomplished. The public debt is now extinguished. Why then continue this system? The original object has been obtained; the pledge is redeemed by the payment of the debt. The necessity no longer exists which gave birth to the measure; it has given way to the rapid growth and the expanding resources that have marked the character, and developed the strength of our country.

The situation of the new States is such as to claim a full portion of the consideration of this government in reference to this subject. To those States it is of the first importance that the public lands should become the property of their citizens with the least delay compatible with the national interest.

The numerous petitions, memorials, and legislative resolutions, heretofore presented from them, show the anxious concern with which the present state of things impresses them. After a full consideration of the subject, looking to the interests of the government, the harmony and strength of the Union at large, and considering what is due to the tranquillity and peace of the new States, the committee cannot resist the conviction that a law should be passed reducing and graduating the price of the public lands, and ceding the refuse to the States in which they lie. The bill now presented is intended to effect these objects, and proposes:

1st. That all lands heretofore offered at public sale, and which shall remain unsold for five years, shall be offered at private sale, at annual reductions of price, commencing at one dollar per acre, and abating twenty-five cents per acre every year, until a purchaser is found, or the land falls to twenty-five cents. This provision is intended to operate on such lands as are now in market at one dollar and twenty-five cents per acre, a portion of which has been in market for about fifty years, and other portions for five, ten, fifteen, twenty, twenty-five, and thirty years.

2d. That lands not hereto offered for sale, and which may hereafter be brought into market, shall have the same rule applied to them.

3d. That all actual settlers shall have the right of pre-emption on small tracts secured to them, for six months after the time of any reduction of price, provided for in the first and second sections of the bill.

4th. That no person shall be permitted to enter, at the graduated prices, more than six hundred and forty acres. This is intended to prevent speculating in the public lands, and to give to the actual settler, the cultivator of the soil, that preference which his situation seems to require. It is not the amount of money to be realized by the sale of the public lands, which should influence and determine the conduct of a wise and paternal government. In the language of the message of December, 1832, "The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty." It may be asked, triumphantly, when did the honest farmer, the cultivator of the soil, willingly abandon the principles, or knowingly become the enemy of free governments? The soundness of the principle laid down is sustained by the history of all time past. This provision in the bill proposes to carry out the sentiment expressed in the same message, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they shall be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts.

5th. The bill provides that after the land shall have been offered for one year at twenty-five cents, and remain unsold, it shall be ceded to the States in which it lies. In the language of the President, "It cannot be

supposed that the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States."

Finally. The bill provides for the closing of the land offices that shall become useless under the operation of the proposed system, by which means the "machinery" of the present land system shall ultimately be entirely withdrawn from the States. The committee report the bill.

24TH CONGRESS.] No. 1365. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. PATTERSON, from the Committee on Private Land Claims, to whom was referred the petition of Farish Carter, and of Seaton Grantland, administrator of Charles Williamson, deceased, reported:

That Evans Audere, Ervin Williams, James Roach, Willis Drew, Pearson Peacock, and Nathan Ramsay, were each entitled to pre-emption rights to one quarter-section of land in the Territory of Florida, and located the said pre-emption rights according to law; for which the government price of said land, to wit, one dollar and twenty cents per acre, was paid to Richard K. Call, esq., receiver of public money for the land office at Tallahassee, who issued certificates for the said purchase money for the pre-emption rights aforesaid. That Farish Carter, assignee of the aforesaid persons, now holds said certificates, and was entitled to the patents for the said quarter-sections of land described in said certificates. That application has been made at the General Land Office for patents for said lands, contained and described in said certificates, which have been refused to the said Carter, upon the ground that the said lands have been granted by the United States to the deaf and dumb asylum.

And the committee further report, that the said Charles Williamson, when in life, purchased and paid for one half of a quarter-section and lot containing eighty acres, for the first of which he paid one dollar and twenty-five cents per acre, and for the latter the sum of two dollars and fourteen cents per acre, to the receiver of public moneys at Tallahassee, for which he held certificates from the said receiver, and which are now held by Seaton Grantland, his administrator; and that application has been made to the General Land Office for patents for said land, in compliance with said sale, and the same have been refused. Your committee, therefore, recommend that the said Farish Carter should have leave to enter, free of purchase, six quarter-sections of land belonging to the United States, in lieu of the land which he had purchased as assignee; and that Seaton Grantland, as administrator of Charles Williamson, should have the right to enter one half quarter-section of any land of the United States which has been offered for sale, free of purchase, in lieu of the land purchased by the said Charles Williamson; and for that purpose your committee have drawn and report a bill for their relief.

24TH CONGRESS.] No. 1366. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, to whom was referred the petition of David Browning, reported:

The petitioner sets forth that he entered at the land office in the Palmyra district, in the State of Missouri, a small piece of land, which appears to be, from the receiver's certificate, which accompanies and is affixed to the petition, the southeast quarter of the northeast quarter of section number twenty, township number forty-nine north of the base line, range number two east of the fifth principal meridian. He states that the said piece of land, for the purposes of agriculture, is not worth anything; that he entered it for the want of information of the proper numbers, and that so soon as he discovered his mistake, he applied to the receiver to correct it, but that it was too late to do so, as the quarterly returns, which included it, had been made to the General Land Office; and he prays, therefore, that he may be allowed to enter some other piece of land subject to private entry.

The committee being of opinion that the petitioner is entitled to relief, have reported a bill accordingly, giving to the said petitioner the right to enter, in lieu of said tract, a quarter quarter-section of any unappropriated land within said district, subject to private entry.

24TH CONGRESS.] No. 1367. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, to whom was referred the petition of Jonathan Boone, reported:

The petitioner sets forth, that, in the spring of 1834, he emigrated to the State of Missouri, and being ignorant of the mode of finding out the parts of sections, he employed a person who had the reputation of being acquainted with it, for the purpose of being furnished with the numbers of parts of sections; that, in being furnished with the numbers by the person thus employed, a mistake was made, by which the petitioner was made to enter, at the land office in the St. Louis district, in the State of Missouri, a piece of land which he represents as poor and unfit for cultivation, being the northeast quarter of the northeast quarter of section twenty-six, township forty-one north, range ten west. The petitioner further states, that he did not discover the mistake until it was too late to have it corrected. The petitioner prays, therefore, that he may be allowed to enter some other quarter quarter-section of unappropriated land subject to private entry.

The committee being of opinion that the petitioner is entitled to relief, have reported a bill accordingly, giving to the said petitioner the right to enter, in lieu of said tract, a quarter quarter-section of any unappropriated lands within said district subject to private entry.

24TH CONGRESS.] No. 1368. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE BOARD OF REPRESENTATIVES, JANUARY 5, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition (and accompanying documents) of Don Lewis Rosamond Orillion, having had the same under consideration, reported:

That, from a careful examination of the facts, it is ascertained that John Willson and Henry M. Sykes (the grantees under whom the petitioner claims), did purchase lands lying in the eastern district of Louisiana, and which were offered for sale at New-Orleans, on the 9th of February, 1824. Three several lots, which lay on the side of Bayou Crosse, known and described as lots Nos. 26, 27, and 28; the first for 159 acres, the second for 153.50 acres, the third for 168.75 acres, for the respective prices of $198 75 for lot No. 26, $204 37 for lot No. 27, and $207 94 for lot No. 28; those lots lie in township 7 and 8, range 10 east. Patents have issued from the General Land Office, bearing date the 1st day of April, 1826; and there is a regular chain of conveyances from the patentees to the petitioner. It is alleged that the petitioner cannot be let into the enjoyment of the premises so purchased by him, because of the older and superior claim of John Franchebois, which includes all but a small fraction of lots Nos. 26, 27, and 28, before referred to.

In support of the superior claim of Franchebois, the following certified copy of the report of the commissioners of lands in the district of Louisiana has been produced, to wit:

"LAND OFFICE, *Eastern District of Louisiana.*

"*Second species of the first class.*

"John Franchebois claims a tract of land situate in the county of Point Coupee, measuring twenty-five acres in front, on each side of Bayou Grosse Tite, on Grand bayou, by forty acres in depth on each side, and bounded on one by lands of Alexander Reboul, and on the other by lands of Rosamond Beccas.

"This claim is founded on order of survey, issued by the proper Spanish officer.

"We are of opinion that all the claims included under the second species of the first class, are already confirmed by the act of Congress of the 12th of April, 1814.

"S. H. HARPER, *Register.*
ALFORD LORRAND, *Receiver.*"

"REGISTER'S OFFICE, *New-Orleans.*

"I, B. Z. Canonge, register of the land office at New-Orleans, do hereby certify the foregoing to be a true copy of the reports of the late register and receiver of said office, on the claim of John Franchebois, No. 415, as taken from the *Reports on Land Claims*, on record in this office, which said reports bear date the 20th of November, 1816, and were confirmed by act of Congress of the 11th of May, 1820.

"In faith whereof, I have subscribed my name, this 19th of November, 1835.

"B. Z. CANONGE, *Register.*"

From which it appears that the commissioners, appointed by the acts of Congress in such cases made and provided, have reported in favor of the claim of Franchebois, as having been founded upon a legal order of survey,

issued by the competent Spanish authorities. The acts of Congress referred to by the commissioners have been examined; they are to be found in the volume of laws relating to the public lands, in pages 651, 652, and 778; and it is believed that the proper construction has been put upon them by the commissioners, and that Franchebois's claim is legalized by those acts, and consequently that he has a superior title to the land. A plat, and certificate of interference, has been made out by the proper officer, and exhibited with the petition, by which it appears that the petitioner has lost all the lands covered by his patents, with the exception of a small quantity, say 79 acres, which lies in such a situation as to be of no service to him whatever, but may be serviceable to adjoining claimants; the amount taken is 412.27 acres.

The petitioner prays for liberty to locate the 412.27 acres upon any other public lands in Louisiana. The committee think that the petitioner is entitled to relief, and beg leave to report a bill accordingly.

24TH CONGRESS.] No. 1369. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom was referred the petition of August Brazeau, with the accompanying documents, reported:

That the petitioner represents, that he applied on the 19th May, 1800, to the lieutenant governor of the province of Louisiana, for a grant of eight hundred arpens of land in said province, and that, on the 21st May, 1800, there was a concession made to him of the same, by Charles Dehault Delassus. A survey was made for the applicant of eight hundred arpens, on the Mississippi river, in the now State of Missouri, in the month of March, 1804.

By the act of Congress of March, 1805, provision was made for confirming the titles dependent on a duly-registered warrant or order of survey, obtained from the French and Spanish governments, respectively, during the time either of said governments had possession of said province, and prior to the 1st of October, 1800; and which land was on that day actually inhabited and cultivated by said claimant, or for his use. By the said act further provision was made in favor of actual settlers, who were inhabiting and cultivating land in said province, on the 20th December, 1803. It was also enjoined on such claimant that he should, before the 1st March, 1806, deliver to the register of the land office, or recorder of land titles, within whose district the land may be, a notice in writing stating the nature and extent of his claim, and together with a plat of the tract claimed, shall deliver to the register and recorder his grant, order of survey, &c., for record. If such claimant neglected to deliver such notice in writing, with the plat, and cause to be recorded his evidence of the same, it is declared by the said act, that his "*right shall become void, and forever thereafter be barred;*" and it is further provided, that such incomplete grant, warrant, or order of survey, or other written evidence which shall not be recorded as above directed, shall not ever after be considered or admitted in evidence, in any court of the United States.

In the instructions from the Treasury Department of September 3, 1806, to the commissioners of land claims, appointed under the authority of said act of Congress, to receive and report on said claims, it is stated that no titles were to be considered as complete but legal French or Spanish grants, made and completed before the 1st October, 1800, and *duly recorded at the proper office in New Orleans*; and that when the party claimed under a grant, no claim other than those derived from complete titles shall be admitted, unless the lands claimed were actually inhabited or cultivated on the 1st of October, 1800. That all claims must be rejected, unless the concession, order, or warrant of survey, shall have been duly registered in the books kept for that purpose. If the officer issuing such concession or order of survey kept books, any concession not registered was to be considered "prima facie" as surreptitious and antedated; and when there was no registry, the burden of proof of date, &c., should fall on the claimant.

Various subsequent acts were passed by Congress, extending the time for giving notice and registering claims; among others is the act of March, 1813, the last, we believe, on that subject, giving to the 1st of January following to the claimant for the purpose of delivering the written evidence to the recorder, &c., as required, and for the neglect to deliver the same, the rights are again declared void.

When such are the requisitions of the law in relation to grants of land in what was the province of Louisiana, now the State of Missouri, the failure to comply with them, and obtain the evidence of title in the manner required by the law of the province, must bar the applicant of all right or claim.

There is in this case not the chance of one essential requisition, but of several, which are insuperable obstacles, in the opinion of the committee, to a confirmation.

If the application and order of survey be genuine, of which there is no evidence, yet it was not registered in conformity to the law, and as, from the absence of evidence of registry, it is "prima facie" to be taken and considered surreptitious and antedated, it was incumbent on the applicant to prove satisfactorily its true date, and that it was prior to the 1st of October, 1800.

There is no evidence that the evidence of title was filed with the recorder, nor is it alleged that the claim was presented to the commissioners authorized to receive and investigate such claims under the acts of Congress.

Nor is there any evidence that the applicant, at the time of the order of survey, or at the time of survey, or at any time since, resided on or cultivated the said land, or any part thereof.

Ignorance of the law, the only alleged excuse for so many omissions and imperfections of title, cannot be allowed to exempt the claimant from a compliance with the provisions of law, through which he was to acquire a title, if any.

The omission to procure his title, unaccompanied with possession and registry, is, in the opinion of the committee, under the laws of Congress, a bar to the claim; and your committee can discover no good or equitable reason why Congress should, by any new act of legislation, give validity and confirmation to a claim so imperfect and dormant.

The committee are of opinion that the claim is not well founded, and ought not to be granted, and submit the following resolution:

Resolved, That the petitioner is not entitled to relief.

24TH CONGRESS.] No. 1370. [1ST SESSION.

APPLICATION OF ILLINOIS FOR GRANTS OF CERTAIN LANDS TO INDIVIDUALS, FOUNDED ON CULTIVATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1836.

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

Your memorialists, the general assembly of the State of Illinois, respectfully represent to your honorable body: That a number of the early emigrants to that part of the territory northwest of the Ohio river, which is now included in the State of Illinois, made improvements and settlements under the belief that they would receive the donations of land offered by the resolves and acts of Congress. That those pioneers to the then wilderness of the West necessarily had to encounter great privations, hardships, and losses, as well as to risk their lives in becoming inhabitants and settlers in the country, and by which they certainly acquired a strong claim upon the justice of the government, for a portion of the soil which they settled and defended, and certainly to the quantity of acres which they had a right to expect from the resolves and acts of the government before mentioned.

Your memorialists will further state, that the portion of the emigrants to whom they refer are those who settled the country between the years 1780 and 1790, and that among the number were Joseph Ogle, James McRoberts, James Lemen, Peter Castelin, Benjamin Ogle, George Biggs, and Thomas Biggs. That about the year 1798, and subsequent to that date, they exhibited before the then governor of the Territory the proof of their settlement and cultivation of the soil, of their being heads of families, &c., as required by the acts of Congress, and the instructions to the governor. That the governor, in some instances, for reasons certainly unknown to your memorialists, made grants to them of land, but without acting upon a uniform rule, as will be seen by reference to his grants in the archives at Washington city, as in some instances he granted four hundred acres, the quantity which seems to have been intended by Congress, and in other cases a less quantity, thereby depriving a portion of the settlers of rights awarded to others, when the rights growing out of the occupancy and cultivation of the soil, and of being heads of families, were precisely the same. Your honorable body will observe, that when these facts were proved, to wit: a residence in the country, the cultivation of the soil, or being heads of families within the years prescribed by the acts of Congress, by the settlers in the Territory, they had complied with the requisites which placed them upon an equal footing with regard to the quantity of land to which they were severally entitled. Any distinction, therefore, in the grants, when the rights and services were the same, was manifestly partial and unjust. The individuals whose names we have mentioned are among those who did not receive the quantity of land to which they were entitled. For example: Joseph Ogle received 250 acres, James McRoberts, 100 acres, Peter Castelin, 250 acres, Benjamin Ogle, as assignee, &c., 300 acres, James Lemen, 200 acres, Thomas Biggs, 250 acres, and George Biggs, 300 acres, leaving a deficit in each case, and which is claimed by these individuals to make the quantity in each case 400 acres.

Your memorialists will further remark, that the said governor, in a number of instances, declined to make any grant whatever to individuals who exhibited claims, and that in these cases, after the organization of a board of commissioners by Congress to adjust the claims, the same individuals again exhibited their claims before the said board, and in all cases, as your memorialists believe, received the full quantity of 400 acres. The evidence of this fact, of which your memorialists do not doubt, is entirely within the reach of your honorable body, in the archives of the nation. It was, therefore, unfortunate for that part of our citizens who did not receive their full quantity of land, that they ever presented their claims to the governor of the Territory. Had they waited and exhibited their claims before the board, they would have received the full complement of acres before stated. Your memorialists will further add, that they have been informed and believe, after the organization of the board of commissioners, the abovenamed individuals reëxhibited their claims before the board, and were informed by the board that they had no doubt of the justice of the claims; that in all such cases the board granted the full quantity of 400 acres, and that they would then grant the deficiency, so as to give each applicant 400 acres, but from a doubt as to the powers of the board to vary the number of acres in cases where the governor had made grants; that they held their powers under the act of Congress to be, to readjudicate the claims, and to confirm or reject them without changing the quantity of acres in the grant. In this situation, therefore, the above claims have ever since been suspended.

Your memorialists beg leave further to add, that the fact of the governor making grants for any quantity of acres, is proof conclusive that the grantees had settled in the country, cultivated the soil, or were heads of families within the time prescribed by the acts of Congress; because, without this proof, the governor could make no grant whatever. Your honorable body will further remark, that separate grants were authorized to be made, to wit: one predicated upon the cultivation of the soil, the other from being the head of a family. Your memorialists, therefore, respectfully solicit your honorable body in behalf of the individuals named, that your honorable body will examine the claims stated, and pass an act granting to the heirs of Joseph Ogle 150 acres of land, to James McRoberts 300 acres, to Benjamin Ogle, assignee, &c., 100 acres, to James Lemen's heirs 200 acres, to the heirs of Peter Castelin 150 acres, to the heirs of Thomas Biggs 150 acres, and to the heirs of George Biggs 100 acres, so as to complete the quantity of 400 acres to each.

WM. LEE D. EWING, *Speaker of the House of Representatives.*
ZADOK CASEY, *Speaker of the Senate.*

January 14, 1831.

24TH CONGRESS.] No. 1371. [1ST SESSION.

SURVEY AND SALE OF LANDS IN SCOTT COUNTY, MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1836.

GENERAL LAND OFFICE, *April* 9, 1834.

SIR: I herewith transmit a copy of a communication from E. T. Langham, surveyor of public lands at St. Louis, Missouri, on the subject of the memorial of the inhabitants of Scott county in that State, respecting the bringing into market of certain lands in that county.

There have been several similar applications from residents of that county at different periods, and the department has invariably failed to accomplish the completion of the surveys by reason of the inadequacy of the compensation allowed by law.

There are several circumstances wherein the present maximum price of surveying per mile has been found inadequate, to wit:

The running of principal meridian and base lines.

The running or retracing of boundary lines.

The accomplishing of surveys where the amount of work is too small to make it an object for a surveyor to contract for that single service, however urgent and important it may be deemed, either by the government or by individuals. One remarkable instance, to prove that some further legislative provision is necessary, is the fact that the general government is known to possess a valuable property in the city of New Orleans, which cannot be ascertained and surveyed under the existing rate of *mileage*.

These are evils which should be remedied by further legislative provisions, and I embrace the present occasion of calling your attention to the subject, and would suggest the passage of a law authorizing the Secretary of the Treasury, under peculiar circumstances of difficulty in making the public surveys, and where the present maximum price has proved inadequate, to allow such additional compensation as, on satisfactory proof of the fact, shall be found indispensably necessary to accomplish the object.

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

ELIJAH HAYWARD.

Hon. WM. H. ASHLEY, *House of Representatives.*

SURVEYOR'S OFFICE, *St. Louis, February* 10, 1834.

SIR: In compliance with your letter of the 26th November, enclosing a petition of the inhabitants of Scott county, Missouri, I submit the following report:

According to Browne and Bancroft's map of Missouri, the county of Scott includes either the whole or a part of each of the following specified townships and fractional townships, situated north of the base line, and east of the fifth principal meridian; viz.: 26 to 28 of range 12, 25 to 30 of range 13, 24 to 30 of range 14, 23 to 29 of range 15, 23 to 28 of range 16, 23 to 28 of range 17, and 24, 25, 26, and 27, of range 18; which said townships and fractional townships and the plats thereof are severally conditioned as follows, viz.: townships 26, 27, and 28, of range 12, and 25 of range 13, have not been subdivided, and to judge from the field notes of such portions of the exterior lines as have been surveyed, the conclusion would be drawn that the land is generally swampy, and but small portions desirable for the habitation of man.

Townships 26 and 27 of range 13 have been subdivided, the plats in this office are authenticated; the fractional sections adjoining the private surveys, require to be subdivided under the act of Congress of the 5th April, 1832, and the plats to be copied for the register.

Township 28 of range 13 is conditioned as stated in the margin of the plat thereof, transmitted to the General Land Office with my letter of the 12th of October, 1832. A competent surveyor cannot be obtained for the price allowed by law to put the work in proper order.

Townships 29 and 30 of range 13 have been surveyed, and the plats thereof are in the register's office.

Township 24 of range 14 has been in part surveyed, and the register furnished with a plat thereof. No reasons are given in the field notes for the survey having been left incomplete.

Townships 25, 26, and 27, of range 14, have not been subdivided, and are believed to contain large bodies of swampy land.

Townships 28, 29, and 30, of range 14, have been subdivided. The plats in the office are not authenticated, but copies have been furnished the register. The survey of township 28 seems to be incomplete.

Townships 23 and 24 of range 15 have not been subdivided, and are supposed to contain much swampy land.

Township 25 N. of range 15 has been partly surveyed, and a plat thereof furnished the register, the plat in this office not authenticated.

Townships 26, 27, 28, and 29, of range 15, have been subdivided, and a plat of each has been transmitted to the register. The plats of said township on file in this office are unauthenticated.

Townships 23 and 24 of range 16 have not been subdivided, for what cause this office is uninformed.

Townships 25 and 26 of range 16 have been subdivided, the plat of township 25 in this office is authenticated; that of township 26 is not. Copies of each must be prepared for the register.

Township 27 of range 16 has been partly surveyed, and a plat thereof furnished the register. The survey of the township seems to have been left incomplete on account of lakes and swamps. Township 28 of same range has not been surveyed.

Township 23 of range 17 has not been subdivided, the reasons therefor are not known.

Townships 24, 25, 26, 27, and 28, of range 17, have been subdivided, the plats thereof on file in this office are authenticated, and all that is necessary to prepare them for the register is to subdivide the fractions under the act of Congress of the 5th of April, 1832.

Township 24 of range 18 has been subdivided into sections, but the plat thereof on file is not authenticated. The fractions have to be subdivided under the act of Congress of the 5th of April, 1832, and a plat prepared for the register.

Township 25 of range 18 has not been subdivided.

Townships 26 and 27 of range 18 have been subdivided into sections, the plats thereof on file in this office are authenticated, and require only the subdivision of the fractional sections to be in readiness for the register.

Plats of the townships and parts of townships before specified as having been subdivided and not yet furnished the register, can be prepared and transmitted to him by the 1st of April.

The inhabitable land in the aforesaid townships and fractional townships which have not been surveyed, is understood to be so intermixed with swampy and marshy lands, that much difficulty will occur in the execution of the surveys, and much loss of time in crossing the obstructions so as to keep up a proper connection of the lines; and it is recommended that, for the completion of the surveys, in the counties of Scott, New Madrid, and Cape Girardeau, and for such portions of the county of Wayne as lie south of the standard line, between townships 29 and 30 north, and is watered by the St. Francis, a liberal per-diem allowance and expenses paid be authorized, so as to induce a surveyor competent to the task to undertake the work; or if this is deemed objectionable, that the mileage should be at the least what is allowed in the Southern States and Territories, viz.: $4.00 per mile.

I am sir, very respectfully, your obedient servant,

E. T. LANGHAM.

ELIJAH HAYWARD, Esq.,
Commissioner of the General Land Office, Washington City.

24TH CONGRESS.] No. 1372. [1ST SESSION.

APPLICATION OF INHABITANTS OF MISSISSIPPI FOR THE SETTLEMENT OF PRIVATE LAND CLAIMS AND EXTENSION OF THE PRE-EMPTION RIGHT TO SETTLERS.

COMMUNICATED TO THE SENATE, JANUARY 11, 1836.

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

The undersigned, citizens of the State of Mississippi and other States, now attending the land sales, with the view of purchasing from the government, respectfully represent: That, by the provisions of the 14th article of the treaty of Dancing Rabbit creek, there was granted to each Choctaw head of a family, a reservation, the conditions of which, by reference to said articles, will more fully appear. To carry which article into effect, by securing, on the one hand, the rights of the Indians who truly desired to become citizens of the State, and, on the other, to protect the government from fraud and imposition, the President of the United States, at a very early period, ordered the Indian agent, Colonel William Ward, to enrol, in a proper register, the names of the heads of families and their children, who should signify their intention to avail themselves of the benefits held forth by said article. At a later period, but before the commencement of the first land sales, the Executive appointed George W. Martin, esq., special locating agent, with instructions to locate all Indian claims, following for his guide the provisions of the 14th article of the treaty. The register of the said William Ward, in locating the interests of claimants, while in the discharge of his duties, a number of applications were made to Mr. Martin, the locating agent, for reservations, which he felt bound to reject, for the reason that their names were not to be found on the said register. Some of the applicants thus rejected applied to the Department of War for relief, enclosing testimony of a compliance, so far as depended on their own acts, with the several conditions of the grant offered by said 14th article, and praying that their lands might be reserved from sale, and when sold, that other lands might be set apart for them, so as to save them from the delay, vexation, and expense, so inseparable from a trial of their rights to the particular tracts in a course of law, and which they were so ill prepared to encounter. On mature consideration of the evidence submitted, the President thought proper to issue an order to the proper departments, directing instructions to be given to the locating agent and the registers of the land offices, to reserve from sale land of similar value and equal quality, subject to the then future action of Congress, in the name of each Indian claimant who would adduce satisfactory evidence of, 1st, being a Choctaw head of a family; 2d, of application to the agent for registration within six months after the ratification of the treaty; 3d, of failure or refusal by the Indian agent to record, or of loss of the record when registered. These instructions were general in their terms, though predicated on the particular cases above referred to.

A few active, enterprising, and intelligent speculators, discovering the opening which was thus presented for the acquisition of large fortunes, have, by agents beyond the Mississippi and at home, procured documents purporting to be powers of attorney from Indians to select lands, and transfer their rights to lands selected, supported by *ex parte* testimony on the above-named points set forth in the President's order, and the instructions from the departments of the Treasury and of War, and by those papers have caused to be set apart for them the choicest lands in the country, sweeping over large districts inhabited and cultivated by persons who settled the public lands on the faith of the policy of the government indicated by the passage and renewal of pre-emption laws at almost every session of Congress, that their homes would be given them at a reasonable price, unexposed to the heartless grasp of the voracious speculator. To the alarm of your memorialists, these claims have now amounted, as they are informed, to upward of three thousand, which, at an average of 1,280 acres each, amount to the enormous aggregate of 3,840,000 acres; and many of the said speculators, availing themselves of the panic which their operations have produced, are now selling out, and receiving a portion of the price in ready money, which they refuse to become bound to refund in the event that the title is not confirmed; thus securing to themselves large fortunes, without having advanced to the Indian one cent, so far as your memorialists are informed and believe. Your memorialists are persuaded that not more than one out of twenty claims is founded in equity and justice, and, if scrutinized by a tribunal sitting in the vicinities of the land offices, with competent powers to reject or confirm, and to compel the attendance of witnesses, those honestly claiming would be secured in their rights, a most stupendous system of fraud on the government be exposed and defeated, the settlers relieved from the embarrassments brought on them, and Congress saved from the teasing and vexatious applications of false

claimants for a series of years to come. A compliance with the above suggestion, by the passage of a proper law, your memorialists most respectfully solicit. They also pray, in behalf of actual settlers, an extension of the pre-emption privilege.

Titus Howard,	B. N. Hines,	B. C. Adams,
Joseph Gerson,	Wm. Covington,	Jno. H. McRae,
Henry Loggins,	John B. Foy,	W. H. Haws,
A. S. Campbell,	Amos Foy,	Cyrus Parkurst,
William McCranie,	R. M. Spear,	R. S. Dinkins,
Jno. Stamps,	Thomas P. Blonell,	George C. Ward,
Stephen Harris,	John Shannon,	W. B. Carroll,
Fielder C. Hunt,	James Wier, Greene county, Ala.	Thomas M. Smith,
W. H. Legarden,	W. S. Schofield,	P. W. Smith,
David A. Kerr,	Francis Murdock,	Whitfield Chalk,
R. B. Ricketts,	Abraham Knowlton, A. T.	W. M. Robinson,
John W. Scott,	James W. Lunsford,	H. A. Swintz,
John H. Hines,	Jerry Deane,	John Horton,
John Miller,	Eli McMullan,	Castilo S. Hill,
L. Carter Maclin,	S. Foster,	George W. Tapp,
Frederick Foy,	E. Betts,	D. M. Beck,
Daniel Ferguson,	A. B. Betts,	David Warner,
W. L. Babbitt,	M. G. Shumold,	R. W. Smith.
J. E. Wilson,		

24TH CONGRESS.] No. 1373. [1ST SESSION.

ON THE APPLICATION OF MISSOURI THAT REGISTERS OF LAND OFFICES BE DIRECTED TO ENDORSE THE FIELD NOTES ON PATENTS FOR LANDS.

COMMUNICATED TO THE SENATE, JANUARY 11, 1836.

Mr. EWING, from the Committee on Public Lands, to whom was referred the following memorial from the legislature of Missouri, reported that the prayer of the memorial be rejected:

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

Your memorialists, the general assembly of the State of Missouri, would most respectfully represent, that under the present regulation of the Land Office department of the United States, patents issue to the purchasers of lands; and it devolves on those purchasers to procure, at their own expense, from the register of the particular land district, the field notes appertaining to such parcel of land, so by him purchased of the government of the United States. Your memorialists will further represent, that they cannot discriminate between the duty devolving on a government upon a sale of its property and an individual in making a sale of his. In the latter the individual affords, at his own expense, a complete description of the land by him sold. Your memorialists would, therefore, most respectfully request (if in your wisdom it shall seem meet) the passage of a law making it the duty of the register of the particular land district where land may be entered, to furnish to the patentee or purchaser of land, a copy of the field notes, to be by said register endorsed in a fair hand on the back of each patent, free of expense to such purchasers, and as in duty bound, your petitioners will pray, &c.

Resolved, by the general assembly of the State of Missouri, That the Secretary of State is hereby required to forward to each of our Senators and Representatives in Congress a copy of the above memorial.

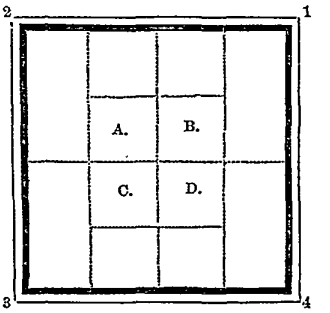
Approved, February 11, 1833.

GENERAL LAND OFFICE, *January* 4, 1836.

SIR: Your letter of the 30th ultimo contains the following inquiries: "A memorial of the legislature of Missouri asks that the registers of land districts be required to endorse on the backs of patents the field notes of the surveys; would a law requiring them to do so cause much additional labor? Would it be of any considerable value to the purchasers?"

In reply to your first inquiry I have the honor to state, that the labor would be considerable: *all* the patents ever issued for sales made in each district being liable to such endorsement, and that it could not, with propriety, be made the duty of registers without a provision of adequate compensation for such additional labor. It would draw off the time of the clerks from attending to purchasers and the preparation of the returns, and might materially interfere with the transaction of the current business.

A SECTION.



In regard to the second inquiry, I would state that, in the opinion of this office, the information would be of no essential utility. The information would have to be extracted from the descriptive notes, which indicate only the quality of the soil and character of the timber, in general terms, on the surveyed lines, which are one mile apart, and would be still less uncertain as to the interior half quarter-sections.

Thus, in the annexed diagram, the descriptive notes can furnish no accurate information except as to the timber and character of the soil on the lines 1.2—2.3—3.4—4.1. This can hardly be expected to afford any information as to the east halves of the northwest and southwest quarters, or the west halves of the northeast and southeast quarters—and assuredly nothing at all as to the quarter quarters, A, B, C, and D.

In view of all the circumstances presenting themselves in connection with the subject, I am of opinion that it would be almost useless, and therefore inexpedient to legislate on the subject.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman of the Committee on Public Lands, Senate U. S.*

24TH CONGRESS.] No. 1374. [1ST SESSION.

ON A CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. MAY, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Jacob Smith, reported:

That Jacob Smith, the father of the petitioners, had for many years been a trader among the Chippewa tribe of Indians, in Michigan Territory, to whom, on account of the many kind and beneficial services rendered them by said Smith, they had become warmly attached. That some time previous to a treaty held at Saginaw, in the year eighteen hundred and nineteen, the said Chippewa nation of Indians, as an expression of their gratitude, adopted the children of the said Jacob Smith, five in number, as members of their tribe, appropriating to each of them an Indian name, by which alone they were known and designated among said tribe, and made a donation of a section of land to each, at or near the Grand Traverse of Flint river, in said Territory; that the said five sections of land were reserved by the treaty concluded at Saginaw, between the said Chippewa tribe and the United States, on the twenty-fourth day of September, eighteen hundred and nineteen, to the said five children of the said Jacob Smith, by their respective Indian names; and that, from that time they have been in possession of said lands, by virtue of said donation and reservation. Your committee further report, that in consequence of an inadvertence in the wording of the said treaty, by which said reservations are stated to be for persons of Indian descent, said petitioners have not been able to procure patents for said reserved lands. Your committee are perfectly satisfied, from the affidavits of gentlemen who were present and subscribing witnesses to said treaty, and from the statements of the chiefs and head men of the said tribe, that there were no persons of Indian descent who passed by the names appropriated to said petitioners, who could take under said reservation, and that the said petitioners are the identical persons for whom said reservations were designed, and that the names in the said reservation are the same names by which they were designated and known among said tribe. Your committee further state, that a large number of the neighboring inhabitants of said reservations have presented a memorial, stating that the settlements of the adjoining lands are much retarded for the want of confirmation by Congress of the title in said land to said petitioners, and praying that patents may issue to said petitioners, to whom they allege said lands of right and in justice belong.

24TH CONGRESS.] No. 1375. [1ST SESSION.

ON A GRANT OF LAND TO ARKANSAS FOR THE COMPLETION OF THE BUILDING FOR THE LEGISLATIVE ASSEMBLY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the memorial of the Legislature of the Territory of Arkansas, soliciting of the United States a further grant of ten sections of the public land to aid said Territory in the completion of their legislative house for said Territory, reported:

That by an act of Congress, approved on the 2d March, 1832, a grant of ten sections of the public land was made to Arkansas, for the purpose of building, at the seat of government in Arkansas, a house for the accommodation of the legislature. The land has been sold and the funds applied for the purposes for which the grant was made. The funds are exhausted, and the building is yet unfinished. As it has been the invariable practice of the government, in each of the new States and Territories, when the United States owned the soil, to make similar grants for similar purposes, it is thought by the committee to be but reasonable to grant the prayer of the petitioner, especially as that Territory will shortly become a State, and will be, for several years, but illy able to complete such a work, as they will have to defray the expenses of their own government, and will be deprived of the advantages of raising a revenue by taxation upon the public land. The committee, therefore, report a bill.

24TH CONGRESS.] No. 1376. [1ST SESSION.

ON THE RE-ISSUE OF A BOUNTY-LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom the petition and documents of Robert Allison, of Franklin county, Pennsylvania, claiming indemnification for the loss of two hundred acres of bounty land, were referred, reported:

That they have had the petition and documents under consideration, for which they extract the following facts: The petitioner was a lieutenant in the third regiment of the Pennsylvania line in the Revolutionary army, and served until the close of the war, and thereby became entitled to two hundred acres of bounty land, under the laws of Congress. A warrant, No. 43, was issued in his name, for two hundred acres of bounty land, on the 6th day of April, 1799, which was located by and for a certain William Steel, on the 10th day of February, 1800; upon which, together, with other warrants surrendered by said Steel, to the amount of four thousand acres, a patent issued in the name of said Steel, upon section three, township six, range seven. The authority under which Steel undertook to locate the warrant in the name of Robert Allison, appears to have been an assignment in the warrant to him, purporting to have been executed by Allison. The petitioner states, in his petition, that the warrant "never came to his hands, and that he never, in any form or manner, transferred or parted with his right to said land, or warrant, or gave any person any authority to assign or transfer the same." And to the petition is attached his affidavit, "that the facts set forth are just and true, as stated therein." In proof of the assignment to Steel not being the genuine act of the petitioner, the deposition of Hon. Matthew St. Clair Clarke was submitted, the most material part of which is the following extract, in which he says "deponent, knowing well the character of Captain Allison for integrity and truth, requested to see the surrendered warrants. They were shown to this deponent, and, without hesitancy, he pronounced the name of Captain Allison, as assignor, a *forgery*. The handwriting he did not believe to be that of Captain Allison, nor was the name *spelled* correctly." This evidence, in connection with the good character of the petitioner, as stated by Mr. Clarke, who appears to have been well acquainted with him, and also by some of the committee, to whom he is well known, the committee deemed as satisfactory that the assignment of the warrant to Steel was a forgery.

Under this state of facts, it appears to the committee no more than justice to the petitioner to grant him a new warrant, the warrant to which he was entitled under the acts of Congress, having been without his consent or knowledge, spent and executed in such a manner, under the direction of the officers of the government, as placed it out of his power to obtain what he was entitled to, even were he willing to adopt the location thus made without his consent, which would be imposing, of itself, a hardship upon him which would be unjust. His warrant was not laid upon any specific two hundred acres which could be designated or distinguished from any other two hundred acres of the four thousand covered by Steel's patent; and, even if it could, if the land had passed to a third person, purchasing *bona fide* under Steel, without knowledge of the fraud, your committee are of opinion he could not recover an ejectment; but, as before observed, it would be unjust to subject him to this trouble and expense without his consent, if it were even manifest that he could recover it. Your committee, however, are clearly satisfied that his right in the land covered by that warrant is gone from him past recovery; that he cannot recover in an ejectment; the two hundred acres covered by his warrant being thrown in with three thousand eight hundred acres more, in one general patent covering the whole, it is impossible for him to describe any particular two hundred acres, so as to entitle him to recover it; and this without his act or participation, and without any fault of his. In this view of the case, the committee have reported a bill, authorizing the proper officers of the government to issue a new warrant to the petitioner.

24TH CONGRESS.] No. 1377. [1ST SESSION.

ON A CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred a resolution to inquire into the expediency of making compensation to John Barkley, for a deficiency in quantity in a tract of land purchased of the United States by him in fractional section No. 4, township 6, of range 8, between the Miami rivers, in the State of Ohio, reported:

That it appears from a plot or diagram of said fractional section, certified from the records by M. T. Williams, late surveyor general, that it was returned as containing three hundred and forty-seven acres. It is also in evidence before the committee, that upon a resurvey of said fractional section, it was found to contain two-hundred and fifty acres, one rood, and one pole. From an examination of the plot of the resurvey, field notes, and calculations made thereof, it appears that said resurvey is correct; the committee are of opinion the said Barkley is entitled to relief, and for that purpose report a bill.

24TH CONGRESS.] No. 1378. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Amelia Leach, reported:

That the petitioner states that, in the month of June, 1835, the application at the land office, Tuscaloosa, for the entry of the southeast quarter of the southeast quarter of section 19, township 23, of range 11, east, that she has not received a duplicate for the land she wanted. Ransom Davis swears, that about the 8th day of June last, he was applied to by Amelia Leach and others, to survey and number certain lots of public lands designed to be entered by her; and said Amelia Leach designed to enter the southeast quarter of the southeast quarter of section 19, township 23, range 11, east. Deponent further swears, that he discovered the error so soon as the said Amelia Leach submitted the duplicate to his inspection, and informed her that the duplicate did not call for the land she intended; the duplicate accompanying the papers, and which appears to have been executed by the receiver at the land office, at Tuscaloosa, on the 10th June, 1835, designates that Amelia Leach purchased the northeast quarter of the southeast quarter of section 19, township 23, range 11, east. The papers representing this case are not as formal as might be desired, yet the committee are of opinion, that the facts are stated, and that the petitioner is entitled to relief, and for that purpose report a bill.

24TH CONGRESS.] No. 1379. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom were referred the petition and the accompanying documents of John Armstrong, having had the subject under consideration, reported:

That the petitioner claims 640 acres of land, by virtue of settlement, &c., upon the neutral territory between the Rio Rondo and the Red river, under the several acts of Congress of the 3d of March, 1823 and the 20th of May, 1824. (See volume of the Land Laws, pages 844 and 883, and also by the Act of 24th of May, 1828).

The first act required the settlement or habitation to have been made upon the premises previous to the 22d of February, 1819, and upon due proof of that having been done in good faith, and produced to the commissioners appointed by the act of 1823, and the provisions of which were continued, with some modifications, by the act of 1824, they were to reject or confirm, as the case might be.

It appears, from the transcript of the proceedings of the board of commissioners, that two witnesses deposed before said board, that the petitioner resided on the premises claimed at and before the 22d of February, 1819, and raised corn; as to what amount or what kind of settlement then existed seems to be evaded; but, upon testimony, the commissioners recommended his title for confirmation. However, when the claimant afterward tenders his own affidavit in support of his claim, he deposes that he was in possession of the premises on or before the 1st day of November, 1824, as a resident; and two other persons testify to the same fact. This discrepancy between his own affidavit and those of the witnesses who deposed before the commissioners, is not satisfactorily accounted for. But one thing appears conclusively to the committee, both by the affidavit of the petitioner and the mandate of the Indian agent which is produced and sworn to by the petitioner, that the lands lay, at the time of the settlement being made, and at the time of the adjudication of the commissioners confirming said claim, and at the time, toward the 19th of October, 1832, when the Indian agent ordered petitioner off from the Indian territory, within the Indian boundary, and were not subject to entry, settlement, or disposition, and consequently were not contemplated by the acts of Congress referred to, nor was the possessory right in Congress to give or grant to petitioner or any one else. The petitioner must have settled within the Indian country against the positive enactments of Congress, and should not be permitted to reap an advantage from his own violation of the laws. It is presumed that these facts were not known to the commissioners, at the time of adjudication upon his claim; otherwise, it would not have received their confirmation.

The committee have had reference to the act of the 24th of May, 1828, upon which the petitioner seems to bottom his right, under the supposition that said act confirmed his title; and, so far from drawing the conclusion that said title is confirmed thereby, they are constrained to believe the very reverse of the proposition contended for. For, although the petitioner's claim is not one of those which were suspended by that act for the purpose of ascertaining whether they lay within the boundaries of the Cadoo nation of Indians, yet it is clearly discovered by said act that it was not the intention of Congress to confer any claim that did lie within the Indian boundaries.

The committee are therefore of opinion that the prayer of the petitioner is unreasonable, and ought not to be granted.

24TH CONGRESS.] No. 1380. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Thomas F. Reddeck, reported:

That they have diligently examined all the documents and testimony submitted for their consideration, which present the following statement of facts as the foundation of said claim:

On the 30th of March, 1799, Zenon Trudeau, then acting as lieutenant governor of Upper Louisiana, officially issued the following order:

"It is permitted to Mr. Lewis (Fresson) Honori to establish himself at the head of the rapid of the river Desmoines; and his establishment once formed, notice of it shall be given to the governor general, in order to obtain for him the concession of a space sufficient to give value to the said establishment, and, at the same time, to render it useful to the commerce of the peltries of this country; to watch the Indians, and to keep them in the fidelity which they owe to his Majesty."

There were other privileges given in said order, to trade with the Indians, &c. Possession of the land now claimed was immediately taken by Lewis Fresson Honori, which lies in the district of St. Charles, upon the river Mississippi, above the river Desmoines, and perhaps two hundred and fifty miles above St. Louis. The taking and keeping possession from 1799 until 1805 is satisfactorily proven by two witnesses. While he retained possession of the premises, he became indebted to one Joseph Robedoux, who applied, under the then existing government and laws, to the proper authority for process to coerce the payment of said debt. The ordinary proceedings having taken place, in pursuance of the usual form of legal proceedings, in those tribunals, a decree was obtained the 12th day of March, 1803, for the seizure of the property of Lewis Fresson and others, which was executed on the 27th of March, 1803. This land was sold on the 15th day of May, 1803, and purchased by Joseph Robedoux, in satisfaction of his decree. The order of seizure aforesaid, and the levy thereof, gives a minute description of the lots and lands which were levied upon, and says, among other things, that "the land lies about six leagues above the river Desmoines," and that "the four lots, here abovementioned, are a part of one league (square) which has been granted by the government to Mr. Lewis Fresson Honori, whose titles are in the archives at St. Louis, of Illinois. The said league (square) was also seized, &c. It appears that the lots attached to and being a part of this land, was improved, by building houses, planting orchards, and a small piece was under fence and cultivation; and that a continued possession of the premises has been kept up by the said Honori, and those claiming under him, up to this time. Joseph Robedoux died, and, by his last will and testament, appointed Augusti Choteau his executor, with power in said will to dispose of his property, personal and real. And, on the — day of April, 1805, the said Augusti Choteau, executor aforesaid, proceeded, according to law, to dispose of said land at public sale, when and where the said Thomas F. Reddeck became the purchaser, and, in a short time, entered into the possession and enjoyment of the premises, where his heirs yet remain. The grant to Fresson Honori, which is recited in the proceedings, or a copy of it, has not been produced, and there is no evidence that it exists or ever existed.

The evidence establishing the foregoing facts, together with the claim, was submitted to the commissioner appointed by the government, (to wit, Frederick Bates,) for the adjudication of similar claims. He proceeded in the examination, and by the authority of the acts of Congress of 1812, '13, '14, and '15, &c., granted 640 acres to the claimants, in the following words, to wit: "Granted 640 acres, *if Indian right extinguished.*"

This last expression has created all the difficulty in obtaining patent by the heirs of Reddeck.

It is contended by the petitioners, that the claim for six hundred and forty acres has been confirmed by the several acts of Congress, passed in 1804, page 509, 14th section; the act of 1805, section 2, page 518; 1812, section 3, page 620-21; 1814, sections 1 and 2, page 652, of the volume of the Land Laws. Those several acts of Congress have been examined, to ascertain how far an actual settlement by Honori, in 1799, and a continuation of it until after the 20th day of December, 1803, under the aforesaid written authority from the Spanish government, comes within the purview and meaning of said acts, and the result of that examination has produced a conviction upon the minds of the committee that the claim has been confirmed, substantially, by those acts; but the Commissioner of the Land Office, feeling some difficulty in regard to the expression in the award of the commissioners appointed to adjudicate those claims, to wit: "*if the Indian claim extinguished,*" hesitated to issue the patent, and recommended the claimant to apply to Congress for further legislation upon the subject, as appears by his letter dated the ———, and filed with the committee.

The committee, therefore, think the prayer of the petitioner reasonable, and such as should be granted.

24TH CONGRESS.] No. 1381. [1ST SESSION.

ON A CLAIM TO LAND BY A PERSON WHO ACTED AS A SPY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

Mr. HAMMOND, from the Committee on Private Land Claims, to whom was referred the petition of Abraham Forbes, reported:

That said Forbes was a citizen of the United States, and removed to Upper Canada prior to the last war; that he joined the troops of the United States, and was employed as a spy, and had the entire confidence of the officers of the United States, and performed many valuable and important services to the United States in that

character; that he had been promised a handsome remuneration by Col. Christie, whose premature death perhaps, prevented any communication to the government in behalf of said Forbes; that he acted with the United States troops until the close of the war, and was honorably discharged. It further appears that, before the war, he was independent in his circumstances, and that when his family was sent to the United States, there were sent over a few boxes of his goods of but little value; and he alleges that his other property was confiscated, but of this fact no evidence is furnished the committee. The committee are of opinion that the important and faithful services rendered the United States by Forbes, entitle him to the provision made, by the act of 1816, for the benefit of Canadian volunteers. They, therefore, introduce a bill, allowing 320 acres of land.

24TH CONGRESS.] No. 1382. [1ST SESSION.

LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1836.

TREASURY DEPARTMENT, *January* 8, 1836.

SIR: I have the honor to transmit the reports of the register of the land office and receiver of public money, at New Orleans, made to this department, under the provisions of the acts of Congress, approved 6th February and 3d March, 1835, together with a communication from the Commissioner of the General Land Office on the subject, to which the report under the latter act refers.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. K. POLK, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *January* 6, 1836.

SIR: The report of the register and receiver at New Orleans, made in consequence of the second section of the act of Congress of the 3d of March, 1835, communicated to them by a letter of my predecessor, dated the 31st of the same month, has been examined by me, with all the attention which the other urgent business of the office has allowed me, since the report has been in my possession. I have now the honor of returning it to you with the following remarks.

The objections to the class A, that caused the present cases to be again referred, are no otherwise obviated in this report, than by reference to precedents of decisions by the former commissioners, as being sanctioned by Congress. Neither time nor means are at my command to investigate the principles of the confirmations quoted, nor for observing how far they bear analogy to the present cases; nor yet (if it were pertinent for me), to compare them with the laws, ordinances, and regulations, that governed the disposal of the royal domain, in the province of Louisiana; nor can I hope to obtain opportunity for all these researches, before it may be proper for you to lay the report before Congress. I am, therefore, necessarily confined to brief suggestions, which perhaps may appear to you, sir, imperfect and inconclusive.

The register and receiver present the class A, as supported by complete French or Spanish titles. This view of them I take to be erroneous; not perceiving any authority for this assumption. It is believed that the regulations of O'Reilly, Gayoso, and Morales, were in conformity with the fundamental laws of Spain, and these regulations made the grant depend upon conditions, which rarely, if ever, could have been previously performed by the person to whom land was allotted; accordingly, the acquisition of a perfect right in every one of the cases mentioned, is presumed to have been dependent on the performance of conditions subsequent, by the settler, whereby he might indeed make good his equitable title, but not a legal one without confirmation. In Nos. 10, 25, and 46, of this class, that confirmation is expressly made to depend on the settler's compliance with the terms stipulated. Several acts of Congress have relaxed these rules, and under their modifications, claimants have been allowed to prove their equitable claims; but confirmation seems still indispensable to a perfect grant.

You will not, sir, have failed to observe, that the regulations referred to, prescribed limitations to the extent of concessions; and that local causes occasioned peculiar restrictions in this respect upon the banks of the great Mississippi, and of the numerous smaller channels through which its waters are discharged. It is probable that an additional concession might be allowed here, as in other situations, in proportion to the means of cultivation, or for the use of an established plantation. Such causes are assigned for enlargement in the instances of Nos. 42 and 43, in class B, but there is no evidence that ranges any of the cases of class A in this category; nor can I determine, for the reason before mentioned, how far the former board of commissioners, or Congress, have been heretofore governed by such considerations.

A reference to class A will show that copies of original concessions, or permissions to settle, are furnished for Nos. 3, 10, 32, and 46, but none for Nos. 25 and 32. The former objections of undefined or excessive quantity, or for extension, (in one case unlimited, except by arbitrary construction,) remain without other explanation than the quoted precedents afford. Testimony is adduced, that No. 10 was inhabited and occupied at least twenty-five years before the cession to the United States, and No. 32 for more than fifty years.

It is not pretended that in class B there exists any written permission to occupy the Nos. 13, 19, 23, and 28, nor any registered warrant or order of survey, for either of them. The surveyor recognises an order for the survey of No. 29, but none is set forth, as it might have been, if registered. The same may be said in regard to No. 47. Nos. 35, 42, and 43, are accompanied by copies of orders to survey. The reasons assigned for surveying a second depth in two cases of this kind have been already mentioned, but none are offered for the excessive contents, uncertain length of lines, and disproportionate dimension of claims, noted in the report of the Committee on Private Land Claims, upon the 10th of February, 1834. The parole evidence of the loss of certain title papers will have notice in another part of this communication.

No new light is cast by this report, upon the circumstances that induced Congress to adopt the recommenda-

tion of the committee just alluded to, so far as to refer back certain cases in the class C to the land officers, for further report. The impediments then described to the confirmation, are not removed by the returns before me, unless the force of precedent be considered to have that effect. No evidence is produced to account for the extraordinary quantity claimed in some cases, for the failure to ascertain the length of lines in others, nor for disproportion of form where it occurs. In some respects, the Nos. 220 and 221 may be excepted from the last remarks. The surveyor's plat, presented on this occasion, describes the bearing and length of some of the lines within which one of them is included; no field notes are furnished to test the correctness with which the other is protracted. The scarcity of arable land in these tracts may, perhaps, be thought some justification of the extra pretensions of the claimant in point of extent: but the statutory limitations are unrepealed.

It will be observed, that among the conditions of confirmation, provided by the act of the 2d of March, 1805, there is one that requires the person or persons therein mentioned, to be resident within the ceded territories at the time. No proof of such residence is produced in the cases composing the lists A and B.

The claims in the class C, being founded on the second section of the 3d of March, 1807, it is somewhat remarkable that the required possession for ten consecutive years, prior to the 20th of December, 1803, and actual residence and possession on that day, are not proved, in the simple terms of the law, in any one of the cases under review; but in relation to the possession for ten consecutive years, we are left to discover, by calculation and inference, whether the condition has been complied with. Many of the depositions attest a duration of habitation and cultivation amounting to more than forty years; but in respect to several of the cases of ancient habitation and cultivation, we are left in doubt whether such habitation and cultivation actually embraced the ten consecutive years immediately preceding the 20th of December, 1803. The former commandant, Vernet, deposes to the establishment of several farms on the Bayou La Fourche, several years before the province was transferred, and declares that Nos. 84 and 85 were established while he commanded, but gives no precise dates. No witness proves residence and possession on the 20th of December, 1803, in either of the present cases, save in No. 186, wherein is testified the constant possession of the claimant, and of those under whom he holds, for forty years.

In all cases where it is pretended that titles had been conceded by the authorities of Spain, but the papers to prove them since lost, the evidence appears too slight, vague and indeterminate, to found a decision upon; and, besides, parol evidence does not seem the best of which the nature of the case is susceptible. If concessions or warrants of survey ever existed, they ought to have been recorded in their day; such, I believe, having then been the uniform practice. I conceive, therefore, it may properly be asked, why have not the archives of the colony been searched for more authentic proof?

In consequence of the pressure of other duties of the General Land Office, and of the consideration that confirmations can only affect the claim of the United States, without precluding judicial investigation of conflicting claims of private persons, I have not critically examined the chains of transfer and descent exposed in the report; some of which did not appear very clear upon a cursory perusal. I beg leave, sir, respectfully to remark, that so far at least as the claims of the United States are concerned, the absence of "a perfect transcript" cannot be supplied by the narratives and references to records and documents that sometimes occur in the report, such not being the evidence which the register and receiver were required to lay before the Secretary of the Treasury by the act of last March.

The four recent cases reported for confirmation by the register and receiver, under the act of the 6th of February, 1835, transmitted with their letter, dated on the first of the past December, are unaccompanied by any transcript of an act of concession or order of survey, or any such proof as the aforesaid act of Congress requires.

All which is very respectfully submitted.

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

LAND OFFICE, *New Orleans, December* 1, 1835.

SIR: By virtue of the second section of the act of Congress, approved 3d of March, 1835, and pursuant to the requisition contained in the letter of the Commissioner of the General Land Office, under date of the 31st of March last, we have the honor of transmitting, herewith, full transcripts of the evidence filed in this office, in support of the claims mentioned and recited in the act of Congress above alluded to, and referred back to us for further report.

In revising the claims in question, and the testimony upon which they are respectively based, we have been at some pains not only to examine the several laws heretofore, at different times enacted, having reference thereto, but also the preceding decisions and reports of record in this office, wherein might be found the interpretations and constructions given to and put upon the provisions of said laws; and we deem it but an act of justice to the highly respectable claimants interested in the issue, and to our immediate predecessors in office, to state that, in almost every instance we have found the claims under consideration supported not only by our construction of the law, but also by precedents immediately in point of the most satisfactory character, and which have been fully established by the formal sanction of Congress.

If, in cases of doubt, where the law or rule appertaining thereto is not sufficiently clear or definite, it be safe and legitimate to be guided by the interpretations by which experience has removed all uncertainty, and established a sure and unerring standard, then have our predecessors, in recommending the abovementioned claims, only acted in conformity with that principle which pervades all the most important transactions of society, and which has so frequently elevated *precedent* into law.

We feel satisfied that a careful perusal and examination of the evidence above alluded to, will induce you to incline to our view of the question; and although it is not our intention to trespass upon your time and patience by any attempt at a labored argument in support of our position, still we trust that we will be excused for glancing at a few of the excepted or suspended cases mentioned in the report of the committee, and also at a few of the precedents of record in this office already referred to.

In the first place, a number of claims have been suspended, because "no specific depth in arpens, nor any superficial extent," &c., had been designated, &c. On inspection of the books in this office, connected with other circumstances, we feel assured that this must be the first time that Congress has made any exception to claims similarly situated; for we find a large number, precisely the same in character, acted upon, not only by the old board of land commissioners in this district, but also by the registers and receivers who immediately succeeded, and in almost every instance, confirmed unqualifiedly. A few cases will suffice.

1st. The case of Chs. de Villiers, wherein a *depth to the lake* in the rear was claimed; confirmed by the old board of commissioners, as per decision No. 135.

2d. The case of Bernard Marigny, who claimed a front of twenty-five arpens on the Mississippi, with a depth to Lake Ouachas; confirmed by the board, as per decision No. 350.

3d. The case of Jno. McDonough, who claimed a depth from the Mississippi to Lake Maurepas; reported favorably on by the register in 1816, and confirmed by the Congress May 11, 1820. (No. 406.)

4th. The case of Fanny and Clara Dupré, of the same species, and mentioned in the same report, No. 567.

5th. The cases of Norbert Fortier, mentioned in the same report, Nos. 410, 411, and 412, and confirmed by the same act.

6th. And the case of B. Lafon, who claimed "a tract or point of land situate in the county of Orleans, bounded by Lake Pontchartrain on the north side, and upon the east by Bayou Chef-Menteur," without any specification of quantity; also confirmed by the old board, as per decision No. 316.

In the second place, a few claims have been suspended, because, as to quantity and shape, they "do not seem sanctioned by the usage and custom of the Spanish or French governments," &c. Here, too, precedents are not wanting, as may be seen by reference to the following cases, viz.:

1st. The case of Joseph E. D. Livaudais, whose claims called for *three leagues* front on Bayou des Allemands by *one arpent* in depth; confirmed by the old board, as per decision No. 202.

2d. The case of P. de la Ronde, who claimed 168 arpens front on Bayou aux Bœuffs by 5 arpens deep; confirmed by the board, as per decision No. 282.

3d. The case of François Mayronne, who claimed "an island containing two leagues front," without any mention or specification of depth or quantity whatsoever; recommended in the report of the register, dated 6th January, 1821, and confirmed by act of Congress of 28th of February, 1823.

4th. The case of the family Boulté, whose claim called for an island situate in the district of Barrataria, and containing 14 or 15 leagues in circumference, founded principally on ancient possession; recommended in the last-mentioned report, and confirmed in the same manner.

And in the third place, some few are suspended in the report of the committee, because the tracts are owned by the same individual, &c. This objection, it strikes us, is not well founded, particularly as on the most superficial inspection of the decisions and reports above referred to, numerous instances may be adduced where Congress and the proper tribunals have recognized the right of individuals to more than one tract at the same time.

The cases above quoted as *precedents* form a small number of those of a similar character with which the books in this office abound. Many of them, it is true, cannot be brought literally within the strict limits of some of the various enactments applicable to the subject, but it was properly deemed necessary and just by those who were called upon to act in the matter, to be guided and influenced by the strong equity growing out of the peculiar claims presented. In a country like this, which has from time to time passed and repassed from under the domination of one government to that of another, and been subjected to the changing influences of the various and ever-shifting laws and regulations of each, a very little experience in our land claims is sufficient to convince any one of the difficulty of drawing, with strict precision, the lines of demarcation between the many degrees and classes of claims upon which Congress has attempted so often to legislate.

Be this, however, as it may, one thing is certain, that almost all the claims which have been sent back to us for further report are marked and distinguished by strong features of genuineness and equity, and on examination will be found to be completely within the limits so fully established by the many *precedents* above cited, and which, we have authority for saying, were considered by our predecessors and those interested as sure and unerring guides.

We forbear dilating any further on the topic, as the accompanying evidence will, no doubt, remove every obstacle which may have been in the way of a speedy and final adjustment of the suspended claims in question, and will be the means, it is to be hoped, of vesting in the highly respectable claimants interested, by a surer tenure, those titles which they have so long been induced to look upon as *their own*, by every principle of justice and equity. All which is most respectfully submitted.

We remain, with sentiments of deep respect, sir, your most obedient servants,

B. Z. CANONGE, *Register.*
MAURICE CANNON, *Receiver.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington, D. C.*

A—No. 3.

Notice of claim of Simon Cucullu, sr.

To HILARY B. CENAS, *Register of the Land Office at New Orleans,* and WM. L. ROBESON, *Receiver of Public Moneys, for the southeastern district of Louisiana, at New Orleans:*

The notice of claim of Simon Cucullu, sr., of the city of New Orleans, represents:

That he is the owner of a certain tract of land, or plantation, situate in the parish of St. Bernard, county of Orleans, on the east bank of the river Mississippi, about eight miles below the city of New Orleans, containing nineteen arpens and twelve toises in front, and a depth extending back as far as the lake; bounded above by the plantation of Mr. Villére, and below by that of Mr. Ducros, as will more fully appear by a plan thereof, executed by L. Bringier, surveyor general, on the 23d of April, 1827, herewith presented.

That said plantation was purchased by the present claimant, from Charles Jermonville de Villiers, by an act passed before Felix de Armas, esq., notary public, on the 9th day of February, 1830, and was confirmed to the said De Villiers, by the board of commissioners, for the eastern district of the late Territory of Orleans; with the exception only of the extension of depth to the lake, lying immediately back of the first depth of six arpens front of said land or plantation, which was rejected by said board for want of sufficient evidence of title, all which will appear by reference to *Decision* No. 135, on said claim, recorded at page 83, of the book of decisions, &c., in the custody of the register of the land office, aforesaid.

That since said rejection, a *complete grant* has been discovered, for said extension of depth, made by the said French government to Robert Gautier de Montreuil, on the 14th day of June, 1767, a duly certified copy of which grant is herewith presented.

Wherefore, this claimant prays, the premises considered, that the documents herewith presented in support of his claim to the extension of depth to the lake, lying immediately in the rear of the first depth of said six arpens front, may be duly recorded, and his said claim now confirmed to him.

NEW ORLEANS, *September* 20, 1832.

Signed per S. CUCULLU,
M. S. CUCULLU.

Concession of land to Robert Gautier de Montreuil.

JUNE 14, 1767.

CHARLES PHILIPPE AUBRY, *Chevalier de l'ordre Royal et Militaire de St. Louis, Commandant pour le Roi à la Louisiane, et* DENIS NICOLAS FOUCAULT, *faisant les fonctions d'ordeur, en cette province:*

Vu l'exposé en la requête en l'autre part du Sieur Robert Gautier de Montreuil, officier réformé des troupes de la marine ci-devant entretenus en cette colonie, nous lui avons concédé et concédons par les presentes ce qui reste de terre vacante entre le Lac Borgne et l'extrémeté de son habitation située à environ deux lieux au dessous et du même côté de cette Ville en suivant le prolongement de ses limites, pour par lui et ses hoirs ou ayant cause en jouir et disposer en toute proprieté et usufruit. Comme de chose á eux appartenant; sauf titres ou possession antérieurs á ce contraires. Et à la charge de payer les droits seigneureux, si quelques uns sont par la suite établis en cette sus dite province. Nous en réservons d'ailleurs pour sa Majesté, tous et chacun les bois nécéssaires pour construction de forts, magasins, et autres ouvrages qu'elle a ordonnés ou pourra ordonner á l'avenir, même pour le Radout et Carene de ses Vaisseaux, toute fois et quantes il en sera besoin, ainsi que le terrain nécéssaire pour chemins royaux et fortifications.

Donné á la Nouvelle Orleans, sous les sceaux de nos armes et le contreseings de nos secretaires, le quatorze Juin, mil sept cent soixante-sept.

Signé, AUBRY ET FOUCAULT.
Contre-signé, SOUBIE ET DUVERGE.

LAND OFFICE, *New Orleans.*

I, Hilary B. Cenas, register of the land office, for the eastern district of Louisiana, do hereby certify the foregoing to be a true copy taken from the records, now in my possession, of the patented concessions, made by the French government, of lands situated within the late province of Louisiana, (book No. 1, page 198.)

In faith whereof, I hereunto subscribe my name at New Orleans, this 22d day of January, 1831.

H. B. CENAS, *Register of the Land Office.*

Filiation des titres de l'habitation de Mr. Simon Cuculla.

Fevrier 9, 1830.—Mr. Simon Cucullu achete de Jumonville De Villiers, par acte devant Fx. de Armas, notaire.

Novembre 16, 1795.—Jumonville De Villiers achete de Remé Huchet Kernion par acte devant Carlos Ximenes.

Août 22, 1789.—René Huchet Kernion achete de la succession de Dme. Charlotte Lalande d'Apremont.

Septembre 16, 1786.—Charlotte Lalande d'Apremont acquiert par héritage la dite habitation de son mari Sieur Chabert, par son testament reçu par Raphael Perdomo, le 16 Septembre, 1786.

Novembre 11, 1777.—Chabert par acte d'echange fait. Gautier de Montreuil, constaté par le proces verbal dressé par Andry, acquiert du Sieur Montreuil un morceau de six arpens de face qu'il ajoute a l'habitation qu'il possedait déjá y compris la double concession au six arpens de face.

Juin 14, 1767.—Concession faite par le Sieur Denis Nicolas Foucault, à Robert Gautier de Montreuil, de la double concession, courant jusqu'au lac à une terre que le Sieur Montreuil possedait, et qui est la même de la quelle le morceau de six arpens de face courant jusqu'au lac, a é é dêtachée et donnée en échange par le dit Sieur Montreuil au dit Sieur Chabert.

Decembre 20, 1765.—Le Sieur Pierre Chabert achete de Sieur Gérard Pery et dame Françoise Aufrene son épouse, un morceau de 15 arpens de face avec toute la profondeur courant jusqu'au lac.

Novembre 6, 1764.—Concession faite par le Sieur Jean Jacques Blaise d'Abbadie au Sieur Gérard Pery, de toute la terre qui se trouve an delà de ses quarante arpens, et compris entre les deux lignes courant jusqu'au lac.

☞ Ici la vente de Bertrand Jaffre à M. Gérard Pery ne se trouve pas.

Avril 22, 1799.—Concession faite par le conseil de la Régie de la province de la Louisiana, d'un morceau de 15 arpens de face snr une profondeur de 40 arpens, au Sieur Bertrand Jaffre.

Procès verbal de l'arpentage de six arpens de face que Mr. Montreuil céde au bas de sa terre à Mr. Chabert, en échange de pareille quantité que celuici donne au premier au haut de la même terre, 11 Novembre, 1777.

Je soussigné Capitaine d'infanterie et second aide-major de place à la Nouvelle Orleans, chargé par la commission du gouvernment des fonctions d'ingénieur at d'arpenteur en cette province de la Louisiane, certifie m'être aujourd'hui, onze Novembre, 1777, transporté à la réquisition de Messieurs Montreuil et Chabert, à limite metoyema entre leur habitations réciproques, situées a deux lieux et demie environ au dessous et du même bord de cette susdite capitaine pour arpenter, borner ét livrer à mon dit Sieur Chabert, les six arpens d'en bas de la terre de mon dit Sieur Montreuil, sur deux limites paralleles. Et sur toute la profondeur jusqu'au lac que mon dit Sieur Montreuil donne à mon dit Sieur Chabert, en échange d'une pareille quantité de six arpens de face, aussi jusqu'au lac, que ce dernier donne au premier, attenant à sa limite d'en haut d'une part, et à celle de l'habitation de Mr. Morant l'ainé, et qu'il a acquise de Mr. Augustin Macarty ci-devant mousquetaire à l'effet de quoi j'ai oppéré ainsi qu'il suit.

J'ai d'abord établie le grasomètre au pied intérieur de la levée sur le prolongement de la limite actuellement mitoyenne entre mes dits Sieurs Chabert et Montreuil, que j'ai trouvé couranten profondeur à vingt-cinq degrés du nord vers l'est, et dont le premier borne s'est trouvé coupê de pourriture à fleur de terre; de ce point j'ai tiré une perpendiculaire à la dite limite, courant vers de haut du fleuve à soixante-cinq degrés du nord vers l'ouest, sur la qu'elle ligne j'ai mesuré less six arpens, ou cent quatra-vingt toises de face au fleuve, que Mr. Montreuil

céde à Mr. Chabert, au bout de laqu'elle j'ai tiré une autre ligne vers la profondeur perpendiculaire, ou d'équerre à la sus dite ligne de mesurage, c'est à dire paralele à la sus dite limite d'embas, et dans cette nouvelle ligne courant par conséquent en profondeur à vingt-cinq degrés du nord vers l'est, j'ai fait planter deux bornes de bois de cypre, de dix pieds de longeur chacune; la première est vieille et porte sept pouces quarré de grosseur, elle est appointée d'un pied à son sommet, s'est percée de deux grandes mortoises, dont une sur la face vers le bois, et l'autre sur le coté vers le bas du fleuve; elle a aussi diverses autres entailles et mortoises à son pied, qui est planté de deux pieds et demi en terre à une arpent, ou trente toises de distance du bord actuel du fleuve, et la seconde de six pouces et demi quarrés de grosseur, avec flage sur le quatre angles et pointe, aussi d'un pied au sommet, et est également plantée de deux pieds et demi de profondeur à cinquantes toises, c'est à dire, à un arpent deux tiers en arriére de la précédente.

En foi de quoi j'ai dréssé le present procés verbal, que j'ai signé avec mes dits Sieurs Montreuil et Chabert à l'habitation de ce dernier, les jour, mois, et an, énonces en tête du présent.

PIERRE CHABERT,
ANDRY R. MONTREUIL.

Mr. Simon Cucullu, sr., became the proprietor of the plantation mentioned and described in his foregoing notice of claim, by virtue of a purchase he made of the same, by an act of sale executed before Felix de Armas, esq., a notary public in this city, on the 9th day of February, 1830. In which said act of sale the said plantation is described as follows:

Premièrement, une habitation establie en Sucrerie, situé à environ deux lieues et demie au dessous, et du même bord de la ville de la Nouvelle Orleans, ayant de dix-neuf à vingt arpens de face au flueve sur une profondeur, s'étendant jusqu'au lac Borgne, dans la partie d'en bas, et jusqu'aux proprié es de Mr. Barthelmy Lafore, au Chef Manteur, dans la partie d'en haut, bornée du coté d'en haut par Messieurs R. pos. Ducros et P. A. Ducros, ensemble tous les établissements, constructions, et améliorations faits sur la dite habitation, circonstances, et dépendances sans exception.

A—No. 10.

Notice of claim of Pierre Gervais Arnould.

To the Register of the Land Office and Receiver of Public Moneys in and for the southeastern district of Louisiana, at New Orleans, notice of claim of Pierre Gervais Arnould, of the parish of Jefferson, represents:

That he is the proprietor of a certain tract of land, (upon which he resides,) situate in said parish of Jefferson, on the east bank of the river Mississippi, about three leagues above the city of New Orleans, containing about six arpens front, by a depth to Lake Pontchartrain; bounded above by land belonging to the widow and heirs of the late M. de Labare, and below by the land of M. d'Aguire.

The said tract of land is claimed in virtue of a regular grant made thereof by Governor De Bienville to Joseph Chavin Delery, on the 22d of October, 1723; from which latter, it has descended to the present owner and claimant, by a series of regular deeds of conveyance, as will more fully appear, by reference to the documents herewith presented.

Wherefore, this claimant prays, the premises considered, that the said documents, by him produced in support of his said claim, may be duly recorded, and a favorable report made thereon, as provided by the act, now in force for the final adjustment of land claims in this district, approved 4th July, 1832.

January 30, 1833.

Les Commandants et Directeurs Generaux de la Louisiane:

Sur la demande qui nous à été faite par Joseph Chauvin Delery de lui vouloir accorder la concession d'un terrain situé aux environs de la Nouvelle Orleans, le long du fleuve Mississippi, territoire de Choupitoulas, de six arpens de front, sur la profondeur courant jusqu'au Lac Ponchartrain, tenant d'une part au Sieur Legoix, et d'autre au Sieur Beaulieu, pour y faire une habitation.

Nous en conséquence de nos pouvoirs avons concédé et concédons au dit Chauvin le terrain ci-dessus expliqué pour par lui, ses hoirs ou ayant cause, en jouir, en plaine propriété à condition d'y faire travailler et défricher et en a la charge de payer les droits seigneuriaux si aucun s'etablissent, ci après lequel terrain à vente la limite le plutot que faire se pourra, pour le procès verbal de ces présentes être envoyé en France à Messieurs les directeurs généraux de la Compagnie d'Occident, pour être confirmée et expedié concession en forme sous les dites conditions. Faite à l'Isle Dauf^me. le 24 Avril, 1719.

BIENVILLE HUBERT LARCEBAULT.

Le Sieur Delery:

Enregistré par nous greffier en chef au conseil superieur de la province de la Louisiane, au reg^re. fol. 29, v^o. en consequence de l'ordonnance du conseil à la Nouvelle Orleans, le 22 Octobre, 1723.

ROSSARD, *Greffier.*

Pardevant le notaire royal de la province de la Louisiane, résidant à la Nouvelle Orleans, en présence des témoins soussignés, furent presents en leurs personnes, Sieurs Antoine Chauvin Desistere, et Dame Charlotte Faucon Dumanoir son éspouse, qu'il autorise à l'effet des présentes, les quels ont vendus, cédés, quittés, transportés, et delaissés des maintenant à toujours et promettent garantier de tous troubles, dont, douaires, dettes, hypotheques, evictions, substitutions, et autres empechements. Generallement quelques conques au Sieur François Pascalis de la Barre, ici présent, et acceptant une habitation size aux Chapitoulas, attenant d'un côté à l'habitation de la succession de feu M. Chauvin de Beaulieu, et de l'autre à M. De Lalande, consistant en six arpens de face jusques au Lac pour la profondeur, avec toutes les maisons, batimens, et barraques, qui sont dessus, circonstances et dependances, dont il sera fait inventaire, entre les parties, et dont le dit sieur acquereur est contant pour avoir le tout vû et visité, lui en faisant le dits sieur et dame vendeurs toute cession et transport necessaire de fond en comble sans en rien reserver n'y retener; à la reserve des orangers qui sont dessus, que les dits sieur

et dame vendeurs feront enlever quand bon leur semblera et jouira le dit sieur acquereur des susdites choses vendues connu d'un bien à lui appartenant ainsi qu'en à joui M. Desglese a qui la susdite habitation est échue par partage de la succession de feu Sieur Joseph Chauvin Delery, son père, et la susdite vente cession et transport ainsi faite sous l'obligation qu'en ont faits le dits sieur et dame vendeurs d'en rapporter permission de M. l'Ordonateur, avec les trois publications ordinaires, et moyenant le prix et somme de douze mille livres en espéces sonnantes, ou en le mandat d'exchange sur Ms. les Trésoriers Généraux de la Marine qui mon dit Sieur de la Blane promet et s'oblige de payer dans un an de ce jour au dit Sieur Desiletz a été convenu que faute du dit payement dans le susdit terme mon dits sieur et dame vendeurs rentreront dans leurs habitations, batimens, circonstances, et dépendances, sans aucune difficulté ni méme aucune demande en justice et pour dédommagement desquelles terres mon dit Sieur de la Blane promet et s'oblige de payer au sieur vendeur la somme de mille livres, tant pour tenir lieu de dédommagement que de la not jouissance de la dite habitation, comme aussi s'oblige le sieur acquereur de rendre les choses au même etat qu'elles se trouvent aujourd'hui qu'il se met en possession suivant le dit inventaire que sera annexé à la minute des présentes, et en outre mon dits Sieur et Dame Desiletz ont pareillement par ces dites présentes baillé à titre de loyer, et prix d'argent à mon dit Sieur de la Barre pour lui faciliter les travaux de la dite habitation, la quantité de vingt-sept négres ou négresses, &c.

Pardevant le notaire royal de la province de la Louisiane, résidant a la Nouvelle Orleans, et en présence des témoins soussignés, fut présent en sa personne le Sieur François Pascalis de la Barre acquéreur d'une habitation provenant de M. Antoine Chauvin Desillets, située aux Chapitoulas, suivant le contrat passé pardevant nous N^or^, sous le douze Février dérnier, lequel contrat communiqué à M. François Marie Joseph Hazur, capitaine d'une compagnie detachée de la (comme aussi) Marine, entretenue en cette colonie; mon dit Sieur de la Barre en a par les présentes fait retrocession à mon dit Sieur Haznr aux mêmes charges et conditions que lui en avait fait mon dit Sieur Desillets sans en rein reserver n'y retenir tous de la dite terre consistant en six arpens de face sur la profondeur jusques au lac, avec tous ses batimens qui sont dessus, circonstances, et dependances sans en rien reserver n'y retenir de fond en comble ainsi que mon dit Sieur Desillets lui en avait lessée moyenant le prix et somme de douze mille livres, payable dans le courant de Février de l'année prochaine 1750, lesquelles clauses et conditions mon dit Sieur Hazur qui du tout a pris communication, s'est bien et volontairement mis en son lieu et place pour faire les payments à mon dit Sieur Hazur de rendre et payer la dite somme de douze mille livres au dits Sieur et Dame Desilletz que mon dit Sieur de la Barre promet de faire agréer et ratifier par mon dit Sieur Desilletz de qui il le pourra attendre le même du dit Sieur.

A été en outre convenu entre mon dit Sieur de la Barre et mon dit Sieur Hazur, qu'il prendra possession de la dite terre dans tout le courant de Decembre prochain que même. Il pourra y envoyer plutot ses négres pour travailler à la dite terre. Le dit Sieur de la Barre, ne se réservant jusquén Decembre, que pour avoir le tems de faire sa récolte entiere qu'il pourra faire enlever, attendu que le dit Sieur Hazur ne pourra éxiger du dit Sieur de la Barre que les choses que lui ont été vendues par le dit Sieur Desilletz, sans entrer dans ce qui concerne le loyer et utensils de négres et autres objets, les quels il sera resté de remettre au dit Sieur et Dame Desilletz et lui payer les dits loyers ainsi qu'ils sont convenus davance, promet s'obligeant chacun en droit son ren^n^.

Fait et passé á la Nouvelle Orleans, en l'etude, l'an 1750, le 20mo. jour du mois de Júillet, emprésence des Sieurs Augustin Chantalore et Marie le Normand, témoins demeurant et qui ont signés les minutes. Pascalis de la Barre, Hazur, Chantalor, et nous Notr. sous de.

RENNE, *Notaire.*

Mr. Pierre Gervais Arnould became proprietor of the tract of land, &c., described in the foregoing documents, for having purchased the same from Louis Hazeur de Lonne, by virtue of an act of sale, passed before Hugh Lavergne, esq., a notary public in the city of New Orleans, on the 8th day of October, 1824, in which act of sale, the said tract of land is described as follows:

"Une habitation située dans cette paroisse de la Nouvelle Orleans, á environ trois lieues au dessus de la ville et du même bord, ayant cinq arpens, neuf toises de face au fleuve, plus au moins, sur toute la profondeur qui s'y trouve jusqu'au lac, conformément aux titres et plan au nombre de trois qui ont été remis par le dit Sieur Vendeur au dit Sieur Acquéreur, á la vue du notaire et témoins soussignes, la dite habitation bornée par en haut par la veuve et les héritiers de feu Mr. De La Barre, et par en bas par William McQueen, ensemble tous les édifices, bâtisses, constructions et améliorations, et toutes autres dépendances généralement quelconques, attachés á la dite habitation sans en rien excepter ni réserver, le dit Sieur Acquéreurs declarant bien connaitre la dite habitation pour l'avoir vue et visité á loisir et n'en pas désirer une plus ample description; pour par lui en jouir, faire et disposer comme de chose lui appartenante en pleine proprieté en vertu des présentes.

PAROISSE JEFFERSON, *Janvier* 25, 1833.

Pardevant moi, F. P. La Barre, son personnellement comparus, Messieurs P. Volant La Barre et H. Hazeur, les quels ont déclaré avoir une parfaite connaissance que l'habitation de Mr. Gervais Arnoult, était etablie et cultivée au moins vingt-cinq ans, avant que cettee colonie ne fut rétrocédée au governmente Américain. En foi de quoi nous avons signé le présent certificat.

HYACINTE HAZEUR,
VOLANT LA BARRE,
PLIS. LA BARRE,
Juge de Paix.

A—No. 25.

Notice of claim of Magloire Guichard.

To the Register of the Land Office and Receiver of Public Moneys in and for the southeastern district of Louisiana, at New Orleans.

The notice of claim of Magloire Guichard, of the parish of St. Bernard, and State of Louisiana, aforesaid, represents:

That he is the owner, by virtue of purchase, of a certain tract of land, with all the buildings and improvements thereon, situate in the said parish of St. Bernard, on the east side of the river Mississippi, about nine miles below the city of New Orleans; which said tract of land contains twelve arpens in front, by the ordinary depth

of forty arpens, with the exception of the upper two arpens front, which has a depth to the lake, and is bounded above by the plantation of Mr. Celistin Chapella, and below by that of the Messrs. Phillippon.

The said tract of land, described as above, is claimed in virtue of two original grants, made and completed, in due form, by the French government, while in possession of the province of Louisiana, to wit: one to Jacob Corbin Bachemin, for thirty arpens of land front, by the ordinary depth, dated the 23d day of March, 1765, and of which the said above-described tract makes a part: and one to Jousset de Laloire, dated 2d January, 1767, for an extension of depth to Lake Borgne, and of which the additional depth in the rear of the first or ordinary depth of the above-mentioned two upper arpens front, makes part: all which will more fully appear by reference to the documents herewith presented.

Wherefore, the said claimant prays, that the said evidence of his claim may be duly recorded, and a favorable report made thereon, as provided by the act of Congress, now in force, for the final adjustment of land claims in this district, approved 4th July, 1832.

NEW ORLEANS, *April* 12, 1833.

MAGRE. GUICHARD.

Concession.

Mars 23, 1765.

Charles Philippe Aubry, ch^er^ de l'ordre royal et militaire de St. Louis, commandant pour le Roi à la Louisiane, et Denis Nicolas Foucault, faisant les fonctions d'ordonnateur en cette province. Sur la demande que le Sieur Jacob Corbin Bachemin, ancien officer d'infanterie, nous a faite de lui concéder une terre de trente arpens de face bordant le fleuve St. Louis, ou Mississippi, sur la profondeur ordinaire de quarante arpens, à prendre de la borne de celle du Sieur Laloir son beau-pere, en descendant au dessous et du même côté de cette ville; et vû l'éxpose en sa requette et le certificat de Mr. Amelot, Ingenieur en cette colonie, le tout ci contre.

Nous lui avons concédé, et concédons par les présentes, de la dite terre, vingt arpens seulement de face au dit fleuve, à prendre de la dite borne, sur la profondeur ordinaire de quarante arpens, pour par lui et ses hoirs, ou ayant cause, en jouir et disposer en toute propriété et usufruit comme de chose à eux appartenant, sauf des titres ou possession antérieurs à ce contraires: aux conditions, que sous un an de ce jour il y formera l'établissement qu'il se propose, à défaut de quoi le dit tems passé, ils seront réunis au domain du roi, qui pourra en disposer comme si la présente concession n'avait pas été accordée, et à la charge de payer les droits seigneurieaux, si quelques-uns sont par la suite établis en cette dite province. Nous en réservons d'ailleurs pour sa Majesté tous et chacuns les bois nécéssaires pour construction de forts, magazins, et autres ouvrages qu'elle à ordonner ou ordonnera à l'avenir, même pour le radout et carêne de ses vaisseaux toutes fois, et quantes il en sera besoin, ainsi que le terrain nécéssaire pour chemins royaux et fortifications. Quant aux airs de vents qui doivent limiter les dits vingt arpens de face, ils seront réglés par bornes qu'on plantera à cet effet dont on dressera procés verbal qui sera annexé aux présentes après qu'elles auront été régistrées à notre registre concessions.

Donné à la Nouvelle Orleans, sous les sceaux de nos armes, et les contre seings de nos secrétaires, le vingt-trois Mars, mil sept cent soixante-cinq.

Signé AUBREY & FOUCAULT.
Contre-signé SOUBIE & DUVERGE.

Extract from an inventory of the property left by Mrs. Charlotte Moran, wife of Magloire Guichard, made on the 20th July, 1814, *by the parish judge of the parish of New Orleans, assisted by the deputy register of wills.*

Une terre de douze arpens de face, dont dix ont la profondeur ordinaire et les deux autres vont jusqu'au Lac Borgne par en bas par Mr. Phillippore, et par en haut par Mr. Jerome Lachapella, la quelle terre Mr. Magloire Guichard déclaré être en possession et feue son epouse, comme lui ayant été abandonnée pour la remplir de ses droits dans la succession de sa mêre, par feu Chevalier Moran, son pêre, et ce conformement à la transaction qui fut passé à cette époque entre le feu Sieur Jean Landier, premier mari de la Dame Charlotte Moran, et feu Chevalier Moran, et dont la titre doit se trouver en l'etude de Narcisse Broutin, notaire public, à la Nouvelle Orleans, la dite terre estimée, avec ses entourages, et les edifices qui se trouvent construits, dessus à la somme de dixhuit mille piastres.

Vente d'habitation M. Debergue a M. Guichard.

Septembre, 24, 1812.

Pardevant Michel de Armas, notaire public, à la résidence de la Nouvelle Orleans, Etat de la Louisiane, Etats Unis d'Amérique, et en présence des témoins ci après nommé et soussignés.

Fut présent le Sieur Michel Debergue proprietaire domicilié en cette ville. Le quel a par les présentes, vendu, cèdé, et transporté des maintenant, et à tonjours avec promesse de garantir de tous troubles, dons, dettes, hypotheques, evictions, alienations, donation, et autres empêchement génèralement quelconques. Au Sieur Magloire Guichard, habitant de cette paroisse à ce prèsent, et acceptant acquereur pour lui, ses héritiers, et ayant cause, une habitation, situé à trois lieues au dessous de cette ville, et du même bord, mesurant douze arpens de face sur la profondeur ordinaire de quarante arpens, à l'exception d'une partie dont la profondeur s'etend jusqu' au lae, ainsi et telle qu'elle fut adjugée à la défunte Dame Landier, par ordre et autorisation de l'auditeur des guerres sous la regime Espagnol, le vingt-six Novembre, mil huit cent deux; la dite habitation tenant par en haut a celle du Sieur C. Chapella, ci-devant Siben, et par en bas à celle du Sieur Philippon, ci-devant rivière, ensemble les maisons, batisses, et autres establissemens qui se trouvaient sur la dite habitations lors de la dite adjudication, le vingt-six Septembre, mil huit cent dix, plus, vingt têtes d'esclaves au lieu de vingt-un portés à l'inventaire, attendu la mort du négre, nommé Hazard, survenue avant la dite adjudication, les vingt esclaves sus dits, nommés comme suit, savoir: Joseph, négre créole, commandeur, agé de quarante-quatre ans; Lonis, negre, d'environ quarante ans; Vieux François, négre, agé de soixante-cinq à soixante-dix ans; Mars, négre, d'environ soixante ans; Celestin, négre, d'environ trente-cinq ans: Alexis, agé de vingt-sept ans; Augustin, négre, de vingt-huit ans; Congo, négre, de vingt-sept ans; François, négre, d'environ vingt-cinq ans; Lucien, négre, d'environ vingt ans; Rose, négresse, d'environ soixante-cinq ans; Marinette, négresse, d'environ cinqnante ans; Sanitte, négresse, d'environ vingt-trois ans; Pimba et son petit, agé de quarante ans; Margueritte, négresse, de quarante ans; Sophie, de cinq ans; Azorine, de neuf ans; et Valsin, mulatre infirme, age de neuf ans, et enfin tous les meubles meublans, éffets, et ustensiles de cuisine, outils, instrument aratoires, bestiaux et animaux, decrits au dit in-

ventaire, déposé au greffe de la cour des preuves en cette ville, et dont copie certifié a été présenté à la vue des notaires, et témoins soussignés, par le sieur vendeur, remise au sieur acquéreur, qui le reconnait, et en donne décharge, ainsi que le tout sus vendu, se poursuit et comporte sans en rein excepter ni reserver; lesquelles habitation, esclaves, animaux, et autres effets appartenans au sieur vendeur, pour s'en etre rendu adjudicataire lors de la vente à l'encan qui s'est faite par les Sieurs Dutillet et Peyrillade, encanteurs publics en cette ville, à la date du vingt-un Juillet, 1810, des biens delaissées par la Dame Charlotte Moran, épouse du Sieur Magliore Guichard, dont inventaire a été fait. La presenté vente est faite et moyenant la somme de trente mille piastres, que le vendeur reconnait avoir reçu comptant pour des avant les présentes, et hors la vue de nous, notaire et témoins soussignés, en especes ayant cours de monnaie, au profit du quel il consent bonne et valable quittance, renoncant quant à ce au bénéfice de la loi, *non numerata pecunia*, et autres y relatives; au moyen de quoi le vendeur met et subroge l'acquéreur dans tons les droits de proprietés qu'il a et peut avoir snr le bien présentement vendu, s'en dessaisissant à son profit, voulant qu'il en soit saisi, et mis en possession par qui et ainsi qu'il appartiendra, constituant pour procureur le porteur d'une éxpédition, lui en donnant tous pouvoirs. Car ainsi se promettant, obligeant, renonçant, &c. Dont acte.

Fait et passé à la Nouvelle Orleans, en l'etude, le 21 Septembre, 1812, en présence des Sieurs Felix de Armas et Michel J. B. Fourcisy, témoins requis et domiciliés en cette ville, lesquels ont ainsi que les sieurs comparant, signé après lecture faite.

Signé M. GUICHARD.
M. DEBERGUE.
F. DE ARMAS.
FOURCISY.

MICHEL DE ANNAS, *Not. Pub.*

Pour copie, conforme à la minute, êtant en la possession de M. Felix de Armas, notaire, soussigné, successeur immédiat du dit Michel de Armas, décedé. Nouvelle Orleans, 11 Fevrier, 1831.

FELIX DE ARMAS, *Not. Pub.*

N. B. For the grant, or patented concession, to Jousset de Laloir, sr., bearing date the 2d January, 1767, see page 208 of the book entitled "Libro 1, *French Concessions*," &c., belonging to, and forming part of the archives of this office.

A—No. 32.

Notice of claim of Widow François Pascalis La Barre.

NEW ORLEANS, *June* 7, 1833.

To the Register of the Land Office and Receiver of Public Moneys in and for the southern district of Louisiana, at New Orleans:

The notice of claim of the widow of François Pascalis La Barre, of the parish of Jefferson, represents:

That she is the owner of a certain tract of land, situate in the said parish of Jefferson, on the east or left bank of the river Mississippi, about three leagues above the city, containing *twenty arpens front*, by a depth extending back to Lake Pontchartrain; and bounded above by the lands of Norbert Fortier, sr., and below by those of Gervais Arnould. The said tract of land is claimed in virtue of a possession formerly recognized at different times by the French government, when exercising dominion over the late province of Louisiana, and is, without doubt, part of a larger tract anciently in the possession of M. Le Breton, who obtained by formal concession from Governor Kerlerec, an extension of depth to the same, as far back as Lake Pontchartrain, on the 6th of October, 1767; which said concession, and the petition upon which it is based, are recorded in full in a book belonging to the archives of your office, entitled, "*Book No.* 1, *French Concessions*. at pages 54 and 57;" and in which concession, part of said land is mentioned as having been in the possession of the family of Lafrenière. If further evidence of antiquity of possession be necessary, the claimant would further call your attention to a plan of part of the coast above this city, executed by Broutin, surveyor general of the province, and dated February 5, 1728, on which the tract above claimed is laid down and marked as belonging at that time, part to Lafrenière, and part to Demoutry.

The said land was purchased by the claimant and her late husband, part on the 16th of August, 1771, and part from Duval Demoutry, on the 13th May, 1811, and has been constantly and uninterruptedly inhabited and cultivated for upward of fifty years. In support of all which, she herewith produces full and authentic evidence as required by law, which she prays may be duly recorded, &c.

NEW ORLEANS, *June* 7, 1833.

Sepase que yo Don Santiago Bearegary Magdelena Cartier du muger en Solidoun Vecinos de esta ciudad de Nueva-Orleans, otorgamas que vendemos realmente à Don Francisco Pascalis de La Barre, antiguo official de cavaleriá y à Doña Carlota Vollant, su muger a los dos in Solidum y à sus successors una habitation que tenemos a tres leguas de esta Ciudad en el parage nombrado los Chapitoulas, y que nos pertenece por haverla comprado de los Bienes confiscados del difunto Don Nicolas Chauvin Lafreniere, teniendo d'hà habitacion, como quinze Hanejas de frente mas o menos con el fundo hasta el lugo Ponchartrain, lindada de un lado à Mr. Demoutry y del otro à la Viuda Wiltz, y la vendemos asi y sin otra guarantia, como se me ha sido rematada con sus casas y edificios, almazenos anilleria y con todo lo que esta encimo, construido y cercados sin exception ninguna como asi mismo les vendemos realmente veinte y un negros, o negras, barones hembras y muchachos que son los que siguen. El negro nombrado Dionizio de edad de trienta y cinco años; una negra nombrada Thereza su muger de trienta años, Rosa de onze años, Joseph de nueve años, Antonio de siete, y Luis de quatro años, hijos de los susdichos Dionizio y Thereza, otro negro nombado Andriz de veinte, y seis años, su muger nombrada Maria de veinte y cinco años, y Luision de siete años su hija y otro al pecho; otro negro nombrado Jacobs de veinte y cinco años, otro nombrado Juan Batista de veinte y cinco, Margarita su muger de treinte años, Henriques su hijo de quatorze años, y Juan su otro hijo de seis años, otro nombrado Dragon de quarenta años, otro nombrado Miguel de treinte años, una negra nombrada Marguerita de veinte y dos años, y Antonia su hija de tres años, Apollon de veinte y siete años, Mercurio de veinte y cinco, y Seveille de veinte años; a demas les vendemos tres pares de Bueyes, dos otros Bueyes de tres

años indomados, quatro vacas, quatro beceros de un ano, dos caballos, una yegua, cinco mulos o mulas, veinte y quatro carneros grandes, doce pequeños, quatro lechonas un cerdopadro, otra lechona con cinco crias, quarenta gallinas, treinta paras quatro pavos grandes, quatro patos hembras y un macho, y ocho gallos con dos palomares guarnecidos como de cien pares de pichones, les vendemos demas y que se halla en decha habitacion, un baril de alquitran, un medio baril de Brea, seis calfates tres masos, treinta libras de estopa, seis cubos grandes para anil con sus arcos de fierro-cien sacos para chorrear el anil amidad uzados, dos coladores para anil, quatro pares de correas, tres camillas, treinta ozadas bueno y nuevas, diez y ocho idem pequenas, trienta cuchillos para cortar el anil, una planera, una granda piedra de amolar nueva con su mango y uave, una otra pequena tambien con su mango, un aredo guarnecido, dos carretas, dos chirriones, buenos y malos, un diable con sus ruedas, otro idem sin rueda, un par de ruedas para una carreta de caballo, treinta y cinco clavigas do fierro asi para las cubas del anil que por los arados y carretas, dos ciguenas para caballo, dos corcones a trato de cuerta, dos frenos ligeros, un tourne a isquierda, una malaplana, dos sierras à manos de seis pies, ochenta areas para anil, una reja para estacas otra para tajamanil, una grande caldera para los animales, dos tassas de plata para el anil quarenta libras de clavos de diferentes tamanos, un riegador, un baril de medir, treinta bragas de cordago nuevo de veinte un hilo y todo lo referido se lo vendemos libre de gravamen, tributo, senorio nihipoteca general y special como asi lo certifico yo el presente es no con vista de los libros de mi cargo en precio de nueve mil y dos cientos pesos fuertes que nos han de dar y pagar o a quien nuestros derechos representare dentro de tres años a saver. Cinco mil pesos en Madera de buen vender ala pulgada de bil, tablines a quatros sueldos franceses y tajaman il a tres p^{os} el Millar, lo qual se me devra entregar delante esta ciudad en la orilla del rio por mil y seis cientos pesos en todo el mes de Enero proximo de mil setecientos y setenta y dos años, por otros mil y seis cientos pesos en todo el mes de mayo d'ho ano y por los . . . . . restantes en todo el Enero de mes de año 1773, obligando nos tambien a recivir dicha madera tablones y tajamanil puestos en la orilla del rio delante qualquiera habitacion que sea bajando el rio de manera que haya en un solo parage bastante y suficiente, para completar la carga entera de mi barco no queriendo correr de una habitacion a la otra o havia de entregarme lo todo en la orilla del rio como queda advertido delante esta ciudad, y por los quatro mil doscientos pesos restantes se nos han de dar y pagar como sigue, por mil y quatro cientos pesos de anil en todo el mes de Octubre del año 1772, por otros mil quatro cientos pesos de anil en d'ho ano en todo el mismo mes de Octubre de 1773, y los ostros mil quatro cientos pesos restantes en todo el d'ho mes de Octubre de 1774, en d'ho anil buena vender y al precio que valiere en el tiempo de la entrega o conforme a lo que se tassara por dos peritos que se nombraran cada uno por su parte y tambien que las d'hos compradores no podran tomar posecion de d'ha habitacion y de todo lo demas sus odicho y expressado que en el fin de Octubre de este presente año donde se acaba el arrendamiento que tiermo de d'ha habitacion y los demas M. Latour, qnien, no podia ser inquietado ni molestado para coger su cozecha mediante todo lo qual nos apartamos del derecho de propriedad, posecion, util, senorio, y demas acciones reales y personales que ha dicha habitacion tenia negros esclavos y animales y ganado y muelles haviamos y teniamos y lo cedamos renunciamos y traspasamos en los compradores y en quien sus derechas representaren para que como suyo proprio lo poseen gozen y enagenen a sus voluntades como dueños absolutes sin dependencia alguna, y los damos poder el que se requiere constituyendoles en nuestro lugar mismo y en sus fechos y causas propias para que por sus autoridad o judicialmente, entre en d'ha habitacion y tome y aprehenda la posecion y tenencia della y de lo demas que va vendido en el fin del d'ho mes de Octubre projimo vendero y en el enterin nos constituyamos por sus inquilinos tenedores y possedores para los poner en ella cada que nos lo pidem cumplido el d'ho plazo y nos obliganos à la evicion seguridad y saneamiento de esta venta en bastante forma de derecho y como mas combenga a favor de d'hos compradores y renunciamos la ley del ordenamiento real fecha en las cortes de alcala de henerres que trata lo que se compra, vende o permuta mas o menos de la mitad del justo precio, y demas leyes que con ella concuerdan, dolo y demas delcayo.

Y estando presentes nos Don Francisco Pascalis de Labarre y Dona Carlota Volant mi muger a quien he dado licencea en la mejor forma que hay a lugar por derecho para el efecto de esta presente con la cual yo dha Doña Carlota Volant renuncio el auxilio y leyes del velleyano Senatus Consulto Nuevas Constitnciones leyes de toro de Madrid y partida y las demas de mi favor, por que como subidora de ellas y avisado en especial de su efecto quiero no me valgan ni aprovechen en este Caso y Juro por Dios unestro Señor y por una Seña de Cruz que hago de no opponerme contra esta Escritura por mi dote, arras y bienes hereditarios para frenales ni multiplicados ni por otro algun derechos que me pertenesen, y porque es de mi utilidad y conveniencia el hacerea declaro que lo otorgo sin apremio ni fuerza alguna y de mi voluntad libre, y que no tengo echo protestacion en contrario si pareciera la revoco y no pedire absolucion ni relaxueso de este Juramento à quien le pueda concerda y si de propio motu se me concediere no uzaro de ella pena depeyura y con eso acceptamos esta escritura, y por ella recivimos comprada a la menniencionada habitacion, casas edificios, negros, esclavos ganado bacuno y otro muebles herrarmentos vivies y como se han olvidado de exprimar los arriva y que compramos igualmente. Son dos cientos barriles demahis en espiga quatro cientos barrils idem con cascara nn barril de chicharos verdes sembrados, docc barrils de arros en paja, un barril de mijo, siete anejas de cebada sembrada, doce barrils de seniotta de anil los cuales vivres recevimos igualmente comprados y de todo lo cual nos damos ya por entrigados, renunciamos la prueba leyes de la entrega las de la cosa no vista ni recivida de lo y demas del cazo, y todo lo acceptamos en conformidad y como se nos va vendido por lo cual otorgamos que juntos de man comun à voz de uno y cada uno de por si y por el todo in solidum renunciando como expressamente renunciamos las leyes de duobus reis debendi el beneficio de la division e excursion de bienes y demas leyes de la man.

Pagaremos al referido Don Santiago Bearegary o a quien su derecho representare asi y como y a los plazos que van expressados y assignados en esta escritura que reproducimos para cumplirlo llanamente y sin pleyto con las costas qun en la cobranza se occasionaren porque se nos ha de poder executar con esta escritura y el simple juramento de parte legitima en que lo diffirimos y para mas seguridad de nuestro obligacion y sin que la Gral deroge a la special ni por el contrario, sino que de ambos derechos se pueda usar contra los demas nuestros bienes hipoticamos especialmente se expressa clausula de non alienañdo la dha habitacion y negros lo cual promettemos de no vender ni memanera alguna enagenar hasta tanto que hyamos enteramente satisfecho, los dhas guarenta y seis mil libras y lo contrario sea nulo y no pase derecho à Tercero ni mas posseo dores que perjudique al dho Don Santiago Beauregard y entre tanto y si acaso veniesse querra en el curso de los tres años que tenemos para pagar y que el d'ho Don Santiago Beauregard no quisiese la madera que debemos entregare en los plazos assignados nos obligamos à pagarle el todo en anil y el todo en cinco años, la quinta parti cada año a empezar como se ha dicho y esto solo en el caso de guerra. Y yo Don Santiago Beauregard aunque oyga dicho que dha habitacion tiene quince arpanes de frente sobre el fundo hasta el lago no los abono, y declaro que vendo como y asi se me ha rematado cuya escritura entrego al instante a los dhos compradores pero ubono y me obligo a la seguridad como queda dicho, y demas si por caso impresando su majestad quisiese entregar los bienes à loshere deros del difunto Don Lafrenière me obligo a chanzelar esta escritura, y bolver y pagar lo que so me havra pagado o en todo o en parte lo que nos otros d'hos compradores acceptamos tambien y la firmeza las tres partes por lo que ha cada una toca

obligamos nuestros bienes presentes y futuros damos poder à las justicias de su majestad para que nos apremien a su cumplimiento con el rigor de sentencia consentida y pasada en autoridad de cosa jusgada, sobre que renunciamos todas las leyes, fueros derechos y privilegias de nuestro favor, y la general forma que la prohibe. En cuyo testimonio es fecha esta carta en la Nûeva Orleans en el dia dies y seis de Agosta de mil setecientos y setenta y uno de que yo el escribano doy fée conosco, los otorgantes que lo firmaron. Siendo testigos Don Carlos La Grü, Don Santiago Hallay, Don Luis Lioteau vecinos de esta Ciudad, presentes, la dha Magdalena Cartier, no supo firmar y lo hizo a sa ruego uno de los citados testigos (firmado) Jacques Toutan Bearegary, Francis P. de Labarre, Charlotte Volant de Labarre. Como testigo Luis de Lioteau.

Ante me, JUAN BA. GARIC, *Escrivano Publico.*

Es conforme à su original que por ante Juan Bautista Garic passo y queda en mi poder y archivo à que me remito: Y doy esta en la ciudad de la Nueva Orleans à quince de Septiembre de mil ochos-cientos treinte y dos años. Dominio ne vale.

LOUIS T. CAIRE, *Notaire Public.*

Pardevant nous Narcisse Broutin dûment commissioné et autorisé Notaire Public pour la ville et paroisse de la Nouvelle Orleans y demeurant, et les témoins ci-après nommés. Fut présent Mr. Joseph Duval Demony, proprietaire demeurant en cette paroisse. Lequel a par ces présentes vendu, cedé, et transporté des maintenant et a toujours et promet garantir de tous troubles, evictions, et autres empechements généralement quelconques méme de toutes dettes et hypothèques ainsi qu'il resulte du certificat du conservateur en cette ville sous la date de ce jour, à Mr. François Pascalis Labarre proprietaire demeurant aussi en cette paroisse ici présent et acceptant acquereur pour lui, ses héritiers et ayant cause; une habitation située á la côte au Chapitoulas, á environ trois lieues au dessus de cette ville et du même bord, ayant six arpens de terre de face au fleuve sur la profondeur jusqu'au Lac Pontchartrain, ouvrant considerablement á partir du fleuve jusqu'au dit lac sans aucune interruption, bornée par en haut aux terres du sieur acquereur et par en bas á celle de Messieurs Azeur, plus tous les etablissements existant sur la dite habitation, tels qu'ils se poursuivent et comportent. La dite proprieté provient au sieur vendeur de la succession de feus ses père et mère ainsi qu'il l'a affirmativement declaré et justifié au sieur acquereur qui a declaré en étre content et satisfait, pour par lui, en jouir et disposer comme de chose á lui appartenant en plaine proprieté á compter de ce jour an moyen des présentes, á la charge d'en acquiter desormais les contributions.

La présente vente est faite pour et moyenant la somme de douze mille piastres sur laquelle le sieur vendeur reconnait avoir reçu comptant, hors la veu du notaire, mais en présence de Messieurs Caisergues, Dutillet, et Birot, celle de trois mille sept cents piastres du sieur acquereur au profit du quel il en consent d'autant bonnes et valable quittance et décharge. Et á l'égard des huit mille trois cents piastres restantes, le sieur acquereur promet et s'oblige les payer et acquitter au sieur vendeur ses héritiers ou ayant cause, de la manière suivante, savoir, deux mille trois cents piastres dans trois mois, deux mille piastres dans un an, et quatre mille piastres dans deux ans, le tout á compter de ce jour. Et pour sureté et garantie du payment exact des dites huit mille piastres restant du prix de la présente vente, le sieur acquereur consent que l'habitation sus designée et par lui acquise, soit par privilege special affectée, obligée, et hypothequé en faveur de son vendeur jusqu'a sa pleine et entière liberation et qu'a cet effet il soit pris contre lui acquereur, inscription au bureau des hypothèques en cette ville, dans les délais présentés par la loi. A toutes les conditions ci-dessus et sous la foi de leur pleine et entière execution, le sieur vendeur transporte au sieur acquereur tous les droits de proprieté qu'il a et peut avoir sur l'habitation sus designée et par lui presentement vendue, dont il lui consent en ordre toute dessaisie et saisie.

Dont acte; car ainsi promettant, obligeant, renonçant, etc. Fait et passé á la Nouvelle Orleans en l'etude de nous notaire, le treizième jour du mois de Mai, de l'année mil huit cent onze, et la trente-cinquième de l'Indépendance Américaine, en présence de Messieurs P. F. S. Godefroy et C. T. Leroux, tous deux témoins requis et domiciliés en cette ville, qui ont ainsi que les sieur comparans signé avec nous notaire, après lecture faite.

La minute est signé Joseph Duval Dumony, Pascalis Labarre, Godefroy, C, T. Leroux.

NARCISSUS BROUTIN, *Notaire Public.*

Je certifie la présente copie conforme à l'original resté entre mes mains. En foi de quoi j'ai apposé mon seign et le sceau de mon office, à la Nouvelle Orleans, le dixhuitième jour du mois de Mai de l'année mil huit cent onze, et la trente-cinquième de l'Indépendance Américaine.

NARCISSUS BROUTIN, *Notaire Public.*

Je certifie que l'acte ci-dessu est inscrit dans la Livre Conservateur, No. sept, page soixante.

P. L. B. DUPLESSIS, *Conservateur des Hypothéques.*

En la paroisse de Jefferson, dans l'Etat de la Louisiane, le dixhuit Mai, mil huit cent trente-trois, et dans la cinquante septième année de l'Indépendance des Etats Unis d'Amerique.

Pardevant Jean Murville Harang, juge de paroisse, dans et pour la paroisse de Jefferson, exerçant, ex officio, les fonctions de notaire public dans et pour la dite paroisse, y résidant, en présence des témoins ci-dessous nommés et soussignés.

Sont personellement comparus Messieurs Norbert Fortier, senior, Pierre Volant Labarre, et Hyacinthe Hazeur, tous trois anciens propriétaires de cette paroisse, agé de plus de soixante ans.

Les quels après avoir été respectivement et dûment assermenté, ont déclaré qu'ils connaissent parfaitement une terre appartenant à Madame, veuve François Pascalis Labarre, situé en cette paroisse, sur la rive gauche du fleuve Mississippi, à environ trois lieues au-dessus de la ville dèla Nouvelle Orleans, ayant vingt arpens de face au dit fleuve, bornée dans la parti inférieure par la propriété de Mr. Gervais Arnoult, et dans la partie supérieure par celle de Mr. Norbert Fortier, senior, et s'étendant en profondeur jusqu'au Lac Pontchartrain en ouvrant considérablement.

Les quels dit sieurs comparans attestent de plus que la dite terre a été établie, habitée, et cultivée, sans interruption depuis plus de cinquante ans.

Fait et passé, en la susdite paroisse les mêmes jour, mois, et an, que dessus, en présence de Messieurs Jacques Charbonnet, junior, et Louis Le Breton d'Orgenoy, témoins requis et domiciliés en cette paroisse qui ont signé avec les comparant et le Juge notaire susnommé, après lecture faite. L'original est signé, H. Hazeur, Volant Labarre, Norbert Fortier, Jacques Charbonnet, junior, L^{s}. Le Breton d'Orgenoy, J. M. Harang, juge.

Pour copie conforme à l'original. Paroisse de Jefferson, le vingt-et-un Mai, 1833.

J. M. HARANG, *Juge.*

A—No. 38.

Notice of claim of William Gormley, Jacques Encalada, and others.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

William Gormley, Jacques Encalada, and others, claim by virtue of purchase, a certain tract of land, or *island*, situate in the parish of Jefferson, district of *Barrataria*, called the island of "*Chetimachas*," but more generally known by the name of "*Cheniére Caminada*," containing about one hundred and twenty-six arpens front, on the bay of Caminada, with the whole depth, according to the original grant, to the *Bayou of the West*.

The said island was granted by the French government, in due and complete form, to Monsieur Du Roullin, on the 6th of August, 1763, from whom it descended, through a series of regular conveyances, to Alexander Harang, under which latter claimants now hold also in virtue of regular conveyances.

Wherefore, they pray that the said grant, which is herewith presented, may be duly recorded, etc., according to the acts of Congress, in such cases made and provided.

NEW ORLEANS, *June* 15, 1833.

A Monsieur de Kerlerec, Chevalier d'ordre Royal et Militaire de St. Louis, Capitaine des Vaisseaux, Gouverneur pour le Roi, de la Province de la Louisiane, et à M. Dabbadie, Conseiller du Roi en ses Conseils, Commissaire Général de la Marine Ordonnance en la dite Province:

MESSIEURS: Supplie le Sieur Du Roullin, officier des troupes de cette colonie, disant qu'il se serait transporté l'hiver dernier au lieu appellé La Fourche de Chetimachas, avec ordre de M. de Chermont au Sieur feu achitecte, pour faire le relevé des terres de cette partie; ce qu'il a fait ainsi qu'il parait par les dit relevé ci-joint, contenant en bout la quantité de cent vingt-six arpens de face sur cinquante-trois de profondeur, lieu appellé la Chenière, dans la bay dépendante de la Fourche des Chetimachas et l'isle de la Saline, ayant de face trente-deux arpens, sur douze de profondeur, lequel relevé est apprové et certifié par mon dit Sieur de Chermont, que le dit Sieur du Roullin désirant former un établissement sur les terres contenus au dit relevé n'etant qu'en partie praticable, il requiert, Messieurs, en vertu des pouvoirs dont le roi vous a révetus accorder et concéder au nom de sa Majesté, les susdites terres au suppliant; pour en jouir lui, ses hoirs, on ayant cause, comme d'un à eux appartenant, s'obligeant, le dit suppliant, d'établir les dites terres dans l'espace d'un an et plus, ne vous démandant de tenir que par l'éloignement du lieu, et que toutes les saisons ne sont pas propres a faires des transports dans ce lieu. C'est une grace qu'il espere de vos bontés.

A LA NOUVELLE ORLEANS, *le* 28 *Juillet*, 1763.

ROULLIN.

Louis de Kerlerec, Chevalier de l'ordre Royal et Militaire de St. Louis, Capitaine des Vaisseaux du Roi, Gouverneur de la Province de la Louisiane, et Jean Jacques Blaise Dabbadie, Conseiller du Roi dans ses Conseils, Commissaire Général de la Marine, Ordonnateur en la dite Province:

Vu l'exposé en la présente requête en vertu sa des pourvoirs qu'il a plú à Majesté nous départir, nous avons concédè, et concédons par les présentes, au Sieur Roullin, officier des troupes en cette colonie, les terres appellés, La Chenière, au lieu appellé La Fourche des Chetimachas, ayant cent vingt-six arpens de face sur toute la profondeur qu'il y aura jusques au bayou qui s'y trouve dans la partie de l'ouest, ainsi quel'ile nommée de la Saline, situé sur le lac dépendant de la dite Fourche des Chetimachas, et éloigné des dites terres, d'environs cinq quarts de lieu, suivant le relevé ci-joint, certifié de Monsieur de Chermont, ingénieur en cette colonie, des quels cent vingt-six arpens de terre de face, et dit isle, qui suivant le dit relevé, a trente deux arpens de face sur douze de profondeur, le dit Sieur Roullin ainsi que ses hoirs, ou ayant cause, pourront jouir et disposer en toute propriété et usufruit, comme d'un bien à lui appartenant, aux conditions que dans vingt mois de ce jour, que nous lui accordons en considération de leur éloignement de cette ville, il les mettra en valeur et rapport; à défaut de quoi, le dit tems passé, le tout sera reuni au domaine du Roi, qui pourra en disposer comme si la présente concession n'avait pas été accordée, et à la charge de payer les droits signeurieux, si quelques-uns sont par la suite établie en cette province. Nous en réservons d'ailleurs pour sa Majesté, tous et chacuns les bois nécéssaires pour construction de forts, magazins, ou autres ouvrages qu'elle a ordonnée, ou pourra ordonner à l'avenir, même pour le radout et carène de ses navires toutes fois, et quantes il en sera besoin, ainsi que le terrain nécéssaire pour chemins royaux et fortifications.

Donné à la Nouvelle Orleans, sous les sceaux de nos armes, et contreseing de nos Sécrétaires, le six Août, mil sept cent soixante trois.

KERLEREC et DABBADIE.

Et plus bas est écrit,

Par mon Seigneur, SOUBIE.
Par mon Seigneur, DURAGE.

Alexander Harang held the whole island of Caminada (or "Chetimachas,") in virtue of an act of sale made by the sheriff of the parish of Orleans, dated the 12th of June, 1810, for the one half of said island, in a suit of Robert Ellis, syndic or assignee of the estate of Nicholas Lynch *vs.* James Workman, who held the same in virtue of an act of sale from Honoré Fortier and Paschal Paillet, passed before the late Pierre Pedesclaux, notary public, on the 26th day of June, 1807, and the other half as sole syndic of the said Honoré Fortier, with full power to sell and do all acts in the same manner as he could do, as will be seen by reference to the proceedings of the insolvent in the parish court of this city, dated the 11th day of April, 1811. Honoré Fortier and Paschal Paillet held the whole island by purchase of Prosper Prieur, testamentary executor of Francis Caminada, per act passed before the late Charles Ximenes, notary public of this city, dated the 3d day of November, 1800, the said island of Chenière, or Caminada, measuring about one hundred and twenty-six arpens front, with the whole depth of the bayou of the west. Francis Caminada held the said island of Chenière from Monsieur Du Roullin, who sold it to him on the 16th day of March, 1769. Monsieur Du Roullin held under an original grant made to him by persons exercising the government of Louisiana, in the name of the King of France, on the 6th day of August, 1763, as will appear by reference to the registry of the land office of the United States in this city, and by virtue of a judgment of the supreme court of the late Territory of Orleans, in the cause of Honoré Fortier and Paschal Paillet *vs.* Paul Pierre Gaudin, rendered the 28th day of June, 1807.

A— *n.* 46.

Notice of claim of Sosthene Roman.

To the Register and Receiver of the southeastern district of the State of Louisiana:

Sosthene Roman claims a tract of land in the parish of St. James, west of the Mississippi, beginning back of, and adjacent to, his front tract of eight arpens front, and running back so as to embrace all the depth that may be found beyond the first depth of forty arpens, agreeably to the full form of grant made by Louis de Kerlerec, governor of the province of Louisiana, to N. Neau, on the 24th of September, 1756, and duly recorded in the book of French concessions in said office, pages 29 and 30.

The claimant, by virtue of said grant, which, by series of transfers, is now vested in him, claims all the land embraced in the extension of the lateral lines of his front tract, from the end of his first forty arpens, back to the Bayou Chevreuil, the first water-course in the rear, containing about 2,100 superficial arpens.

NEW-ORLEANS, *November* 28, 1832.

S. ROMAN.

A Messieurs de Kerlerec, Chevalier de l'ordre Royal et Militaire de St. Louis, Capitaine des Vaisseaux, et Gouverneur de la Province de la Louisiane et D'Auberville Conseiller du Roi, et Commissaire Ordonnateur en la dite ville et province:

Supplie humblement André Neau, capitaine de navire, qui auroit dessein d'établir une terre en cette colonie, qu'il vous plaise, Messieurs, lui accorder par concession ordinaire, vingt arpens de terre de face, située au vieux village de Tabiscania, dans la longue vue des Colaspisa, attenant, et plus bas l'habitation des Sieurs Louis Ranson et compagnie, promettant de l'établir et entretenir comme besoins sera. Le supplicant ne cessera de faire des voeux pour vos conservations. A la Nouvelle Orleans, le 26 Novembre, 1755.

A. NEAU.

Louis de Kerlerec, Chevalier de l'Ordre Royal et Militaire de St. Louis, Capitaine de Vaisseaux de sa Majesté, Gouverneur de la province de la Louisiane. Et Vincent Guillaume d'Auberville, Conseiller du Roi en ses conseils, Commissaire Ordonnateur de la Marine en la dite province:

En vertu des pouvoirs á nous donné par sa Majesté, vû l'exposé en la présente requête, avons accordé et accordons, concedé et concédons par ces présents au Sieur André Neau, Capitaine de Navire, les vingt arpens de terre de face qu'il demande par sa requête, située au vieux village de Tabiscania, dans la longue vue des Colaspisa, attenant et plus bas l'établissement du Sieur Ranson et Compe.

Quant aux airs de vents qui doivent le limiter, ils seront reglés après qu'il aura deffriché le terrain nécessaire pour poser les bornes dont il sera dressé procès verbal qui sera annexé á la présente après avoir été enregistré sur le registre des concessions, aux conditions qu'il y fera les levées nécessaires et qu'il l'habitera incessamment pour par lui en jouir pleinement, paisiblement et en toute proprieté comme d'un bien á lui appartenant, lui concédant en outre toute la profondeur qui pourra se trouver par de la les quarentes arpens ordinaires, le tont à la charge de payer les droits seigneuriaux si aucuns s'etablissent ci-après au dit pays de la Louisiane. Nous reservons d'ailleurs pour sa Majesté tous et chacuns les bois nécessaires tant pour la construction des forts, magazins qu'autres ouvrages qu'elle á ordonnée et ordonnera d'enterprendre á l'avenir pour son service en cette colonie, même pour le radout et carène de ses vaisseaux toutes fois et quantes ils en auront besoin ainsi que le terrain nécessaire pour les fortifications et sera la présente concession enregistré au greffe du conseil superieur de cette province.

Donné á la Nouvelle Orleans sous les sceau de nos armes et les contreseings de nos secretaires, le vingt-quatre Septembre, mil sept cent cinquante-six.

KERLEREC, [L. S.]
D'AUBERVILLE. [L. S.]

Par mon Seigneur.

THITON DE SILEGRE.

Par mon Seigneur.

J. DE CANONGE, *N. B.*

Les huit arpens de terre ci-dessus sont passés de ce jour par une vente au nommé Frederick Mathias, le 6 Août, 1779.

CANTREUX, R°. V°. 44, fo. 45, el V°. 46.

N. B.—The above land was regularly surveyed by Don Carlos Laveau Trudeau, surveyor general of the province of Louisiana, on the 18th of December, 1781, and on the original plat of survey thereof (now in the possession of the claimant, Sosthene Roman, esq.), the said land is designated as follows, to wit:

"Ocho arpanes de tierra vendido por M. Delery á favor de Mathias Frederick, cuya tierra proven[a] de la concession otorgada por los Señ[a] Don Louis de Kerlerec y Bicente Guillermo D'Auberville, Governador y Intend[te] por Su M. T. C. con fecha del dia 26 Septiembre de 1756 a favor de A. Neau, con todo el fundo que puedo tener mas de los quarenta arpanes ordinario."

B—No. 13.

To the Register of the Land Office and Receiver of Public Moneys, in and for the southeastern district of Louisiana, at New-Orleans, the notice of claim of St. Julien de Tournillion, of the parish of Assumption, represents:

That he is the owner, by virtue of purchase, of a certain tract of land situate in the said parish of Assumption, and being and lying immediately in the rear, and forming the second depth thereof, of a front tract, also owned by him, of about five arpens and seven toises front on the right bank of Bayou Lafourche, by the usual depth of forty arpens; which said back tract or second depth contains an area of fifteen hundred and twenty arpens, or twelve hundred and eighty-six acres, according to a plat of survey thereof, executed by Walker Gilbert,

P. D., surveyor, and recorded at page 135, of "Register C. No. 3, of the county of Lafourche," belonging to, and forming part of the archives of your office.

The claim to the above described back tract is principally founded on a petition or "*requete*," to the commandant of the district within which it lies, in 1802, which petition was granted, and was presented to the former board of commissioners for this district by Bernardo de Deva, then owner of the land, but was rejected by the said board, on the ground that the claimant had produced "no evidence whatever of an actual settlement of the land," all which will appear by reference to the decision of said commissioners, No. 451, and the documents as recorded under said claim, at pages 135 and 136 of the above mentioned "*Register C—No. 3.*"

The present claimant, who holds under the said De Deva, by virtue of regular conveyances, now produces authentic proof of the settlement and cultivation of the land in question, on or before the 20th December, 1803, and prays that the same may be duly recorded, and a favorable report made on said claim, as now presented, according to the different laws of Congress, in such cases made and provided.

NEW ORLEANS, *April* 29, 1833. TOURNILLON.

Etat de la Louisiane, paroisse de l'Assumption, le onzieme jour du mois de Janvier, l'année de Notre Seigneur, mil huit cent seize, pardevant moi, B. Hubbard, juge de la dite paroisse, est comparu le Sieur Pierre Aubert, habitant de cette susdite paroisse, le quel m'a déclaré et confessé avoir aujourd'hui, pour lui, ses héritiers et ayant causes, cédé, vendu, abandonneé, délaisse et transporté dès maintenant et pour toujours au Sieur St. Julien de Tournillion, ici présent et acceptant pour lui, ses héritiers et ayant cause, une habitation de la contenance cinq arpens et sept toises de terre de face sur la profondeur ordinaire de quarante arpens, située sur la rive droite du Bayou Lafourche, á environ deux lieues du fleuve Mississippi, et bornée par enhaut par la terre d'Etienne d'Aigle, et par en bas à celle de Jean D'Aigle, dont les titres sont garantis; et le dit Pierre Aubert en outre céde toutes les prétentions qu'il a sur les concessions qu'il a reçu du Reverend Pere Bernard et tous les titres sont enregistrés.

Et le dit Pierre Aubert vend au dit Sieur St. Julien de Tournillon, la dite habitation, comme ci dessus mentionnée avec tous les establissemens et les dépendances qui se trouvent dessus et tels qu'ils se comportent, avec les bestiaux, boeufs, vaches, chevaux, outils de charpente, &c. &c.

Le dit Pierre Aubert vend aussi au dit Sieur St. Jullien de Tournillon, huit têtes d'esclaves, savoir: les nommés Moulard, Antoine, Henry, Thom, Hypolite, Achille, Edouard et Joseph, dont le dit vendeur, vend garantis libres de toute hypotheque et autres empechemens généralement quelconques; et le dit Sieur St. Julien de Tournillon achete la dite habitation avec toutes ses dépendances, esclaves, animaux, outils, &c., &c., comme il est dit ci-dessus aux conditions qui suivent, savoir, le dit Sieur St. Julien de Tournillon, promet et s'engage á payer au dit Sieur Pierre Aubert pour la propriété ci-dessus mentionné la somme de trente mille piastres, dont le payement se trouve affecté á une epoque de dix années à commencer du mois de Mars, 1817, et de la manière suivante, savoir, cinq cents piastres comptant dont le dit Pierre Aubert reconnait par ces présentes avoir reçue, deux mille cinq cents piastres en Mars, 1817, trois mille piastres en Mars, 1818, trois mille piastres en Mars, 1819, trois mille piastres en Mars, 1820, trois mille piastres en Mars, 1821, trois mille piastres en Mars, 1822, trois mille piastres en Mars, 1823, trois mille piastres en Mars, 1824, trois mille piastres en Mars, 1825, et les trois mille piastres restante en Mars, 1826. Mais il est convenu par les parties contractantes que le dit Sieur St. Julien de Tournillon, aura le droit d'avancer le payement d'une année moyennant l'escompte de dix pour cent. toutes les dites propriétés acquises par l'acheteur estent hypothequées au vendeur jusqu'à parfait payement; en outre le dit Sieur St. Julien de Tournillon par le consentement de Madame son epouse pour meilleure sureté des dits payemens, donne hypothéque sur des négres à lui appurtenant et ce aprés nommés savoir: Elick, Thom, Cesar, Pompée, Adam, Rembridgo, Arthur, Samuel, et Frank, laquelle hypothéque le dit acheteur aura le droit de réclamer la levée des et lors qu'il aura affectué les trois premiers payemens, et les dits esclaves sont garantis de toute hypothéque et autres empéchemens quelconques. Il est convenu de plus que le dit vendeur se réserve rien sur la dite habitation que l'usage, et ses dépendances, esclaves, animaux, &c. Pendant dix-sept jours aprés le clos de la présente vente, le dit vendeur s'engage de livrer la dite habitation, et le dit Sieur de Tournillon declare et confesse, d'en être content et satisfait, pour l'avoir vu, visité et reçu.

En foi de quoi les dits Sieurs, ont signé la présente vente les jour, mois et an que dessus.

TRE. AUBERT,
SR. JULIEN TOURNILLON,
MARTIN, *Témoin*,
B. HUBBARD, *Juge.*

I certify the foregoing to be a true copy of the original extant in my office. In testimony whereof, I have hereunto set my hand and public seal, in the parish of Assumption, this 11th of April, 1829.

B. HUBBARD, *Judge of said Parish.*

STATE OF LOUISIANA, *Parish of Assumption:*

Before me, B. Hubbard, parish judge of the parish of Assumption, personally came and appeared Jos. Daigle and Jos. Simoneau, two respectable inhabitants of said parish, who, being duly sworn, depose and say, that they have personal knowledge of the Reverend Bernard de Deva having cultivated the double concession, belonging to the front plantation, now the property of M. Sr. Julien Tournillon, from forty arpens back to the bayou, commonly called Grand Bayou or Bayou Landry, on or before the year 1803. In testimony whereof, these appears have hereunto set their hands this ninth day of April, 1823.

JOS. SIMONEAU.
his
JOS. × DAIGLE.
mark.

Sworn and subscribed before me.

B. HUBBARD, *Parish Judge.*

B—No. 19.

To the Register of the Land Office, and Receiver of Public Moneys, in and for the southeastern district of Louisiana, at New Orleans, the notice of claim of Jean Louis Gaston Villars, of the parish of East Baton Rouge, represents:

That he is the owner of a certain tract of land, situate in the parish of Jefferson and district of Barrataria, about thirteen leagues distant from the city of New Orleans, which said tract contains about five leagues front

on the Bayou Dupont, by about three arpens in depth, and is bounded on one side by the Rigolets, and on the other by the Bayou St. Denis.

The said tract of land was anciently the property of Claude Joseph Villars Dubreuil, ancestor of the present claimant, and of his wife, Marie Peyeur, which latter died about the year 1754, and at whose death an inventory of the property belonging to the community which existed between her and her said husband, was taken in due form by the proper authorities, by and with the sanction of the government; in which inventory, (bearing date the 27th of May, 1754,) the said tract of land now claimed is included as forming part of said community property. The said tract of land has, moreover, been constantly inhabited and cultivated for the last forty-five years.

In support of all which, he, the claimant, herewith produces full and authentic evidence, as required by law, which he prays may be duly recorded; and he further prays for a favorable report on his said claim, as provided by the act of Congress, now in force for the final adjustment of land claims in this district, approved July 4, 1832.

NEW ORLEANS, *June* 1, 1833.

De l'inventaire des biens meubles et immeubles dependans de la communauté de biens qui a existé entre M. Claude Joseph Villars Dubreuil, et Dame Marie Payen, sa femme, fait après le decès de la dite Dame Villars Dubreuil, par M. François Huchet de Kernion, conseiller assesseur au conseil supérieur de la Louisiane, commissaire en cette partie, en présence de M. J. B. Raguet, conseiller du roi au dit conseil, y faisant les fonctions de Procureur Général, et assisté du notaire royal en la dite Provence, à la requête du Sieur Claude Joseph Villars Dubreuil, et en présence, 1° de Dame Felicité de Lachaise, veuve de M. Louis V. Dubreuil, et tutrice des sept enfans minuers d'elle et au dit feu Sieur son mari, petits enfans de la dite defunte Dame Villars Dubreuil; 2° du Sieur Jacques Lachaise, garde des magasins du roi, conseil de la dite Dame Veuve Villars Dubreuil, et oncle maternel de ses dits enfans minuers; 3° et du Sieur Claude Joseph Villars Dubreuil, fils de la dite dame defunte Villars Dubreuil, et subrogé tuteur des dits sept mineurs Villars Dubreuil. Le dit inventaire en date du 27 Mai, 1754; a été litteralement extrait ce qui suit.

Item. Quatre habitations distantes de douze lieues de la Nouvelle Orleans, passant par le canal, lesquelles contiennent savoir:

L'Ile de Barrataria de quinze lieues de tour. Une habitation en face de la dite Ile, de quatre lieues de face sur deux de profoundeur. Une autre habitation au dit lieu acquise du Sieur Dauphin, d'une lieue face de sur deux de profondeur. Une autre terre au dit lieu acquise du Sieur Le Bretton, d'une lieue de face sur deux de profondeur. Sur lesquelles terres il ya deux vacheries, une maison de charpente, couverte en bardeaux, qui n'est point entourée et trois cabanes à négres. Les dites terres non estimées, mises ici pour mémoire.

Item. Une autre liasse de papiers contenant la concession de l'Ile de Barrataria et des terres vis-á-vis la dite Ile. Le titre de concession á M. Le Bretton d'une terre á Barrataria echangé au dit Sieur Dubreuil. Celle du nommé Kentrok dit dupont d'une terre acquise par le dit Sieur Dubreuil.

Et les pièces concernant les terres situées au dit lieu, acquises de nommé Dauphin père et fils.

Item. Une concession de terre au Canal de Barrataria pendant deux lieues de longuer sur vingt arpens de face.

Extrait par moi, Louis T. Caire, notaire public pour la vilete et paroisse de la Nouvelle Orleans, dûment commissionné et assermenté sur la minute du dit inventaire etant en ma possession.

En foi de quoi j'ai signé le présente, et apposé le sceau de mon office, à la Nouvelle Orleans, le 2 Mai, 1833, et la cinquante-septième de l'Independance des Etas Unis d'Amérique.

LOUIS T. CAIRE, *Notaire Public.*

De l'inventaire après le décès de Mr. Claude Joseph Villars Du Breuil, capitaine des Milices, le quel a été fait par Mr. Nicolas Chauvin de Lafreniere, conseiller assesseur au conseil superieur de la province de la Louisiane, et commissaire en cette partie, assisté de M. Raguet, procureur général de Roi, et de Mr. Garrie, avocat et notaire royal, à la requête de Mr. Claude Joseph Villars Du Breuil, fils de Dame Félicité de Lachaise, veuve de Mr. Louis Du Breuil, au nom et comme tutrice des Dames Félicité Amelot et Rose Dessalles, Louis Joseph Jacques et Raimond Du Breuil, ses enfans mineurs; assistée du Sieur Jacques Delachaise, garde de magazin du Roi, son conseil, élu par avis de parens homologué au conseil superieur; les dits Sieur Claude Joseph Villars Du Breuil fils, et mineurs Du Breuil, habiles à se porter héritiers de dit défunt Sieur Claude Joseph Villars Du Brsuil, encore le dit Sieur Claude Joseph Villars Du Breuil fils ayant agé, en qualité d'éxécuteur du testament du dit feu Sieur Villars Du Breuil, son pêre, réçu par Garie, notaire royal, le six Octobre, 1757; et encore en présence du Sieur Amelot, comme ayant épousé Demoiselle Fèlicité Du Breuil, et du Sieur Dessalles, comme ayant Demoiselle Rose De Breuil. Le dit inventaire en date au commencement du 15 Octobre, 1757, a été litteralement extrait ce que suit:

Item. Une liasse contenant un titre de concession de la terre du Canal Barrataria; un billet du Sieur Artaud, de cinquante quatre quarts de mays et vingt-un de fèves; un billet du Sieur Alexandre, en faveur du Sieur Assailly de trois cent vingt-cinq livres, en date du 3 Août, 1739.

La dite liasse cotée M * * * * * ci * M *

Une liasse contenant les concessions de Barrataria, dont cinq pièces cotées No. 48, ci * * * * 48.

Et le dix septiéme jour du mois de Janvier, 1758, nous sommes transportés sur l'isle de Barrataria, ou étant avons trouvé.

Premièrement, un canal d'environ une lieue de long, de vingt pieds de large, sur trois pieds de profondeur, que le dit feu Sieur Du Breuil avait fait faire. Le dit Sieur Villars nous ayant déclaré que lors de la cession qui lui a été faite de l'habitation, le dit Sieur Du Breuil s'était réservé un arpent de terre entier pour le courant du cette canal.

Item. Une terre, nommée l'ile Jannette, contenant deux lieues et demie de face sur la rivière de Barrataria, et sur le bayou qui va à la mer. Ci pour mémoire.

Item. Une autre terre vis-à-vis l'ile ci-dessus, contenant demi lieue de face, sur la quelle il n'y à aucun établissement, servant à faire les vivres du négre Vacher * * * pour mémoire.

Item. Nous étant transportés à demi quart de lieue plus haut sur une autre habitation, appellé l'ile Barrataria, avons trouvé sur la dite ile un batiment tombant totalement en ruine, de trente cinq pieds sur vingt de large, couvert en Barrataria, et trois mauvaises cabannes à négres, ou étant le négre Pierrot dejà inventoré; nous aurait déclaré qu'il y aurait sur la dite ile, soixante-dix bêtes, qui n'ont jamais parqué, et marronnes, dans la dite ile. Ci pour mémoire.

Extrait par moi, Louis T. Caire, notaire public pour la ville et paroisse de la Nouvelle Orleans, dûment commissioné et assermenté sur la minute du dit inventaire étant en ma possession.

En foi de quoi j'ai signé la présent, et apposé le sceau de mon office, á la Nouvelle Orleans, le 2 Mai, 1833, et la cinquante-septième de l'Indépendance des Etats Unis d'Amérique.

L. T. CAIRE, *Not. Pub.*

Aujourd'hui le quatrième jour du moi de Mai, de l'année 1833, et la cinquante-septième de l'Independance des Etats Unis d'Amerique.

Pardevant Louis T. Caire, notaire public dans et pour la ville et paroisse de la Nouvelle Orleans, dûment commissioné et assermenté, et en présence des témoins ci-après nommé et soussigné.

Fut présent—Mr. J. B. Du Breuil Villars, demeurant paroisse Jefferson, étant présentment en la ville de la Nouvelle Orleans.

"Agissant en son nom personnel, et au nom et comme fondé du pouvoir spécial, á l'effet des présentes, que lui a donné Mr. Bernard Villars, demeurant á Baton Rouge, suivant un écrit sous signature privée, daté de Baton Rouge, le 27 Avril dernier, le quel écrit répresenté par le dit Sieur Du Breuil Villars, est demeuré ci annexé après qu'il la eu certifié veritable, et signé en présence du notaire et des témoins soussignés.

Le quel comparant a, par ces présentes, vendu, cédé, quitté, délaissé, et abandonné dès maintenant et à toujours, et s'est obligé, et a obligé le dit Sieur Villars, son mandant, solidairement entr'eux sans division ni discussion, et leur deux seul tous le tout a garantir de tous troubles, dons, dettes, hypothèques, et autres empêchemens quelconques.

A Mr. Jean Louis Gaston Villars, demeurant à Baton Rouge, étant présentement en la ville de la Nouvelle Orleans, à ce présent et acceptant acquéreur pour lui, ses héritiers et ayant cause, une terre dite de Barrataria, ou de bayou Dupont, située paroisse de Jefferson, dans le district Barrataria, à environs treize lieues de la ville de la Nouvelle Orleans, ayant cinq lieues de face au bayou Dupont, sur une profondeur de trois lieues, s'etendant vers le petit lac; cette terre est bornée par les rigolets et le bayou St. Denis qui forme sa borne inferieure, ensemble tous les édifices qui existent sur la dite terre. Ainsi que la dite terre se poursuit et comporte avec toutes ses appartenances, et telle qu'elle appartient aux vendeurs, sans aucune exception ni réserve. A la quelle terre le dit Sieu Villars, acquereur, n'a pas désiré qu'il fut fait plus de designation, la connaissance parfaitement et en étant content. Cette terre appartient aux dits Sieurs Villars, vendeurs, come l'ayant recuillié dans la succession de feu Mr. Joseph Villars, leur pêre, dont ils sont seuls héritiers chacun pourmoitié.

Le dit feu Sieur Jos. Villars en était proprietaire comme lui ayant été abandonnée par arrangement entervenu il y à environ vingt-huit ans entre lui et ses cohéritiers dans la succession de feu Mr. Claude Joseph Villars Dubreuil son pêre; ainsi que le declare le dit Sieur Dubreuil Villars, comparant l'un des vendeurs, et qu'il est dailleurs à la connaissance du dit Sieur Villars, acquéreur qui n'a pas desiré quil fut fait ici plus d'énoncé sur les titres de propriété de la dite terre, pour par le dit Sieur Villars, aquéreur, ses héritiers et ayant cause, jouir, faire et disposer de la dite terre en pleine et toute propriété comme de chose leur appartenant à compter de ce jour et à l'avenir. Le dit Sieur acquéreur reconnaissant etre en possession et jouissance de la dite terre, depuis quatre ans que la vente ci-dessus realisée avait été convenue entre les parties. La présente vente est faite moyenant le prix et la somme de six cents piastres que le dit Sieur Dubreuil Villars comparant et l'un des vendeurs, reconnait avoir reçu comptant du dit Sieur Villars acquéreur, en espèces ayant cours de monnaie comptées et delivrées hors la vue du notaire et des témoins soussignés et dont en son nom et au dit nom, il donne quittance pure et simple.

Attendu ce payement, le dit Sieur Dubreuil Villars comparant met et subroge en son nom et au dit nom, le dit Sieur Villars acquereur, dans tous les droits de propriété et autres que les dits vendeurs ont et peuvent avoir sur la dite terre, même dans tous les droits de recours en garantie et actions quelconque qu"ils ont ou pourraient avoir à exercer à raison de la dite terre contre les anciens proprietaires à tel titre et pour telle cause que ce soit, se dessaisissant et dessaisissant son mandant de tous les dits droits sans exception en faveur du dit Sieur Villars acquéreur, voulant qu'il en soit saisi et puisse en user, faire et disposer en leur lieu et place, et ainsi qu'ils auraient du faire, en toute propriété au moyen des présentes.

Le dit Caire notaire soussigné ayant demandé aux parties comparantes du lui representer le certificat du conservateur des hypothéques de la paroisse de Jefferson dans la quelle est située la terre ci-dessus vendue, elles ont déclaré qu'elles n'avaient pas ce certificat et que cependant elles voulaient. Passer à l'instant même ces présentes, mais qu'elles déchargeraient purement et simplement le dit Caire, de toute obligation que la loi lui impose à cet égard et que même elles sobligent solitairement entr'elles à le garantir de tout événement à ce sujet. Dont acte fait et passé en l'etude a la Nouvelle Orleans les jour, mois et an que dessus, en présence des Sieurs Chs. Ducantel, et Phpe. Lacoste, témoins a ce requis et domiciliés en cette ville, les quels out signé avec les parties et moi notaire aprés l'ecture faite. Signé Gaston Villars, D. Villars, Chs. Ducantel, Phpe. Lacoste.

LOUIS T. CAIRE, *Notaire Public.*

Pour copie conforme, Nouvelle Orleans, le sept Mai, mil huit cent trente trois.

LOUIS T. CAIRE, *Notaire Public.*

En la paroisse de Jefferson, dans l'Etat de la Louisiane, le vingt et un Janvier, de l'année 1833, et la cinquante-septieme année de l'independance des Etas Unis d'Amerique.

Pardevant Jean Murrille Harang, juge de paroisse dans et pour la paroisse de Jefferson, exerçant ex-officio les fonctions de notaire public, y résidant et en présence des témoins ci-après nommés, furent présens Messieurs J. B. De Gruys, agé de quatre-vingts deux ans, Jos. E. Dugué Livandais, âgé de quatre-vingts ans, Jacques Lagrange, âgé de soixante six ans, et André St Pierre, âgé de cinquante huit ans. Les quels après avoir été respectivement et dûment assermentés ont déclaré qu'ils connaissaient parfaitement une terre appartenant á la familie Dubreuil Villars, située en cette paroisse, dans le district Barrataria, distante á environ treize lieues de la ville de la Nouvelle Orleans; la quelle terre a cinq lieues de face au bayou Dupont, ses bornes sont les rigolets; le bayou St. Dennis forme sa borne inférieure, et sa profondeur qui est de trois arpens s'etend vers le petit lac; et les dits Sieurs comparans ont deplus attesté que la dite terre provient de concession faite sous le Gouvernment Français et qu'elle à été etablie, habitée et cultivée depuis plus de quarante-cinq ans.

Fait et passé en la paroisse de Jefferson, les mêmes jour, mois et an que dessus en présence des Sieurs Louis Le Breton d'Orgenoy et Jacques Charbonnet, junior, témoins requis et domiciliés qui ont signé avec les parties et le Juge notaire sus nommé aprés lecture faite.

Signé J. B. De Gruys; Enoul Dugué; marque de × J^ques. Lagrange; marque de × André St. Pierre; J^ques. Charbonnet, junr.; Louis Le Breton d'Orgenoy.

J. M. HARANG, *Juge.*

Pour copie conforme à l'original, paroisse de Jefferson, le 28 Janvier, 1833.

J. M. HARANG, *Juge.*

Nous soussignés, certifions que la terre mentionnée dans cet acte, est la même que celle décrite dans l'inventaire des biens de feu Sieur Claude Jos. Villars, fait le 20 Mai, 1754- la dite terre est bornée par le bayou Dupont, par les rigolets et par le bayou St. Denis; sa profondeur s'etend vers le petit lac, nous a toujours été connu sous le nom de Ile de Barrataria, ou Ile Dupont.

En foi de quoi nous avons signé le présent pour servir et valoir a qui de droit le troisieme jour du mois de Mai, de l'année mil huit cent trente-trois.

Signé, marque de × Jacques Lagrange; marque de × André St. Pierre; Enoul Dugué; J. B. De Gruys; J. Z. Trudeau; F. Livaudais; Jacques Charbonnet, junr.; Louis Le Breton d'Orgenoit, témoins.

Pour copie conforme à l'original, paroisse de Jefferson, le 4 Mai, 1833.

J. M. HARANG, *Juge.*

B—No. 23.

To the Register of the Land Office and Receiver of Public Moneys for the southeastern district of Louisiana, at New Orleans, the notice of claim of Jean Baptiste Degruys, domiciliated in the parish of Jefferson, repre sents :

That he is the true and legitimate owner of a certain tract of land, situated in the aforesaid parish of Jefferson, within the Barrataria district, lying at about six miles from the river Mississippi, at the very place usually called "Les Petites Coquilles," in the Barrataria bayou; which tract of land has an extent of fifteen miles on the left bank of said bayou, and three miles front on the right side, on twenty arpens depth on each side, the same being bounded, on one side, by the lands belonging to Antoine Foucher, and, on the other, by the bayou "Aux Carpes." That the aforenamed claimant bought the said described land from M. François Bouligny, on the 8th of May, 1792, by an authentic act, passed before Antonio Pedro Pedesclaux, then a notary public in the city of New Orleans, a duly certified copy of which is now annexed, which land the seller, François Bouligny, held from a concession duly granted to him by the Spanish government, already recorded in this office.

That the said land has been, for the last fifty years and upward, constantly settled, cultivated, and inhabited by the present claimant and those under whom he holds, as it will more fully appear, from the concordant depositions and testimony of four old and respectable citizens of this State, residing in the aforesaid parish of Jefferson, taken before the parish judge, and herewith annexed.

Wherefore the claimant prays, the premises considered, that the documents herewith presented may be duly recorded, and that his claim, if found to be embraced within the provisions of the laws of Congress for the adjustment of land claims in this district, may receive from you a favorable report for the confirmation of his title to one league square of the above-described land, reserving to himself the right of claiming the balance, and as in duty, &c., &c.

A. GRAILHE, *Attorney for Claimant.*

En la paroisse de Jefferson dans l'Etat de la Louisiane le 15 Mai, 1833, et dans la 57^{me} de l'Independance des Etats Unis d'Amérique

Pardevant Jean Murville Harang, Juge de paroisse dans et pour la paroisse de Jefferson, exerçant ex officio les fonctions de Notaire Public dans et pour la dite paroisse, y résidant et en présence des témoins ci-après nommés et soussignés.

Sont personellement comparu Messieurs Godfroy Boutté, J. M. Casterede, André Pizanni, et Pierre Coulon, tous quatre anciens proprietaires de cette paroisse, âgés de plus de soixante-cinq ans.

Les quels après avoir été respectivement et dûment assermentés, ont déclaré qu'ils connaissent parfaitement une terre appartenant à M. J. B. De Gruys, située en cette paroisse, dans le district de Barrataria, à environ deux lieues du fleuve Mississippi, à l'endroit appelé les "Petites Coquilles," sur le Bayou Barrataria, la quelle terre ayant sur la guache du dit bayou cinq lieues de face, et sur la droite une lieue, faisant ensemble six lieues des deux bords du dit bayou, sur vingt arpents de profondeur des deux bords, bornée d'un coté par les terres de M. Antoine Foucher, Ju^{r}, et de l'autre coté par le Bayou aux Carpes: la quelle terre à été acquise de M. François Bouligny par Mess^{rs} Françoise Mayronne, et J. B. De Gruys, en l'an 1792, et elle à toujours été habitée, établie et utilisée à partir de l'année 1774, jusqu'à ce jour.

Fait et passé en la paroisse de Jefferson les mêmes jour, mois et an que dessus, en présence des témoins ci-après, Messieurs J^{ques} Charbonnet, Ju^{r}, et L^{s} Lebreton D'Orgenoy domiciliés en cette paroisse qui ont signé avec les comparans et le susdit Juge Notaire. L'original est signé, Godfrey Boutté, J. M. Casteredo, marque de × André Pizanni, marque de × Pierre Coulon, H^{re} Coulon, témoin, J^{ques} Charbonnet Jun^{r}, L^{s} Le Breton D'Orgenoy.

J. M. HARANG, *Juge.*

Pour copie conforme à l'original. Paroisse Jeffersone, le 23 Mai, 1833.

(Signé) J. M. HARANG, *Juge.*

B—No. 26.

To the Register of the Land Office and Receiver of Public Moneys for the southeastern district of Louisiana, at New Orleans:

Angélique Aubry, a free woman of color, claims, by virtue of inheritance from her late mother, Charlotte Adélaïde Demouy, widow of Pierre Langliche, a certain tract of land, situate in the parish of Jefferson, about six miles from the city of New Orleans, containing seventeen arpens front on the north side of the bayou, called "The Métairie," with the depth to Lake Pontchartrain, and eight arpens front on the south side of said bayou, with the depth running to the limits of Macarty's lands, of about twenty arpens, and bounded, on one side by land of the widow Lacestiere Vollant, and on the other (below) by land of Widow Beaulieu.

The said tract of land above described is part of a larger tract of twenty arpens front, purchased by Pierre Langliche from Don Andres Almonaster y Roxas, on the 1st October, 1787, and surveyed in favor of said Langliche, by Don C. Trudeau, in the year 1791, with the whole depth, as above mentioned. It is now claimed in

virtue of said survey and said ancient sale, in which titles of concession are referred to, and of undisputed and continued possession and cultivation for upward of fifty years past.

In support of which the said claimant herewith produces her title deeds and the evidence required by law, which she prays may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 24, 1833.

Sepan quantos esta carta vieren como yo Don Andrez Almonaster y Roxas, vecino de esta ciudad, otorgo que vendo y realmente y con efecto a Pedro Langtiche, mulato libre, de este mismo vecindario veinte arpanes de tierra, en el citio que llaman de la meteria haciendo frente a la profundidad de la tierra de Don J. B. Macarty, que hace limite el extremo de su canal, lindado dhâ tierra por el lado arriba, con otro del nombrado Guignan, y por abajo con otras de vendedor y por el fondo con el Lago Pontchartrain, corriendo norte y sur segun los titulos de concesion y ventas, los mismos que me pertenecen por haver los comprado, con mayor porcion de tierra al Rey, en su basta publica como proveniente de la mision de R. P. Capuchinos, por ante el Señor Don Martin Navarro Yntende Gral. de esta Provincia, y Don Rafael Perdomo, Esno. Pubco. y de Rl. hacienda con fna. de dos de Agosto, de 1784, años y se los vendo a tante dho. como se hallan actualmente con todas sus entradas y salidas usos y costumbres, derechos y servidumbres, &c., &c., &c. En cuyo testimonio es fna. la carta en la ciudad de la Nueva Orleans, à primero de Octubre, 1787 años, y los otorgantes, a qui en qo yo el Esno doy fé conosco, asi lo otorgaron y no firmo (A) el comprador porque dixò no saber, y lo hizo el vendedor firmando, por el dho. comprador uno de los testigos, que lon fueron Don M. de San Juan Gomez, Don F. de Paula Sossa, y Pedro Joseph Pedesclaux, vecinos de esta ciudad.

Presentes—Andrez Almonaster y Roxas, Miguel de San Juan Gomez, tso.

Ante mi, FERNANDO RODRIGUEZ, *Escrivano Publico.*

PAROISSE JEFFERSON, *le 5 Mai*, 1833.

Pardevant moi, F. P. Labarre, juge de paix pour la paroisse de Jefferson, sont personellement comparu Messieurs H. Hazena et P. Vollant Labarre, les quels ont déclaré sous serment, qu'ils avaient pleine connaissance que l'habitation appartenant aujourd'hui à Angélique Aury, femme de couleur libre, était habitée et cultivée plus de vingt-cinq avant que la Louisiane ne passa au Gouvernment Américain.

En foi de quoi nous avons signé le présent certificat pour servir comme de droit.

VOLLANT LABARRE.

H. HAZENA. P. LABARRE, *Juge de Paix.*

B—No. 28.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

Marie Joseph Beaulieu, a free woman of color, widow of Joseph Beaulieu, claims a certain tract of land, situate in the parish of Jefferson, at about six miles distant from the city of New Orleans, and containing three arpens front, on both sides of the bayou Metairie, with the depth on the south side of about eighteen arpens, and on the north side to Lake Pontchartrain; bounded above by lands of Angélique Aubry, formerly Pedro Langliche, and below by lanes formerly belonging to Pedro Demouy, the whole, according to a plat and certificate of survey thereof, executed in proper form by Don Carlos Trudeau, surveyor general of the late province of Louisiana, on the 14th March, 1796.

The said tract of land was purchased by claimant's late husband, Joseph Beaulieu, from Pedro Langliche, on the 24th January, 1794, by an act passed before Pedro Pedesclaux, then a notary public in the city of New Orleans; and was surveyed at his (Beaulieu's) request, by Don Carlos Trudeau, as aforesaid. It is now claimed in virtue of said survey, and of ancient and continued possession and cultivation for upward of fifty years past.

In support of all which full and authentic evidence is herewith produced, which claimant prays may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 25, 1833.

Don CARLOS TRUDEAU, *Agrimensor Real y particular de la provincia de la Luisiana:*

Certifico aver medido y amosonado a favor y con presencia del pardo libre llamado Jos. Beaulieu y presenciado tambien del vecino y mediato y vendedor un terreno de tres arpanes de frente, ô anchura, a los dos lados del bayu, cuyo terreno situado en el parage ô barrio vulgaremente llamado la Metairie a como quatro miles de distancia de la ciudad de Nueva Orleans lindando de un lado con terreno del nombrado Pedro Demouy y del otro lado con terreno del vendedor Pedro Langliche, los limites son paralelos dirigidos norte cinco grados, oeste con sur cinco grados, este de Nuestra Bursala sin atendar àla variacion siendo esta de ocho grados a quel roumbo paralelo a los demas limites del mismo parage en el limite de abajo se halleron los dos mojones marcados en el plano con las lettras A B, ambos de madera de encina verde, el primero (A) plantado a diez toesas de distancia de la orilla actual del bayu, el segundo (B) a trenta y tres toesas mas por otras alia el sur el primero (A) tiene cinco pies largo totas con nuevo sobre ocho pulgs. mas quadraduras, el segundo (B) de cinco pies, cinco pulgdas. largo con misma quadradura que su companero, los dos ambos plantados de como dos pies de profondidad en tierra y mal pemteagodos por sus cabezas despuestos uno con otro en el antdo. rumbo del norte cinco grados oeste de en el limite superior y a los tres arpanes medidos perpandte. a los limites hice poner los dos majones señalados en el plano con las lettras (C. B.) ambos de madera de cipra, el primero (C) plantado a sesenta toeses de distancia de la Orilla actual del bayu; tiene cinco pies y medio largo totc. con ocho sobre nueve pulgadas de quadradura puntiagado por su cabeza y handido de dos pies de profondidad en tierra, el segundo (B) plantado a trenta toesas mas acià el sur tiene cinco pies och pulgs. largo parte quadra de siete pulg lo demas con cutalabruta de doce sobre nueve pulgds. de grueffo puntiagado tambien por su cutala y handido de dos pies de profondidad en tierra, los ante dhos. tres arpanes medidos con la percha de la ciudad de Paris, de dies y ocho pies de rey de largo en conformidad del uso y costumbre de esta colonia (pues dies perchas hacen el arpan) cuyo terreno aviendo de tomar su frente al sur y desde el limite de las tierras de Don J. B. Macarty con todo el fondo acià la puerte del norte hasta el lago Pontchartrain segun las escrituras de ventas passadas de estas tierras y segun declaro aver vendido el ante dho. vendador Pedro Langliche el apeo aviendo sido practicado a su pedimiento y para cue conho. doy la

presenta certificacion con el plano figurativo que accompana firmados en confirmidad de las diligencias del dia 14 de Marzo del presente año.

Agosto 18 de 1796.

C. TRUDEAU, *Agrimensor Real.*

NOTA.—Que fue menester reconocer el rumbo del limite superior de la tierra de Madame Viuda Querion, en a quel limite no se encuentra no mas que un mojon con la barrera mediana que reconocimos estan despuestes al norte cinco grados oeste de la brujula actual y como se dice que el agrimensor Mr. Broutin avia dispuesto este limite al norte verdaderamente de la brujula sin respecto a la varacion siendo en el tiempo de su operacion (en el año 1734 ô 35) de tres grados con cinco grados mas que tenemos 09 ou los ochos grados marcadoes en el plano doy fe.

CARLOS TRUDEAU, *Agrimensor Real.*

PAROISSE JEFFERSON, *May* 5, 1833.

Pardevant moi F. P. La Barre, Juge de Paix, pour la Paroisse de Jefferson, sont personnellement comparu Messieurs Hyacinthe Hazeur et P. Vollant La Barre, les quels ont déclaré sous serment qu'ils avaient pleine connaissance que l'habitation appartenant aujourd'hui à Marie Joseph Veuve Beaulieu et femme de couleur libre était habitée et cultivée plus de vingt-cinq ans, avant que la Louisiane ne passât sous le Gouvernement Americain. En foi de quoi nous avons signé le présent certificat pour servir comme de droit.

VOLANT LA BARRE.

H. HAZEUR.

F. P. LA BARRE, *Juge de Paix.*

B—No. 29.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

Jean Louis Beaulieu, a free man of color, claims, by virtue of purchase, a certain tract of land situate in the parish of Jefferson, at about five miles distant from the city of New Orleans, and containing two arpens front on the bayou Metairie, by a depth on the south side of said bayou, extending to the limits of the Macarty plantation (of about eighteen arpens) and on the north side of the Lake Pontchartrain, bounded above by the land of Marie Pierre Dumouillé, and below by that of Hyacinthe Hazeur.

The said tract of land is the upper half of a larger tract of four arpens front, anciently the property of Don Mateo de Veau y Ines, in favor of whom it was surveyed by special decree, by Don Carlos Trudeau, surveyor general of the late province of Louisiana, in the year 1791. The said half, as above described, is now claimed in virtue of said survey, and of continued and undisputed possession and cultivation by claimant, and those under whom he claims and holds, for upward of fifty years last past. In support of all which he herewith produces said original survey and other evidence, which he prays may be duly recorded, and so reported on as to secure a full confirmation of his claim.

NEW ORLEANS, *June* 25, 1833.

Certifico el presente plano conforme a la medida hecha en conformidad de los actos de venta y en virtud del decreto del tribunal con fecha del dia 16 del mes de Marzo de 1791, en aquel plano no falta mas que reconocer el punto del limite de la parte del sur.

Julio 12, *de* 1793.

CHS. TRUDEAU, *Agrimensor Real.*

Vu par nous arpenteur le 29 Mai, 1804.

F. V. POTIER.

Jean Louis Beaulieu became proprietor of the land described in his foregoing notice of claim, by virtue of the purchase he made thereof, by an act passed before Peter Pedesclaux, late a notary public in this city, bearing date the 15th July, 1814, in which act the land is described as follows:

Une habitation située à la Maitiree à environ une lieue et un quart de cette ville ayant deux arpens de face de chaque coté du chemin, sur une profondeur jusqu'au Lac Pontchartrain du coté du nord, et jusqu'à la limite de Messieurs Macarty et Lamesse, du coté du sud, bornée d'un coté par Mr. Bousseau et de l'autre par Mr. Demony, ensemble tous les edifices qui y sont construits. Ainsi que cette habitation se poursuit et comporte, sans en rien reserver ni excepter, l'acquereur declarant la bien connaitre, en être content et n'en pas desirer une plus ample designation.

Le Sieur Greffin est proprietaire de cette habitation et de ces deux esclaves au moyen de l'acquisition qu'il en a faite du Sieur Pierre Maspero suivant acte à mon rapport en date du 30 Juin dernier, &c., &c.

PAROISSE JEFFERSON, *le* 1er *Mai*, 1833.

Pardevant moi F. P. Labarre, Juge de Paix pour la paroisse Jefferson, sont personellement comparu Messieurs Hyacinthe Hazeur et P. Vollant Labarre, lesquels ont declaré sous serment qu'il etait à leur connaissance que l'habitation de Jean Louis Beaulieu, homme de couleur libre, située à la Maiterie et bornée dans la partie supérieure par l'habitation de M. P. Dumouille, et dans la partie inferieure par celle de Thomas Hazeur etait cultivée et habitée plus de vingt-cinq ans avant que la Louisiane ne passat sous le Gouvernement Américain.

En foi de quoi nous avons signé le present certificat pour servir comme de droit.

VOLLANT LABARRE,

H. HAZEUR,

F. P. LABARRE, *Juge de Paix.*

B—No. 35.

To the Register of the Land Office at New-Orleans, and Receiver of Public Moneys; the claim of Elizabeth C. Goddard, residing at Georgetown, in the State of South Carolina, on behalf of her minor children, Thomas H. Goddard, Wm. H. Goddard, F. B. Goddard, P. C. Goddard, M. E. Goddard, and F. M. Goddard, respectfully shows:

That they are the great-grandchildren and only heirs of John Alman, whose name was sometimes spelled Alleman, who died at Alman's Prairie, on the high lands, near Galveston, in the month of March, 1805, as appears by the depositions enclosed.

Your claimant states that an order of survey, and a survey of four hundred and eighty arpens of land, situated on the bayou Manchack, was made by the Spanish government in favor of said Alman. The land has twelve arpens front, by forty in depth, and is bounded below by lands granted to James Smith Marbury. She herewith encloses the order of survey, and prays that her claim and said documents may be enregistered, and the title of her children to said land may be confirmed. As in duty bound, &c.

ISAAC T. PRESTON, *Attorney for Claimant.*

Don CARLOS TRUDEAU, *agriminsor Real y particular de la Provincia de la Luisiana, por S. M. Catl^ca, &c.*

Certifico que en la oficina de agriminsura general, se halla un plano de apeo en fecha diez del mes de Avril de 1799, a favor del nombrado Juan Alleman de un terreno de quatro cientos y ochenta arpanes planos. Cuyo terreno situado en el Distrito de Galveztown a como siete milas del Fuerte Rio arriba sobre el margen derecho y enfrente del Bayou Manchack y a como siete millas al este del rio Mississippi, lindado entonces del apeo a todas lados con tierras vacantes. Y en el presente linda a la parte del S. E. con tierra concedida à Santiago Smith Marbury, los limites son paralelos dirigidos en profondura al sur 45° grados oesta de la aguja, sin attender a la variacion declinando esta de ocho grados al N. E. en cada limite fueron plantados dos mojones de Madera de quatorze y medio pies largo total con seis pulgados quadra. Y plan. d · de dos pies de profondidad en tierra el todo como se ve figurado en el plano que antecede, copiado de su original que paro en la oficina de mi cargo. Y, se halla esta concesion anotado en el libro A, N^r. 1, folio 10, N^r. 187, y fecha 27 Febrero, 1780, de todo lo que doy fe y para que sirve donde convenga doy a presenta a 24 del mes de Julio, de 1805 anos.

CH^s. TRUDEAU, *Agriminsor.*

Senor Gobernador General:

Juan Allemand, habitante del Distrito de Galveztown, con el devido respeto ante V. S. me presento y digo que he tenido la desgracia de perder en el yncendio accurido a esta ciudad, el 21 de Mayo del año pasado de 1788, el primer decreto de rena tierra qui tengo situado en el distrito de Yberville compuesto de doze arpanes de frente, con la profundidad ordinaria de quarenta en el parage llarnado fourche d'Yberville lindando a todas partes a las tierras del dominio de S. M., en cuya atencion se ha de servir V. S. concederme un nuevo titulo de concesion de la referida tierra afin de que pueda gozar de ella libremente en lo sucesivo gracia que espero en just^a de la distributiva q^o V. S. administra.

NUEVA ORLEANS, 9 *de Febrero de* 1789.

NUEVA ORLEANS, 10 *de Febrero de* 1789.

El agriminsor de esta provincia Don Carlos Trudeau establecera esta parte sobre los doze arpanes de frente con la profundidad ord^r de quarenta en el parage indicado en el memorial antecedente estando vacantes y no causando perjuicio alguno con las prisisas conditiones de hacer el camino y desmonte regular en el termino perentorio de un año y de quedar nula esta concesion si al expirar el preciso espaco de tres la tierra, no se hallare establecida y de no poder anagenarla en los mismos baxo cuyo sup^to se estenderan à continuacion las dilig^as de apeo que me remetira p^a proveer al interesado del corresp^te titulo en forma.

ESTEVAN MIRO.

I certify the foregoing petition and order of survey to be a true copy of an original document, filed in bundle H, No. 120, among the records deposited in the surveyor general's office, under my charge.

In testimony whereof, I have hereunto set my hand and the seal of my office, in the city of New Orleans, this 17th day of June, eighteen hundred and thirty-third year of our Lord, and the fifty-seventh of the Independence of the United States of America.

BRINGIER, *Surveyor General.*

State of Louisiana.—First Judicial District Court.

THE HEIRS OF THOS. F. GODDARD, *vs.* THOS. URQUHART. } 9,137.

Depositions taken under a commission directed to any justice of the quorum, or to any justice of the peace, in Georgetown, State of South Carolina, issued from this court, on the 28th April, 1831.

Mary Hillen, being sworn, answered the interrogatories propounded to her as follows:

1st. I knew Thomas F. Goddard; his mother was Mary Atchinson Alman; she was first married to William Goddard, and after his death, she married John Paisley. They are all dead. I know of no documents to prove the marriages. Thomas F. Goddard was the only issue of the marriage of William Goddard and Mary Atchinson Alman. There were several children by John Paisley, but all died in their infancy.

2d. Jane Baxter was the grandmother of said Goddard. She was first married to Mr. Frazer, and afterward to John Alman. Know of no documents to prove the marriage. The only issue of John Alman and wife, was Mary Atchinson Alman, the mother of said Goddard.

3d. Thomas F. Goddard has been dead twelve months; left a widow and several children; but knows nothing of their names or ages.

4th. I was personally acquainted with all the parties, and know that Thomas F. Goddard was the only descendant of John Alman.

5th. I believe John Paisley returned from Louisiana to South Carolina in 1806; never heard of his bringing anything with him but one hogshead of sugar.

6th. I have stated all I know.

MARY HILLEN.

Answers to cross-interrogations.

1st. All I have stated is from a personal knowledge of the facts.
2d. I have already said I know of no documents.
3d. I am no way related.
4th. Mary Hillen; 62 years of age; live upon my income.
5th. I have no manner of interest.

MARY HILLEN.

Mrs. Elizabeth Blyth, being first sworn, answered the interrogations propounded to her as follows:

1st. I did know Thomas F. Goddard; his mother was Mary Atchinson Alman, who married William Goddard; I know of no documents to prove; she and her husband are both dead; after the death of William Goddard, his widow married John Paisley, who is also dead.

2d. Jane Baxter was the grandmother of said Goddard; she first married a Mr. Frazer, and after his death she married John Alman. Knows of no documents to prove her marriage; she is dead; the only issue of her marriage with John Alman was Mary Atchinson Alman, the mother of said Goddard.

3d. Thomas F. Goddard has been dead about one year; he left six children, names, Thomas Atchinson, William Henry, Francis Benjamin, Peter Cuttino, Mary Elizabeth and Frazer Mathias Goddard; he left a widow named Elizabeth Cuttino; cannot be particular as to the ages of said children.

4th. Mary Atchinson Alman's mother's name was Jane Baxter, who was first cousin to my own mother, and the relationship to the family makes me positive as to the fact of Thomas B. Goddard being the only descendant of John Alman, formerly of Louisiana.

5th. John Paisley did return from Louisiana to South Carolina; cannot tell at what time, neither do I know anything about what he brought with him.

6th. I have stated all that I know that can be of any service.

ELIZABETH F. BLYTH.

Answers to cross-interrogatories.

1st. I know of my own knowledge the truth of the facts I have stated.
2d. I have already answered that I know of no documents.
3d. I have already stated in what degree I am related to the plaintiff, in my answer to the fourth direct nterrogatory.
4th. Elizabeth Frances Blyth; I am 68 years of age, and am engaged in planting.
5th. I have no earthly interest.

ELIZABETH F. BLYTH.

SOUTH CAROLINA, *Georgetown District:*

Henry Cuttino, being sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that he knew the late Thomas F. Goddard; that said Goddard was married, on the 25th of February, 1818, to Elizabeth C. Hutchinson, by the Rev. Lee Compere; the first child of said marriage was a son, born 6th December, 1818, named Thomas Hutchinson Goddard; the second was William Henry Goddard, born 29th September, 1820; the third was Francis Benjamin Goddard, born 24th November, 1822; the fourth was Peter Cuttino Goddard, born 15th January, 1825; the fifth was Mary Elizabeth Goddard, born 15th November, 1827; the sixth was Frazer Mathias Goddard, born 26th August, 1830; all of whom are now living. Thomas F. Goddard died 25th December, 1830. Deponent is uncle to Mr. Goddard, but in no wise interested in the event of the suit. Deponent knows nothing of his own knowledge relative to the marriage of the father and mother of said Goddard, other than he derives from a record kept in a Bible, which has always been considered by the family as their family Bible, and from which the following is extracted:

"William Goddard, the son of Francis and Ann Goddard, was born January 8, 1793, Saturday. William Goddard was married to Miss Mary Atchinson Alman, by Parson Hunter, December 24, 1793. Thomas Frazer Goddard, the son of Mary and William Goddard, was born November 8, 1764."

HENRY CUTTINO.

Henry Cuttino also deposeth to the following as being a true extract from the family record mentioned in the foregoing, to wit: "Mrs. Mary A. Paisley departed this life June 7, 1806;" and also that the following is a correct copy of a memorandum made in the handwriting of Major Savage Smith, who was the administrator of the estate of William Goddard, after the death of John Paisley: "Mrs. Paisley died July, 1806, while Mr. Paisley was at New Orleans, leaving a son, Thomas Frazer Goddard, by her first marriage with William Goddard, of P. D. Mr. Paisley died some time in the month of December, 1806."

HENRY CUTTINO.

District Court:

I hereby certify the foregoing depositions to be copies from the original on file in the office of the clerk of this court, in the foregoing entitled case.

JNO. L. LEWIS, *Clerk.*

CLERK'S OFFICE, *July* 3, 1833.

B—No. 42.

To the Register and Receiver of the Land Office in and for the southeastern district of the State of Louisiana, at New Orleans:

Jean Jacques Haydel claims, by virtue of inheritance, a certain tract of land situate in the parish of St. John the Baptist, and district of German Coast, on the west or right bank of the river Mississippi, about forty-six miles above this city, containing nine arpens front by forty arpens in depth, being a second depth lying immediately in the rear of a front tract now owned by him.

Jean Jacques Hayden, father of claimant, obtained from Governor Miro, on the 23d February, 1786, a regular warrant or order of survey for said tract, in virtue of which, and of continued possession, it is now claimed.

In support of which, claimant herewith produces said original order of survey, which he prays may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 25, 1833.

Segnor Governador General:

Don Juan Santiago Haydel, habitante de la Costa de Allemanes, con el debido respeto ante V. S. me presento y digo, que tengo una habitacion situado end^ha. costa, compuest de neuve arpanes y medio de frente con la profundidad ord^a. de quarenta, lindando de un lado a Matheo Roussel, y del otro a Santiago Troxter, y como quiera que d^ha. tierra en su profundidad carece de Madera de cipre, se ha se servier S. V. concederme la segunda profundidad de quarenta arpanes sobre las mismas lineas dela d^ha. habitacion respeto a que es vacante y no perjudicar a ninguno de los circonvecinos. Gracia que espero en just^a. de distributiva q^e. V. S. administra, Nueva Orleans, 21 de Feb. de 1786.

J. J. HAYDEL.

NUEVA ORLEANS, 23 *de Febrero, de* 1786.

El agriminsor de esta provincia Don Carlos Trudeau Laveau establecera al demandante sobre los quarenta arpanes de tierra, que solicita en la segunda profundidad sobre las mismas lineas de su habitacion, lindando con los antedichos que expresa el memorial de la vuelta, estando vacantes, y no causando perjuicio a sur limitrofes, cuyas diligencias de apeo estendera á continuacion firmando las con los sobre d^hos., y me las remitira para prover al interesado del correspondiente titulo de concesion en fora.

ESTEVAN MIRO.

B—No 43.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

The heirs of Stephen Henry Plauché claim by virtue of inheritance a certain tract of land situate in the parish of Plaquemines, on the west or right bank of the river Mississippi, about seven leagues below this city, containing fifteen arpens in front by forty arpens in depth, lying immediately in the rear of a front tract formerly belonging to said S. H. Plauché, and confirmed to him by the old board of commissioners for this district, as per their decision No. 163, recorded in your office, and now the property of Nicholas Reggio.

On the 29th of December, 1790, the said Plauché applied for, and obtained an order of survey for said tract from Governor Estevan Miro, as a second depth to the front tract then owned by him. It is now claimed in virtue of said order of survey and of continued possession since the date thereof.

In support of which the present claimants herewith produce the said original order of survey, which they pray may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 25, 1833.

Senor Governador e Yntendente General:

Estevan Enrique Plauché vecino de esta ciudad con el debido respeto ante V. S. me presento y digo que como consta del titulo q^e. con la solemnidad necesario presento, tengo una habitacion compuesta de quinze arpanes de tierra de frente con la profundidad ordinaria quarenta situada a siete leguas de esta ciudad rio abajo, y del otro lado lindando do un lado a Don Simon Ducherneau y del otro a Pedro Fassin: y como quiera q^e. esta primera profundidad no me es suficiente para emplear el numere de esclavos que tengo y me pro pongo passer sobre la d^ha. habitacion se ha de servir V. S. concederme una segunda profundidad de quarenta arpanes de tierra à tomar de tras de los quarenta primeros de la citada habitacion y sobre las mismas lineas de ella respecto á q^e. con vacantes y no causando perjuicio alguno á los circonvecinos como es p^les. y notario gracia que espero en just^ca. de la distributiva que V. S. administra.

NUEVA ORLEANS, 29 *Deciembre, de* 1790. ESTEVAN PLAUCHÉ.

NUEVA ORLEANS, 29 *de Deciembre*, 1790.

El agriminsor de esta provincia Don Carlos Trudeau establecera este parte sobre la segunda profundidad de quarenta arpanes de tierra á tomar de tras de los quarenta primeros de su habitacion que menciona en el memorial antecedente estando vacantes y no causando perjuicio alguno a los circonvecinos cuyas diligencias extendira á continuacion firmandolas con los ante d^hos. y me las remitira para proveer al interesado del titulo de concesion en forma.

ESTEVAN MIRO.

B—No. 47.

To the Register and Receiver of the Land Office, in and for the southeastern district of Louisiana, at New Orleans:

Francis Enoul Livaudais claims a certain tract of land situate in the parish of Jefferson, and district of Barrataria, about eleven leagues distant from this city, containing about three and a half leagues front on the right bank of Little lake (*Petit lac*) by a depth of from two and a half to three arpens, and bounded on one side by the Bayou des Amoureaux, and on the other side by a small stream or cut-off "*racourci*," leading to the sea.

The said tract of land was granted to claimant by the Spanish government, about forty years ago, but the original papers in relation to said grant have been lost. The fact, however, is proven by the solemn declarations

(herewith presented) of two old and respectable inhabitants of the said parish of Jefferson, who also prove the habitation and cultivation of the land claimed, for upward of forty years past.

Whereof, claimant prays that said declarations may be duly recorded, and that a favorable report may be made on his said claim pursuant to the act of Congress of 4th July, 1832, providing for the final adjustment of land claims in this district.

NEW ORLEANS, *June* 20, 1833.

En la paroisse de Jefferson, dans l'Etat de la Louisiane, le 1er Fevrier, 1833, et la cinquante-septieme de l'independance des Etats Unis d'Amérique. Pardevant Jean Murville Harang, juge de paroisse dans et pour la paroisse de Jefferson exerçant ex officio les fonctions de notaire public dans et pour la dite paroisse, y résidant et en présence des témoins ci-après nommés et soussignés. Sont personnellement comparus Messieurs Jos. Enoul Dugué Levandais, Jaques Lagrange et Audré St. Pierre tous trois anciens proprietaires demeurant en cette paroisse, âgés de plus de soixante ans, les quels aprés avair été respectivement et dument assermentés ont déclaré qu'ils connaissent parfaitement une terre appartenant á Mr. François Enoul Levandais, située en cette paroisse, dans le district de Barrataria á environ onze lieues de la ville de la Nouvelle Orleans. La quelle terre se trouve sur la droite du Petit lac en descendant, ayant environ trois lieues et demie de long sur deux arpens et demi ou trois de large, bornée en montant par le bayou des Amoureux et en descendant par les racourcis qui conduisent à la mer. Les dits Sieurs comparans attestent de plus que le dit Sieur François Enoul Levandais a eu la dite terre de concession faite sous le gouvernement Espagnol et qu'elle á été établie, habitée et cultivée depuis plus de quarante ans.

Fait et passé en l'etude en la paroisse de Jefferson, les mêmes jour, mois et an que dessus en présence des Sieurs Jacques Charbonnet, junior, et Louis Le Breton d'Orgenoy, témoins requis et domiciliés, qui ont signé avec les parties et le juge notaire sus nommé après l'ecture faite.

L'original est signé, Enoul Dugné; Jaques Lagrange, × sa marque; André St. Pierre, × sa marque; Louis Le Breton d'Orgenoy; Jaques Charbonnet, junr.

J. M. HARANG, *Juge.*

Pour copie conforme á l'original. Paroisse de Jefferson, le 12 Fevrier, 1833.

J. M. HARANG, *Juge.*

C—No. 6.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana at New Orleans, the notice of claim of Edmond and Jean Baptiste Drouet, of the parish of Jefferson, represents:

That they are the owners of a certain tract of land upon which they reside, situated in said parish of Jefferson, on the bayou Washa, at about eight leagues distant from the city of New Orleans, containing about one league and a half front on said bayou, by from five to six arpens in depth, bounded on one side by land of Arnaud Magnan, and on the other by the bayou Lapointe.

The said land was anciently the property of the Messrs. Villars Dubreuil; who sold the same on the 18th July, 1776, to Juan Souquet, from whom it has descended to the present owners and claimants by virtue of regular successive deeds. It has, moreover, been constantly inhabited and cultivated for the last forty years and upward; all of which will more fully appear by reference to the deeds of sale and depositions herewith presented.

Wherefore these claimants pray, the premises considered, that such of the documents by them produced in support of their claim, as may be deemed sufficient, may be duly recorded, and a favorable report made thereon, as prescribed by the act now in force for the adjustment of land claims in this district, approved 4th July, 1832.

NEW ORLEANS, *October* 3, 1832.

En la ciudad de la Nueva Orleans, a las 18 de Julio de 1776 añon, ante mi el Escno. y testigos infraescritos Don Luis Don Alexando, y Don Raymondo Villars Dubreuil, haciendose buenos por ellos y Santiago Sancer, su hermano y con poder de el con palabra, otorgan que venden realmente y con efecto a Juan Souquet, vecino de esta ciudad, una tierre de como legua y media de frente a la Grande Isla de Barrataria, con cinco ô seis arpanes de tierra alta de fundo dha. des de el bayu a los Ganzos, hasta el alto del bayu a la Pointe, las misma que no pertenece por herencia de nuestro padre, y libre de pavamen y hypotéca como asi lo certifico yo el presente Escrivano, como anoladar hipotecas en vista de los libros de mi cargo, y por el precio de ciento y viente pesos que dho. Juan Souquet, nos has pagado en contado, de que nos damos por entregados renunciamos la prueba leyes de la entrega la excepcion de la numerata pecunia de lo y demas del caso y otorgamos formal recivo mediante lo cual nos disistimas y apartamos del dro. de propriedad, posecion util y senorio titulo voz y recurso y demas acciones reales y personales que ha dha. tierra habiamos y teniamos, y todo ellos lo cedemos transpasamos y renunciamos a favor del dho. comprador y sus successores para que le gozen, venden y enagenen a su voluntad en vertud de esta escritura que les otorgamos en señal de real entrega conque es visto haber adquirido la posecion sin que necesite de otra pruebra de que le relevamos y nos obligamos al sancamiento de esta venta en bastante forma con nuestros personas y bienes habidos y por haber y damos poder a las Justicias de S. M. para que nos apremien a su complimiento, con el rigor de sentencia consentida sobre que renunciamos a las leyes fueros, dros. a y privilegios de neustro favor. Y en la gral. enforma que lo prohibo y nos obligamos asi mismo a hacer aprobar y ratificar esta venta a nuestro dho. Hermano San Cyr; y estando presente yo el dho. Juan Souquet, accepto esta escritura y por ella recivo comprada la dha. tierra en la cantidad y conformedad, que me va vendida de que me doy por entregado renuncio la prueba leyes de la entrega la de la cosa no vista ni recibida de lo y demas del caso, asi lo otorgamos siendo testigos Don Nicolas Fromentin, Don Joseph Adriana de la plaza, y Don Luis Lioteau, vecinos de esta ciudad, presentes y de los otorgantes firmaron Don Luis, Don Alexandro, y Don Raymondo Villars Dubreuil, no firmo Juan Souquet, porque digo no saber lo hizo a su ruego uno de los d'hos. testigos de que yo doy fe y nos conosco. Firmando Luis Villars, Alexandro Dubreuil, Raymondo Dubreuil.

(Ante mi,) JUAN BTA. GARIE, *Escrivano Publico.*

Nota no firmaron los testigos mencionados en la escritura.

Es conforme a su original que por ante Juan Bautista Garie, paso y queda en mi poder y archivo a que me remito y doy esta en la ciudad de la Nueva Orleans, a 11 de Septiembre, de 1832 años.

LOUIS F. CAIRE, *Notario Publico.*

Au'jourd'hui, 29 mois de Septembre, de l'an 1806, et la trente et unième de l'Independence des Etats Unis d'Amerique.

Pardevant moi, Pierre Pedesclaux, notaire public des Etats Unis d'Amerique á la Nouvelle Orleans, est comparu Joseph Lagrange, demeurant proche cette ville, le quel declare par ces présentes vendre, ceder, quitter, delaisser, dès maintenant, et á toujours en toute propriété, et sous la guarantie de tous empêchements et de toutes hypothèques ce que certifie moi notaire annotateur, quant á l'hypothéque seulement, à Monsieur Pierre Roi et Marie Thérése Seguin, son epouse, deux portions de terre indivises, situées a Barrataria, au lieu dit le bayon aux Oies, et allant jusqu'au haut du bayou la Pointe, lesquelles deux portions de terre dont la quantité n'est past designée, parceque'lle n'a jamais été mesuré, lui appartiennent; l'une comme hérétier de Jean Seguin dit Souquet, et l'autre comme l'ayant acquise de Joseph Seguin au même titre. Cette vente faite et accepté entre les parties pour la somme de quarante piastres, que le dit sieur vendeur declare et reconnait avoir reçu, comptant avant la possession des presentes, et des quelles ill donne quittance. La quelle terre appartenait au dit Juan Seguin dit Souquet, pour l'avoir acquise en 1776, de Villars Dubreuil et consort, par acte au raport de Garie, le 18 de Juillet, le quel port cinq ou six arpens de terre haut, au moyen de quoi le vendeur se demêt et dessaisit de tout droit de propriété sur la dite terre en faveur des acquereurs, qui pourront en disposer comme de chose á eux appartenant.

Fait et passé en l'etude à la Nouvelle Orleans let dit jour, en présence des Sieurs J. B. Ramirez, Joachim Lozano, témoins que ont signé avec nous notaire, les parties déclarant ne savoir signer. Dont acte: la minute est signée. J. B. Ramirez, Joaq$^{n.}$ Lozano.

PIERRE PEDESCLAUX, *Notaire Public.*

Pour copie conforme à l'original resté en mon étude pour recours. En foi de quoi j'ai signé, le présent et apposé le sceau de mon office, à la Nouvelle Orleans, le 6 Septembre, 1832.

LOUIS T. CAIRE, *Notaire Public.*

Aujourd'hui, le 12$^{me.}$ jour du mois d'Octobre de l'année, 1829, et la cinquante-quatrième de l'Indépendance des Etats Unis d'Amérique.

Pardevant Louis T. Caire, notaire public dans et pour la ville et paroisse de la Nouvelle Orleans, dûment commissionné et assermenté et en présence des témoins ci-après nommés et soussignés.

Fut présent Mr. François Rigaud, demeurant á la Grande isle, quartier de Barrataria, paroisse de Jefferson, en cet Etat, le quel a, par les présentes vendu, cédé, quitté et transporté avec garantie de tous troubles, dons, dettes, hypothèques, évictions, aliénations, et autres empêchemens généralement quelconques provenant de ses faits, de son titre de propriété ou de ceux qui l'ont précédé mais sans aucune garantie des prétentious que peut ou pourrait avoir á éxércer le gouvernement général des Etats Unis, sur less terres qui feront l'objet de la présente, ni de toute éviction qui pourrait en résulter pour quelque raison et á quelque titre que ce soit. A Messieurs Edemond Drouet et Jean Baptiste Drouet, demeurant tous deux dans la dite paroisse de Jefferson, ici présents et acceptant acquéreurs, chacun pour une moitié et par indivise pour eux, leurs héritiérs ou ayans cause. Un lot de terre ayant une lieue et demie de face plus ou moins sur la Grande isle Barrataria avec cinq ou six actes de terre haute dans la profondeur, le dit lot commençant au bayou aux Oies jusqu'á la hauteur du bayou Lapointe, tel qu'il se poursuit et comporte, mais sous la réserve dont il sera ci-après parlé lui appartenant au moyen de l'acquisition qu'il en a faite de Mr. Charles Clark en sa qualité de sindic des créanciers du Sieur Wm. K. Cornwell par acte passé devant feu Michel de Armas alors notaire public, le 21 Octobre, 1818. Le Sieur Cornwell en était en possession et proprietaire pour l'avoir acheté de Messieurs Pierre Seguin et Pierre Roy et Dame Thérése Seguin, épouse de ce dernier et de lui dûment autorisée par acte au rapport de feu Pierre Pedesclaux de son vivant notaire en cette ville en date du 26 Decembre, 1809, ces dernièrs en étaient propriètaires pour en avoir hérité une partie de feu Jean Seguin dit Souquet et pour avoir acquis l'autre du Sieur Joseph Lagrange ainsi quil apport d'un acte au rapport du même notaire en date du Septembre, 1806; et lei sieur vendeur a déclaré aux acquéreurs que par acte devant Michel de Armas alors notaire public en date du 25 Juin, 1819, il á vendu au Sieur Dominique Perin, un lot de terre à prendre depuis la pointe du bayou aux Oies jusqu'á la coulée ou se trouvait alors la maison du dit Perrin; que le dit lot de terre faisait partie de celui ci-dessus décrit et acheté de Mr. Cornwell, qu'il doit être déduit de la quantité qu'il continait alors et ne peut faire partie de la présente vente. Et les Sieurs acquéreurs reconnaissent qu'ils ont été sur les lieux, qu'ils connaissent l'etendue du lot de terre de Perrin et de celui qui leur est vendu, qu'ils en sont contens et satisfaits en n'en demandent pas d'avantage. La présente vente este fáite et acceptée pour et moyenant la somme de quatre milles piastres en payment de la quelle les sieurs acquéreurs ont tout présentement et á la veu du notaire et des temoins soussignées payé et compté la somme de deux milles piastres en espèces, au sieur vendeur qui le reconnait et en consent bonne et valable quittance et décharge. Et pour la balance les dits sieurs acquereurs ont conjointement l'un pour l'autre souscrit á l'ordre de Mr. Raphael Toledano qui l'a endossé, un billet de la somme de deux Mille piastres, payable dans un an de sa dite; au domicile de Messieurs Toledano et Gaillard, en cette ville, le quel billet daté de ce jour après avoir été signé Nevariatur par le notaire soussigné pour l'identifier avec les présentes, á été remis au sieur vendeur qui le reconnait et en consent bonne et valable décharge. Mais il est bien entendu, entre les parties que les bestiaux qui sont sur la terre ci-dessus décrite ne font pas partie de la présente vente, le did Sieur Rigaud se réservant de les retirer dans le cas, ou ils ne les vendrait pas á l'aimable avec les dits Sieurs Drouet, leur heretiers, ou ayans cause; au moyen de ce qui precede et sous les reserves ci-dessus mentionées, le sieur vendeur met et subroge les sieurs acquereurs conjointement et separement dans tous les droits de propriéte generalement quelconques qu'il avait, a, ou peut avoir, sur lot de terre presentement vendu, voulant et entendant qu'ils en soient saisis et revêtus pour en jouir, faire et disposer comme de chose leur appartenant, des maintenant et á toujours. D'après le certificat du juge et conservateur dès hypthèques de la paroisse Jefferson, en date du 10 courant. Ci-annexé pour recours il appert qu'il n'y a point d'hypothèque enregistrée contre Mr. François Rigaud sur le lot du terre ci-deseus decrit et vendu.

Dont acte fait et passé en l'etude á la Nouvelle Orleans les jour, mois, et an que dessus, en presence de Messieurs Chs. Darcantel et José Antonio Bermudes témoins, a ce requis et domicilié en cette ville, les quels ont signé avec les parties contractantes et moi notaire, après lecture faite, à l'exception de Mr. Rigaud, qui a déclaré ne le savoir et a fait sa marque ordinaire.

Le minute est signé François Rigaud, sa × marque ordinaire; Ed. Drouet; J. B. Drouet; Chs. Darcantel; José Antonio Bermudez.

LOUIS T. CAIRE, *Notaire Public.*

ETAT DE LA LOUISIANE, } *Bureau des Enregistrements:*
PAROISSE DE JEFFERSON, }

Le soussigné juge de paroisse dans et pour la paroisse de Jefferson, certifie que le présente acte à été enregitré ce jour an folio deux cent soixante quatre du registre courant des enregistrements, No. (un) 1.

J. M. HARANG, *Juge.*

PAROISSE DE JEFFERSON, *le* 10 *Decembre*, 1829.

En la paroisse de Jefferson, dans l'Etat de la Louisiane, ce 14 Septembre, 1832, et la cinquante-septieme de l'Indépendance des Etats Unis d'Amérique, pardevant Jean Murville Harang, juge de paroisse dans et pour la paroisse de Jefferson exerçant *ex officio* les fonctions de notaire pour la dite paroisse y residant, et en présence des témoins ci-après nommés et soussignés.

Sont personellement comparus Messrs. J. Enoul Dugué Livandais et J^ques. Lagrange tous deux anciens proprietaires de cette paroisse agés de plus de soixante ans, lesquels après avoir été respectivement et dûment assermentés ont declaré qu'ils connaissent parfaitement une terre appartenant à Messieurs Edemond Drouet et J. B. Drouet connue sans la saison de Drouet freres, située en cette paroisse, sur le bayou ou riviere Washas, à environ huit lieus de la ville de la Nouvelle Orleans, ayant environ une lieue et demie de face sur cinq à six arpens en profondeur, bornée d'un côte par Arnaud Magnan et de l'autre par le bayou Lapointe; laquelle terre appartenait autrefois à M. François Rigaud, est parfaitement connue des dits sieurs comparans qui attestent que la dite terre à été établie, habitée, et cultivée sans interruption depuis plus da quarante ans.

Fait et passé en l'etude en la paroisse de Jefferson, les mêmes jour, mois, et an que dessus, en présence de Messieurs Louis Le Breton d'Orgenoy et François Farende, témoins requis et domiciliés qui ont signé avec les parties et le juge notaire susnommé après lecture. Le dit Sieur J. Lagrange ne sachant signer, à fait sa marque ordinaire. L'original est signé Enoul Dugué, sa marque × ordinaire; Jacques Lagrange, F. Fazende, Louis Le Breton d'Orgenoy.

J. M. HARANG, *Juge.*

Pour copie conforme.

J. M. HARANG, *Juge.*

PAROISSE DE JEFFERSON, *le* 14 *Septembre*, 1832.

C—No. 40.

To the Register and Receiver of the Land Office at New-Orleans:

René Trudeau, a citizen of the State of Louisiana, makes, under oath, the following statement to you of his claim and titles to land in the parish of St. Charles, under the requisites of the law of 4th July, 1832.

1. A tract measuring 26 arpens front on the river Mississippi, in the parish of St. Charles, comprised between lines opening 16 degrees, and extending in depth to the Lake Pontchartrain; below by land, belonging to the heirs of H. Kennor, deceased, and above by the tract next hereafter described.

This tract was acquired by the present R. Trudeau, your affiant, at a public sale, by N. Trepaynier, sheriff of the parish of St. Charles, 16th July, 1821.

2. The second tract of your affiant is adjoining the upper part of the former tract, and measuring two arpens and twenty toises front on the river, and extending in depth on a line parallel to the upper limit thereof to the Lake Pontchartrain, bounded above by land of the widow Adelaide Fortier.

The first tract of 26 arpens was sold, as stated, by the sheriff, on an execution against the syndic of J. K. Smith, which Smith purchased of the widow and heirs of Zenon Trudeau, 12th March, 1818, and Zenon Trudeau was the owner of the whole 28 *arpens* 20 *toises*, by purchase from L. A. Meuillon, 8th October, 1806.

The two arpens and 20 toises this affiant purchased from the widow and other heirs of Zenon Trudeau.

The aforesaid L. A Meuillon, purchased the whole tract on 3d December, 1782, from Simon Bellisle, with 12 arpens more; these latter being part of plantation, now Pizereau, and before Madame Adelaide Fortier, and the only part of that plantation, running to Lake Pontchartrain.

In all these acts of sale, certified copies of which are now left with you, the land is described and sold as stated by this affiant, that is to say, as extending to the Lake Pontchartrain.

This Simon Bellisle, who sells the land now in question, with the front and limits already stated, was the Spanish commandant, of known character and reputation, and who is yet favorably remembered by some of the old inhabitants.

He mentions, as you will observe, in the act of sale, dated 3d December, 1782, that he remits to Meuillon, his purchaser, all the *titles* of this plantation.

Zenon Trudeau was the father of this affiant, and this affiant well remembers that the titles and the plan, which he has himself often seen, made by Charles Laveau Trudeau, 1784, from the acts of proprietorship, were delivered to Mr. Watkins, who left them with Mr. Gurley shortly after his appointment as one of the commissioners. Mr. Gurley has often acknowledged to affiant that he had them; has promised frequently to return them, and always assured affiant, on his inquiring of him on behalf of his father, that they were duly recorded and approved; neither of which things were done, and the papers themselves were all lost, and have never again been under the control of the family, nor can any trace of them be discovered.

Mr. Gurley was notoriously negligent in his affairs, and careless of the papers committed to him by virtue of his office. The present surveyor general can testify to you, if necessary, the many valuable papers spoiled or destroyed by the carelessness of Mr. Gurley.

Madame Adelaide Fortier, part of whose plantation is parcel of the tract sold by Bellisle to Meuillon, has her property confirmed by the United States, including the twelve arpens front to the river, and ending at the lake, which she holds under the same act of sale (in 1782) as your affiant holds all of his. The present land in question is of twenty-eight arpens and twenty toises front, extending to the lake. It has been occupied and cultivated by the father of this affiant, by others known to him, and by himself, in its whole extent, since 1806; and before 1806, it has been cultivated and occupied in its whole extent, to the knowledge of this affiant, by James Mather, deceased, who had purchased it from Meuillon; but Meuillon was afterward obliged to take it back, and in 1782 sold it to Zenon Trudeau; and this affiant commonly understood, and verily believes, and it was matter of notoriety, that Bellisle had cultivated and occupied the tract for many years previous.

While Mather had it, and previous to 1782, timber was known to have been cut upon it, and timber bordering on the lake. A canal was cut from the river to the middle of the swamp, and was kept open during all the time.

Pierre St. Amand and Mr. Lafon, engineer, who are now both dead, have informed this affiant that they have seen the grants of this land, and that they were complete, and carried it to the lake; and Lafon once told him, that if he was uneasy as to his titles, he thought he might find them, but he did not.

Mr. Cabaret, now dead, who was the brother-in-law of Bellisle, in (favor) former affairs, that he had looked on the grants of his land, and that they were perfect as now claimed.

This affiant was often in the office of Charles Laveau Trudeau, who was his uncle, and has often examined the plan of the land referred to in the sale from Meuillon; he has also seen it recorded in the grand terrein of Laveau, where plans of all the lands granted and surveyed were gathered by Laveau, and which most important book was delivered to the commissioners, and was suffered to be lost or stolen. The latter is generally supposed to have been the case, and the grand terrein is thought to be yet in existence, perhaps in Havana; and further this affiant states not, but submits his claim and titles to your further examination.

Rene Trudeau being sworn, deposes, that the facts stated in the above pages are within his own knowledge.

RENE TRUDEAU.

Sworn to and subscribed before me, at New Orleans, this 22d January, 1833.

J. BERMUDEZ, *Judge.*

Pardevant moi Jacques Maricot, commandant et juge de la côté des Almands, dans l'etendue de la paroisse St. Charles, furent présents en personnes, Monsieur Simar de Bellisle, lequel m'a déclaré en présence de Messieurs Pierre Trepagnier et Alexandre Labranche, témoins soussignés, et habitans du dix lieues, avoir, par ces présentes, ce jourd'hui, vendu, cédé, quitté, et transporté des maintenant et à toujours, et promet et guarantie de tous troubles, dons, dettes, hypothèques, et evictions, substitutions, alienations, et de tous empêchements généralement quelconques, à Monsieur Louis Augustin Meuillon, ici present et acceptant pour lui, ses hoirs, ou ayant cause, d'une terre et habitation de quarante arpens et quelques toises plus ou moins de face, telle quelle se comporte, entre les deux bornes qui existent sur la profondeur jusqu'au lac; la dite terre est située à environ sept lieues de la ville sur la droite en remontant le fleuve, attenant par en haut à la terre de mon dit Sieur Meuillon, et par en bas à celle de Monsieur Macarty, avec tous les batimens et clotures qui sont dessus circonstances et dépendances sans en rien réserver, et telle quelle se poursuit et comporte, et dont mon dit Sieur Meuillon est content et satisfait, pour avoir le tout vu et visité, et examiné. De plus, cinquante-quatre têtes d'ésclaves, negres, negresses, et negrillon, tels qu'ils vout être ci-apès dénommés, savoir: Augustin, Cézar, Pompée, Michel, Hector, Antoine, Batiste, Vulcain, L'éveillé, Pierre, Alexandre, Jupitre, Charles, Pierrot, Narcisse, Mercure, François Etienne, Joseph, Guillon, G^d. Etienne, Augustin le m^tre., Paul Auguste, Sam, Tom, Frank, David, Henry, James, Bacchus, Jack, Lindor, Babet, Nozon, Françoise, Louison, Cécile, Françoise, Louis, Fatime, Agathe, Venus, Rosette; negrillon—Mathurin, André, Florentin, Nanette.

Seize paires de boeufs domptés on non domptés, quatorze jumens ou poulins, un cheval entier, douze brebis et un belier, trois, truises, et deux cochons, six oies, quatre chevaux domptés, vingt huit haches, cinquante quatre pioches, qarante petittes pioches à indigo, seize couteau á indigo, ou javelles, quatre scies de long, quatorze pelles, onze faulx à indigo, &c. deplus le terrein qu'il à en ville, situé sur la devanture, attenant, d'un coté au terrein qu'occupe Monsieur Panis et de l'autre à celui de Mr. Bienvenu, en outre tous les bois qu'il avait fait couper pour la maison qu'il projettait de faire en ville, &c. &c. Faisant le dit sieur vendeur abandon de tous les articles portés ci-dessus pour prix de trente-huit milliers d'indigo, beau et marchande a dire d'experts sans que sout aucun pretexte, ni que dans aucune circonstance on puisse changer les conditions ci-dessus spécifiées, ni qu'on puisse convertir les susdits payemens soit en autres denrées, soit en argent, &c., &c., pour sureté desquels susdits payemens le dit sieur acquereur hypothèque tout ses piens présens et à venir, et spécialement le dite habitation ainsi que tous les esclaves et animeaux chevaux, bestiaux et autres effets portés sur le marché ci-dessus lesquels ne pourront etre vendus qu'à fin de payement hypothèques aussi tous les esclaves qu'il poura mettre de plus sur la dite habitation promettant, &c., s'obligeant, &c., renoncant, &c. Fait et passé en ma maison, aux Allemands le 3 Decembre, mil sept cent quatre vingt-deux, et ont les parties contractantes signées avec moi et les témoins.

NOTA.

Que le dit sieur vendeur, en passant cet acte, a remis tous les titres tant de l'habitation qui du terrain en la ville.

L'original est signé François Simar Bellisle, Louis Augustin Meuillon, Pierre Trépaynier, Alexandre Labranche, et Jacques Maricot.

Certifié conforme à l'original déposé dans mon office, paroisse St. Charles, 17 Janvier, 1827.

[L. S.] J. M. MOREL GUIRAMAND, *Juge & Notaire Public.*

Aujourd'hui le huitieme jour du mois d'Octobre de l'année N. S. milhuit cent six et la trente unieme de l'Indépendance des Etats Unis d'Amérique.

Et pardevant nous Achile Thouard, juge de la cour du comté des Allemands, resident en la paroisse St. Jean Baptiste, au dit comté est comparu en sa personne le Sieurs Louis, Augustin, Meuillon, habitant de la paroisse St. Charles, au susdit comté lequel étant en présence de Messieurs Jean François Pizeros et Alexandre Cabaret, témoins soussignés et habitans domiciliés nous à confessé et déclaré avoir ajourd'hui vendu cédé, quité, delaissé, et transporté dès a présent et pour toujours, garantie par lui vendeur de toutes dites hypothèques, retraits, procès, &c., et autres empêchements generalement quelconques, au Sieur Zenon Trudeau ciprésent et acceptant, acquéreur pour lui ses hoirs ou ayant cause, une terre ou habitation de vingt-huit arpens et vingt toises, faisant la plus grande partie de l'habitation acquise par le dit sieur vendeur du Sieur Simar de Belleisle, par acte passé par devant Jaques Maricot en date du trois Decembre, mil sept cent quatre vingt deux et alors composée de trente quatre arpens et vingt toises; mais comme le vendeur sèn réserve six arpens attenants à lui, la dite habitation vendue par le present se trouve composée de vingt huit arpens et vingt toises de face au fleuve sur la profondeur jusqu'au Lac Pontchartrain et comme le dit vendeur sereserve les six arpens attenants à lui sur une ligne parallèle, les vingt huit arpens et vingt toises courant selon le plan figuratif fait par Carlos Laveau et daté de mil sept cent quatra vingt quatre; la dite terre attient par en bas au Sieur Jean Trudeau et par en haut au dit vendeur; elle est située à environ sept lieues de la capitale, et sur la droite en montant les batiments et batisses se trouvent sur les six arpens réservés par le vendeur, le sieur acquereur aura le droit de les enlever tous, à l'exeption, pour-

tant, des cuves á indigoterie que sont en briques, la sucrerie se trouvant sur la terre vendue, n'a pas besoin d'explication et appartient de droit á l'acquéreur qui se reserve de droit de la mettre comme il est prèt à s'obliger et s'oblige de la mettre à la disposition du vendeur des qu'il en aura besoin pour exploiter les récoltes qu'il doit faire sur la terre; le vendeur se réservant absolument cette récolte de cette année mil huit cent six et plantée sur la dite habitation et celle qu'on y fera dans l'année mil huit cent sept comme il fera expliqué ci-après à l'article des epoques de payement; la dite habitation est vendue avec trente-huit esclaves designés ci-dessous, savoir; Augustin âgé de cinquante-deux ans, Paul âgé de trente-neuf ans, Julie âgé de quarante-un ans, Pelagie de vingt-trois ans, Henriette de sept ans, Chico de vingt-un ans, Rosette de quarante-sept ans, Clarisse de onze ans, Sam Bongay de quarante-un ans, James de trente-un ans, Jean Bambara de trente-sept ans, Laurent de vingt-sept ans, Louison de cinquant-six ans, Davis de quarante-un ans, Salinette de vingt-sept ans, Joseph de trente-un ans, Etienne de trente-cinq ans, François de quarante-un ans, Frank de trente-six ans, François de quarante-six ans, Jean Louis de vingt-cinq ans, Genidon de quatre-vingts ans, Auguste de quarante-sept ans, J^ques. Poulard de trente et un ans, Marceau de quarante-huit ans, Ursule de dixhuit, Marie Louise de quarante-un ans, Josephine de deux ans, Dick de vingt ans, Basile de quatorze, Hélene de quarante-six ans, Grand François de soixante ans, Fanchon de soixante ans, Fatime de soixante, Bareisse de cinquante ans, Pierre de soixant-dix ans, Michel soixant-douse, Cézar quatre vingt-dix. Lesquels trente-huit esclaves sont vendus tels qu'ils se comportent, on vend de plus dix paires de bœufs domptés, quinze vaches a lait trente-quatre autres bêtes a cornes depuis un mois jusques á quatre ans et faisant avec les prémiers un total de quatre vingt dix-neuf; de plus, treize chevaux et mulets, vingt-huit cochons, soixante-dix moutons; plus, tous les instrumens arratoires qui se trouvent attachés et employés sur la dite habitation le tout ainsi énumé é est vendu ensemble pour la somme de quatre vingt mille piastres, gourdes sonnantes, poinçon du Mexique, payable aux termes, clauses et conditions suivants: dabord le sieur vendeur, Louis Augustin Meuillon se reserve de droit (l'habitation) la récolte qui se trouve sur pied cette année mil huil cent-six, de plus il se reserve le droit encore l'année prochain, de faire sur la dite terre avec les esclaves, ainsi vendus par le présent, une autre récolte qui sera absolument à lui appartenant ou totalité; ensuite le sieur acquéreur en fera une pour l'année mil huit cent huit dont il ne sera tenu de rien payer au sieur vendeur; mais bien dans celle de mil huit cent neuf qu'il sera tenu et obligé de payer au sieur vendeur une somme de dix mille piastres gourdes, et ainsi de suite, d'année en année la même somme de dix mille piastres continuera à être payée au vendeur jusqu'a parfait payement sans que l'acquéreur puisse être contraint par aucune vois ni aucun moyen á en payer davantage bien entendu cependant que les vivres faits sur l'habitation pendant l'année mil huit cent sept seront employés à la nouriture des esclaves, et que l'époque des payemens des dix mille piastres annuels ne sera fixé et exigible qu'à la vente des susdites récolte et de plus que l'habitation restera hypothiquée jusqu'a parfait payement. Et en conséquence, ces conditions bien et duement observées de part et d'autre le sieur vendeur, Louis Augustin Meuillon abandonne tous les droits de propriété qu'il avait sur la dite terre, pour les transmettre au Sieur Zénon Trudeau acquéreur, qui les accepte pour en jouir comme d'un bien à lui appartenant en propre et dont il est content et satisfait pour l'avoir vu, bien examiné et devenu sa propriété; car ainsi sont convenus, promettant renonçant et obligeant, &c.

Fait et passé en présence des parties interessés et des témoins qui ont tous signés avec nous après lecture faite, dont donnons foi. Signé, Meuillon Zenon Trudeau, H. Pizeros, Cabarez, Trouard.

Certifié conforme à l'original en dépot dans mon office.

[L.S.] J^M. MOREL GUIRAMAND, *Juge et Notaire Public.*

PAROISSE ST. CHARLES, *le* 17 *Janvier*, 1827.

To the Register of the Land Office at New Orleans:

George Mather, citizen of Louisiana, residing in the parish of St. John the Baptist, says, that he is a son of James Mather, deceased, formerly residing in this State, and owner of the plantation which was sold by Meuillon, in 1806, to Zenon Trudeau. That his father owned it in 1791 or 1792, and perhaps before; it had thirty-four arpens and twenty toises front; his father cultivated it as an indigo plantation, afterward as a cotton, and as a rice plantation. It was commonly known to have been regularly granted, and to extend to the Lake Pontchartrain. Deponent cannot say that he has himself seen the titles, though he thinks he might have done so. His father told him that the titles were perfect, and that they carried him to the lake. Meuillon has mentioned the same thing. Meuillon is dead. Canals were cut through the estate while deponent was a boy, and timber cut through all the swamps, during the time his father had it; and there were canals cut through it long before his father had it; one was named Canal Dupac.

His father returned the plantation to Meuillon somewhere about the year 1804, who sold it to Zenon Trudeau, in the year 1806, excepting six arpens front, which, with six arpens more which he derived from Bellisle, made the twelve arpens front, afterward sold to Madame Adelaide Fortier, and which title has been confirmed by the United States, and was part of the present plantation.

Deponent remembers Mr. Trudeau having informed him that he has delivered his father's titles to this estate to Mr. Watkins, who had given them to Mr. Gurley, one of the commissioners; this was told him at the time that Gurley was one of the commissioners here.

Mr. Gurley was careless of papers, and may well have lost them. Deponent has heard Mr. Trudeau ask Watkins what had become of his papers, and require him to obtain them from Gurley, and has assisted Mr. Trudeau, while Mr. Harper was register, in searching the papers of the land office for them.

Watkins died before the last war, and deponent has examined his papers to try to find these titles of Mr. Trudeau, but did not find anything relating thereto. Deponent can only speak of these titles from the general knowledge of their existence, and of their being perfect grants, which was a matter of notoriety through the neighborhood; but he has no doubt of the fact that the rights were exercised, and this estate occupied and cultivated, for as far back as he can remember. Deponent is forty-nine years old.

Deponent knows that the plan book of Charles Laveau Trudeau, in which were collected the most important surveys taken from the titles and orders, was reported to have been lost or stolen; the latter was supposed to be the case. Deponent further says that he had never seen the book himself.

GEORGE MATHER.

Sworn and subscribed before me, at New Orleans, this 25th day of January, 1833.

J. BERMUDEZ, *Judge.*

A Monsieur le Register du Land Office a la Nouvelle Orleans:

Le soussigné citoyen de l'état de la Louisiane, resident dans la paroisse, declare avoir tres bien connu Monsieur François Semar de Bellisle, lorsqu'il residait sur sa proprieté qu'il vendit à Monsieur Louis Augustin Meu-

illon, par acte notarié passé le trois Decembre, mil sept cent quatre vingt-deux, que cette proprieté située paroisse St. Charles, aux allemands courait jusqu'au lac et qu'il est et etait notoire quelle etait cultivée plus de dix ans avant cet epoque; que les titres de possession du S^r Seimar de Bellisle etaient bons. Le soussigné declare en outre que le dit Sieur de Bellisle jouissait de la plus grande consideration sous les gouvernemens Français et Espagnol, et qu'il a laissé une reputation sans taches apres avoir occupé plusiers emplois de haute importance sous les deux gouvernemens. A la Nouvelle Orleans, le 20 Fevrier, 1833.

H. HAZEUR.

Sworn to and subscribed before me, New-Orleans, February 25, 1833.

GALLIEN PREVAL, *Judge.*

A Monsieur le Register, du Land Office de la Nouvelle Orleans:

Le soussigué citoyen de l'état dit la Louisiane resident dans la paroisse Jefferson, declare que Monsieur Seimar de Belleisle etait son oncle qu'il l'a connu quand il residait sur la propriété qu'il vendit à M. Louis Augustin Meuillon par acte notarié du trois Decembre, mil sept cent quatre-vingt-deux; que cette proprieté située paroisse St. Charles, comté des Allemands, courait jusqu'au Lac Pontchartrain; qu'elle etait cultivée plus de dix ans avant qu'il la vendit au Sieur Louis Augustin Meuillon et qu'a cet epoque il etait notoire que les titres de M. Seimar de Belleisle etaient bons. Que de plus le Sieur Seimar de Bellisle etait alors un des plus riches propriétaires de la colonie que les terres qui n'etaint pas cultivables servaient de paturage ou que l'on en coupait le bois pour son usage journalier. En foi de quoi j'ai signé le présent a la Nouvelle-Orleans, le 26 Fevrier, 1833.

ROBIN DELOGNY.

Sworn to and subscribed before me, at New-Orleans, this 26th day of February, 1833.

J. BERMUDEZ, *Judge.*

C—Nos. 84 and 85.

NEW ORLEANS, *June* 6, 1833.

SIR: Please take notice that I claim, by right of settlement and cultivation, (previous to the year 1803,) under those from whom I purchased, two tracts of land lying on the canal which runs from the Lafourche toward the Attakapas, containing together twenty-four arpens in front on said canal, by forty arpens in depth, (one tract having eighteen arpens in front, by forty arpens in depth, the other tract having six arpens in front, by forty arpens in depth;) and in proof of title thereto, I now lay before you, in conformity to law, and for the purpose of enregisterment and decision thereon, a file of papers, marked C, containing, first, a document, marked No. 5, being a deed of sale of said tracts of land, from Louis Bringier to me, for the sum of one thousand dollars, executed on the 8th of October, 1813; and, secondly, a document, marked No. 6, being a certificate of the late Spanish commandant of that district, Mr. Auguste Verret, executed on oath, on the 3d of November, 1832, before the honorable Bella Hubbard, judge of the parish of Assumption, wherein he attests, that Antoine Reynaud and François Aucoin had, several years previous to the taking possession of Louisiana by the government of the United States, and while he was commandant of that district, under the government of Spain, each of them, established and cultivated, respectively, the tracts of land situated on the aforementioned canal of Lafourche, and which tracts of land they afterward sold to Louis Bringier. My vendor, Mr. Bringier, informs me that Spanish titles did exist for those tracts of land, but they have been mislaid or lost. All which is respectfully submitted.

J. McDONOGH.

HILARY B. CENAS, Esq., *Register of Land Office, New Orleans.*

Aujourd'hui huitieme jour du mois d'Octobre, de l'année mil huit cent treize, et la trente-huitieme de l'Independance des Etats Unis d'Amerique,—

Pardevant moi Pierre Pedesclaux, notaire public de l'Etat de la Louisiane pour et en la ville de la Nouvelle Orleans, et en présence des témoins ci après nommes.

Est comparu Monsieur Louis Bringier demeurant en cette ville, lequel a, par ces présentes, vendu, cédé, et transporté avec promesses de garantir de toutes dettes, evictions et autres empêchemens quelconque, ainsi que de toutes hypothèques comme il est constaté par le certificat du conservateur à la date de ce jour.

A Monsieur John McDonogh demeurant en cette ville, a ce present et acceptant acquéreur pour lui ses heritiers et ayans causes: 1°. Une terre ayant dix-huits arpens de face à la rive gauche du canal qui conduit de la fourche aux Attakapas, sur quarante de profondeur, bornés d'un cote par Julien Ojelet et de l'autre coté par Hypalite Daghert provenant au vendeur par l'acquisition qu'il en a faite de Mr. Antoine Reynaud le neuf Avril, mil huit cent sept, suivant acte devant B. Hubbard, juge en le paroisse de la Fourche. 2°. Une autre terre ayant *six arpens* de face au dit canal sur quarante de profondeur bornée d'un coté par Louis Saying, et de l'autre par François Goutreaux provenant au vendeur de l'acquisition qu'il en a faite de Mr. François Aucoin. Pour par le dit Sieur acquéreur jouir, faire et disposer en toute proprieté des dites deux terres, et s'en mettre en possession a sa volonté.

La presente vente est faite pour et moyennant la somme de mille piastres, que le sieur vendeur réconnait avoir reçu du sieur acquéreur hors la vue des dits notaire et témoins, et dont il lui donne quittance, et décharge valables; renonçant à l'exception de *non numerata pecunia*, et autres lois à ci-relatives, et au moyen du dit payement fait comptant, le dit sieur vendeur transporte au dit sieur acquéreur tout les droits de propriété qu'il a, ou peut avoir, sur les deux terres présentement vendue lui, consentant ainsi toutes saisines et dessaisine, car ainsi, &c.

Dont acte, fait en passé en l'étude à la Nouvelle Orleans, les jours et ans que dessus, en présence de Messieur Phi. Pedesclaux et Michel Fourcesi témoins, qui ont signés avec les parties et nous notaire. La minute est signée—Louis Bringier, John McDonogh, Fourcesi Phi. Pedesclaux, Pierre Pedesclaux, *Notaire.*

Pour copie conforme à l'original resté en mon étude pour recours: en foi de quoi j'ai signé le présent et apposé le sceau de mon office, à la Nouvelle Orleans, le premier jour du mois de Mai, de l'année mil huit cent vingt-huit.

LOUIS T. CAIRE, *Notaire Public.*

ETAT DE LOUISIANE, *Paroisse de l'Assumption:*

Pardevant moi Bella Hubbard, juge en la dite paroisse, a comparu le Sieur Auguste Verret, habitant de cette paroisse, lequel ayant été dument assermenté, a déclaré que plusieurs terres furent défrichée et etablie, située dans

cette paroisse, et au canal de la fourche quelques, années avant que le gouvernement Americain ne pris possession de la Louisiane, et il se rappele que les terres situées dans le dit canal, et vendues au Sieur Louis Bringier par les Sieurs Antoine Rayneaud et François Aucoin, etaient etablies et cultivées pendant l'époque que le comparant etait commandant pour le gouvernement Espagnol.

En toi de quoi le comparant a signé le present, ce trois Novembre, mil huit cent trente deux.

AUGUSTE VERRET.

Assermenté par devant moi.

BELLA HUBBARD, *Juge de Paroisse.*

C—No. 86.

NEW ORLEANS, *June* 10, 1833.

SIR: Please take notice that I claim, by purchase, a tract of land lying on the right bank of the bayou Ouacha, or Barrataria, containing thirty acres, more or less, in front on said bayou, and one hundred and ten acres, more or less, in depth, being a part of the tract formerly owned by the late Antoine Bernard d'Autreive, and in proof of title thereto I now lay before you (in conformity to law, and for the purpose of enregisterment and decision thereon) a file of papers marked D, containing, 1st, a document marked No. 7, being a deed of sale, among other properties, of said tract of land from the late Thomas Dumford to me, for the sum of four thousand dollars, executed on the 10th of October, 1823; 2dly, a document marked No. 8, being a certificate of Andrew Dumford, executed on oath before J. M. Corner, a justice of the peace for the parish of Plaquemine, attesting that he had seen a title for said tract of land, either from the government of France or that of Spain, in the hands of his father, the late Thomas Dumford, or some other person, and that he believes said tract of land had been improved and cultivated for fifty or sixty years; 3dly, a document marked No. 9, being a certificate of Baptiste Roussène, executed on oath before J. M. Corner, esq., justice of the peace for the parish of Plaquemine, attesting the improvement and cultivation of this tract of land previous to the year 1803, and his belief that it had been improved and cultivated as far back as 1770 or 1780; and for still further proof (if more should be necessary) I beg leave to refer you, sir, to the certificates of four respectable gentlemen, on oath, in the claim of the heirs of Antoine Bernard d'Autrieve, on record in your office, in volume marked "Register F, book 6, page 210," wherein they attest that this tract of land (with the fifty acres front, which the heirs of D'Autreive claimed, and which was confirmed to them by your predecessor in office, and by a law of Congress) formed a part of the tract formerly owned by the late Antoine Bernard d'Autrieve, for which they had seen a French title, and which had been improved and in cultivation for fifty or sixty years.

All which is respectfully submitted.

J. McDONOGH.

HILARY B. CENAS, Esq.

Before Felix d'Armas, notary public for and in the city of New Orleans, State of Louisiana, United States of America, and in presence of the witnesses hereinafter mentioned, named, and undersigned:

Personally came and appeared, Thomas Dumford, of the city of New Orleans, who doth, by these presents, grant, bargain, sell, assign, transfer, and set over, now and forever, with promises of warranting of all troubles, gifts, alienations, debts, mortgages, evictions, and other incumbrances whatsoever, unto John McDonogh, of this parish of New Orleans, here present and accepting purchaser for himself, his heirs, or assigns, to wit: 1. A tract of land situated at Barrataria, having thirty acres, more or less, in front, on the bayou Barrataria, by one hundred and ten acres, more or less, in depth, it being the whole of the tract bought by said Thomas Dumford at sheriff sale, on the seventh of August, eighteen hundred and twenty, seized as the property of J. B. Degruis. 2. A tract of land situated in the district of Baton Rouge, on the left bank of the river Mississippi, near the town of Baton Rouge, having about fourteen acres, more or less, in front, on the said river, by a depth of eighty acres; bounded on one side by lands belonging to Mr. Duplantier, and on the other by lands late the property of Mr. Beauregard, said tract of land having been purchased by said Thomas Dumford, at a public sale, at Baton Rouge, on the thirty-first day of December, eighteen hundred and four. 3. A lot of ground in the suburb Annonciation, designated as number eight, in square number thirty-nine, having sixty feet front on Constance street, by one hundred and twenty feet on Edward street, with the building thereon, said lot bought by said Thomas Dumford, at sheriff sale, on the third day of April, eighteen hundred and twenty-one. 4. One piece of land of two lots, less by about three feet, with all the improvements thereon, suburb Lacourse, fronting Tchapitula street, Lacourse, and Religieuses (nuns) street; said lots and improvements bought by the said Thomas Dumford, at sheriff sale, on the thirtieth day of October, eighteen hundred and fourteen.

The whole property known to the said purchaser, who doth declare to be contented and satisfied, and requires no further descriptions.

The present sale is made for and in consideration of the total sum of twelve thousand and six hundred dollars, to wit: four thousand dollars for the tract of land situated at Barrataria; six thousand and five hundred dollars for the tract of land situated in the district of Baton Rouge; five hundred dollars for the lot situated in suburb Annonciation; and one thousand and six hundred dollars for the lots or piece of the suburb Lacourse; and as the said vendor is well and truly indebted unto the said John McDonogh of a larger sum than the amount of the present sale, they, the said vendor and vendee, do acquit, release, and discharge each other of the said sum of twelve thousand and six hundred dollars, to wit: the said vendor in favor of the said vendee for the price of the said premises, and the said vendee in favor of the said vendor in part payment of the sum due to him by the said vendee, as per account between them, sealed on the seventeenth day of June now last past.

And by means of the present compensation, and of that made by the act passed between the same parties, before the said notary, undersigned, on the fourth instant, the said Thomas Dumford is and now remains debtor to the said John McDonogh, of the sum of nine thousand seven hundred and sixty-two dollars, being the balance of all accounts between them, which is acknowledged and declared hereby by both parties contracting.

Possession of the said premises being taken and acknowledged by the said purchaser, according to the certificate of the recorder of mortgages, bearing equal date herewith. There is no mortgage existing against the vendor hereby bargained and sold.

Done and passed in the city of New Orleans, in the office of said notary, on this tenth day of October, in the year of our Lord eighteen hundred and twenty-three, and the forty-eighth of the American independence, in the presence of Louis A. Verneuille and Louis Ferrand, both witnesses hereto required and domiciliated in this

city, and the said contracting parties have hereunto set their hands, together with the notary and witnesses undersigned. Signed: Thomas Dumford, John McDonogh, Louis A. Verneuille, L. Ferrand, Felix de Armas.

I do hereby certify the foregoing to be a true and faithful copy of the original on file in my office on record, in faith whereof, I have hereunto set my hand, and affixed my notarial seal, at New Orleans, the fifth day of August, eighteen hundred and twenty-four, and the forty-eighth of American independence.

FELIX DE ARMAS.

STATE OF LOUISIANA, *Parish of East Baton Rouge:*

I, Charles Tessier, parish judge, and ex-officio notary public, in and for the parish aforesaid, do hereby certify that the foregoing was recorded in my office, book M, folio 192, No. 203. In testimony whereof, I grant these presents under my signature, and the impress of my seal of office, at Baton Rouge, this fifteenth day of March, 1825.

CHS. TESSIER, *P. J.*

Be it known, that on the eighth day of the month of June, in the year eighteen hundred and thirty-three, before me, S. M. Corner, justice of the peace, in and for the parish of Plaquemine, personally came and appeared, Andrew Dumford, a proprietor and inhabitant of this parish, to me personally known, who declared and said that he has seen in the hands of his father, the late Thomas Dumford, or of some other person, a title of a certain tract of land, situated on the right bank of the bayou Ouacha, or Barrataria, and having thirty acres more or less in front of the said bayou, to the depth to the Trembling prairie of one hundred and ten acres, and is the same tract of land which my said late father sold to John McDonogh, of New Orleans, on the 10th day of October, 1823, which said title was derived from the government of either France or Spain, and was for a much larger quantity of land than the tract above mentioned, being only a part of it; he also declares and says, that he has every reason to believe that said tract of land has been improved and under cultivation for the last fifty or sixty years.

A. DUMFORD.

Sworn and subscribed before me,

J. M. CORNER, *Justice of the Peace.*

Be it known, that on this the eighth day of the month of June, in the year eighteen hundred and thirty-three, before me, J. M. Corner, justice of the peace in and for the parish of Plaquemine, personally came and appeared, Baptiste Ronssine, an inhabitant of this parish, who declared and said, that the tract of land situated on the riget bank of the bayou Ouacha, or Barrataria, having thirty acres more or less in front on said bayou, by one hundred and ten in depth, owned by John McDonogh, it being the same tract of land which he acquired by purchase of the late Thomas Dnmford, was, to his personal knowledge, improved and cultivated previous to the time when the government of the United States took possession of Louisiana, in the year eighteen hundred and three, and believes that it has been improved and cultivated for the last fifty or sixty years.

BAPTISTE ROUSSINE.

Sworn to and subscribed before me,

J. M. CORNER, *Justice of the Peace.*

C—No. 176.

To the Register of the Land Office and Receiver of Public Moneys in and for the southeastern district of Louisiana, at New Orleans:

Narcisse Lassé claims, by virtue of purchase, a certain tract of land, situated in the parish of Jefferson, and on the high road known by the name of the *Metairie* road containing *two arpens* front, on each side of said road, by a depth extending to the lake Pontchartrain, and the other side to the limits of the Macarty's plantation, and below by the land of Marie Pierre Dumony, f. w. c. The said tract of land was formerly the property of one Perre Dumony, who purchased the same in the year 1791, from Don André Almonastar y Roxas; it is now claimed by virtue of ancient possession, and continued and uninterrupted habitation and cultivation, by claimant, and those under whom he holds, for upward of fifty years past. In support of which, he hereunto produces full and authentic evidence, which he prays may be duly recorded, and favorably reported on, &c.

NEW ORLEANS, *June* 26, 1833.

Narcisse Lassé became the proprietor of the land claimed by him in his foregoing notice, by virtue of the purchase he made thereof from Philippe Guesnau, by an act passed before Louis T. Caire, a notary public in this city, on the 6th July, 1832; in which said act, the said land is described and set forth as follows, to wit:

Une habitation située sur le chemin de la Métairie dans la pareisse Jefferson, ayant deux arpens de face de chaque coté du dit chemin et s'etendant dans la profondeur jusqu'au Lac Pontchartrain d'un coté, et jusqu'a l'habitation de Monsieur By. Macarty de l'autre coté, bornée a sa limite superieure par Joseph Beaulieu, h. c. l. et a sa limite inferieure par Marie Pierre Dumony, f. c. l. ensemble les edifices qui sont dessus la dite habitation, circonstances, dependances, appartenances sans en rien excepter ne reservir; le sieur vendeur declarant qu'il ne garantit que les mesures ci-dessus enonciés; mais comme il parait, tant de la declaration faite par sa vendresse Marie Pierre dite Heloise Dumony que d'un plan fait par Monsieur Louis Bringier arpenteur général, de cet etat, la quatre Mars mil huit cent vingt huit annexé a un acte d'un rapport de Felix de Armas notaire public en cette ville, en date du huit d'Octobre, mil huit cent vingt-neuf que la dite terre ou habitation a une plus grande etendue que celle qui est ci-dessus stipulée, il vend céde, quitte, transporte et abandonne egalement, mais sans aucune garantie au dit Sieur Lassé tout ce qui pourait excéder les mesures ci-dessus indiqués le mettant et le subrogeant à cet égard à son lieu et place quelque soit le surplus qui pourait s'y trouver.

L'habitation présentement vendue appartient au dit Sieur Guesnan au moyen de la venté que lui en a faite Marie Louis dite Héloïse Dumony, f. c. l. par acte au rapport de Felix de Armas, notaire public en cette ville, en date du huit Octobre, mil huit cent vingt-huit, auquel acte se trouve annexée un certificat de l'honorable M. Harang, juge et conservateur *ex officio* pour la paroisse Jefferson daté du treize du méme mois d'Octobre, par lequel ill appert que l'hypotheque consentir par la dite Marie Louise ou Héloïse Dumony conjointement avec Marie Pierre Dumony par acte devant Felix de Armas du dix Mars, mil huit cent vingt-sept avait été levée et qu'il n'y

avait alors dans ces registres aucune autre hypotheque enregistrée contre elle. Par acte reçu par Felix de Armas, notaire public en cette ville, en date du dix Mai, mil huit cent vingt-sept, la dite Maria Louise dite Héloïse Dumony avait achetté conjointement et par indivis avec sa soeur Marie Pierre Dumony une habitation située à la Métairie measurant quatre arpens de face de chaque coté du chemin.

Par acte devant le méme notaire la dite Marie Louise dite Héloïse Dumony avait vendue sa moitié indivise de la dite habitation à Joseph et Louis Fandall, mais cette vente a été resiliée par les parties par acte devant le méme notaire, du prémier Juin, mil huit cent vingt-neuf et par suite de cet acte la vendresse est devenue de nouveau propriétaire de la dite moitié indivise, cependant par acte reçu par le dite Felix de Armas le quatorze Juillet, mil huit cent vingt-neuf les dites Marie Louis dite Héloïse Dumony et Marie Pierre Dumony ont fait un acte de partage de l'habitation qu'elles possedaient en commun et par cet acte la dite Marie Louise Dumony est devenue seule propriétaire de l'habitation vendue à Monsieur Guesnan et objet des présentes. Cette habitation dépendant de la succession de Pierre et Jeane Dumony avait été acheté par le dit Pierre Dumony à Monsieur André Almonaster y Roxas par acte devant Pierre Pedesclaux lors notaire en cette ville en date du prémier Fevrier, mil cept cent quatre-vingt-onze, &c.

PAROISSE JEFFERSON, *le* 25 *Juin*, 1833.

Pardevant moi, François Pascalis Labarre, juge de paix, dans et pour la paroisse Jefferson, sont personellement comparus Pierre Volant Labarre et Hyacinthe Hazeur, lesquels ont déclarés sous serment que l'habitation de Monsieur Narcisse Lasse é ait autre fois, á leur connaissance, la proprété de Monsieur P. H. Guesnon qu'elle est située à la Métairie, bornée d'un coté par l'habitation de Joseph Beaulieu H. C. L. et de l'autre par Marie Pierre Dumony, P. C. L. qu'elle était habitée et cultivée, au moins vingt cinq ans avant que la Louisiane, ne passat au pouvoir du gouvernement Américain. En foi de quoi, ils ont signés le présent certificat pour servir comme de droit. Signé, H. Hazeur, Volant Labarre.

F^S. P^IS. LABARRE, *Juge de Paix.*

C—No. 177.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

Marie Pierre Dumony, f. w. c., claims a certain tract of land situate in the parish of Jefferson, and on the high road known by the name of Metairie road, containing two arpens front on each side, by a depth on one side running to Lake Pontchartrain, on the other side extending to the limits of the Macarty plantation, bounded above by land of Narcisse Lassé, and below by land of Joseph Beaulieu, f. m. c.

The said tract of land is part of a larger tract purchased by the late Pierre Dumony, father of the claimant, in the year 1791, from Don Almonaster y Roxas. It is now claimed in virtue of said ancient possession, and on continued and uninterrupted cultivation and habitation for upward of fifty years past.

In support of which, she the said claimant herewith produces full and authentic evidence according to law, which she prays may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 25, 1833.

En la ville de la Nouvelle Orleans, dans l'Etat de la Louisiane, ce quatorze Juillet, mil huit cent vingt-neuf, et dans la cinquante quatrieme année de l'Indépendance des Etats Unis d'Amérique. Pardevant Felix de Armas, notaire public, dument commissionné dans et pour la ville et paroisse de la Nouvelle Orleans y résidant et en presence des témoins ci après nommés et soussignées.

Sont personnellement comparues, Marie Pierre Dumony et Marie Louise dite Héloïse, femmes de couleur libres demeurant toutes deux dans la paroisse de Jefferson en cet Etat. Lesquelles ont dit et déclaré quelles sont propriétaires par indivis d'une habitation située sur le chemin de la Métairie, ayant quatre arpens de face de chaque coté du dit chemin et s'etandant dans la profondeur jusqu'au Lac Pontchartrain d'un coté, et de l'autre coté jusqu'á l'hab^on. de M. Barthélémy Macarty, bornée à sa limite supérieure par Joseph Beaulieu et par Louis Beaulieu, à sa limite inférieure ensemble toutes les batisses et autres circonstances et dépendances de la dite habitation en vertu d'un acte au rapport du notaire soussigné en date du dix Mai, mil huit cent vingt sept. Que voulant faire cesser l'indivision que existe entre elles, elles sont convenues de proceder au partage de la dite terre et de ses dependances et en ont composés les deux lots suivants, savoir: Le prémier lot composé des deux arpens de face bornés par Joseph Beaulieu á la limite supérieure. Le second lot bornée par Louis Beaulieu á la limte inférieure, des deux autres arpens ensemble toutes les batisses et arbres fruitiers qui s'y trouvent. Les lots ayant été ainsi faits les parties les ont tirés au sort le prémier est échu á la dite Marie Louis, dite Héloïse Dumony, et le second á la dite Marie Pierre Dumony.

En conséquences les parties s'abandonnent respectivement et á titre de partage et sous toutes les garanties de droit, ci accepté par chacune d'elles en ce qui la concerne, savoir: La dite Marie Louise, dite Héloïse Dumony á Marie Pierre Dumony, tous les droits de propriétés et autres qu'elle peut avoir sur le second lot, et la dite Marie Pierre Dumony á Marie Louise, dite Héloïse Dumony, tous ses droits généralement quelconque sur le prémier lot. Pour par chacunes d'elle jouir, faire et disposer du lot á elle échu du partage comme de choses à elle appartenant en pleine propriété et Jouissance à compter de ci jour.

Et attendu que la maison principale qui se trouve au milieu de la dite habitation de quartre arpens, c'est a dire partie sur les deux arpens échus à Marie Pierre Dumony et partie sur les deux arpens échus à Marie Louise, dite Héloïse Dumony, il est expressment convenu entre les parties, que cette maison qui à été batie et payée des fonds de la dite Marie Louise, dite Héloïse Dumony, sera occupée par elle ses herétiers et ayant causes jusqu'à ci que la maison ait été entierement détruite de vétusté ou canse de force majeure.

Il est de plus convenu que la dite Marie Pierre Dumony, ses héritiers et ayant causes auront l'usage du pont qui traverse le bayou, le quel pont se trouve sur la proprié é de Marie Louise, dite Héloïse Dumouy, et ce, jusqu'à ce que le pont ait été detruit de vétusté ou causes de force majeure.

Et attendu encore que tous les arbres fruitiers et quelques bàtisses se trouvent compris dans le lot de la dite Marie Pierre Dumony, il résulte en faveur de Marie Louise, dite Héloïse Dumony, une soute de cent piastres que la dite Marie Pierre Dumony à payé à cette derniere que le reconnait, en un billet de pareille somme souscrit par elle à la date de ce jour à l'ordre de la dite Marie Louise, dite Héloïse Dumony, et payable à deux ans de cette date.

Les parties ayant été requis par le notaire soussigné de produire un certificat de non hypothéque du juge ex-officio conservateur des hypothéques pour la paroisse de Jefferson, ont déclarées qu'elles ne s'etaient point pro-

curé de semblables certificats et qu'il n'existait d'autre hypothéque contre elles, sur la dite habitation que celle consentie en faveur de leur vendeur.

Fait et passé à la Nouvelle Orleans en l'etude, en présence de Messieurs Ferdinand Percy et Jules Massy, témoins requis et domiciliés en cette ville, que ont signés avec le notaire, mais non les comparantes qui ne sachant écrire ni signer ont fait leur mark ordinaire aprés lecture faite: signé marque × ordinaire de Marie Louise, dite Héloïse Dumony, f. c. l.; marque × ordinaire de Maire Pierre Dumony, f. c. l.; Felix Percy; Jules Massy.

FELIX DE ARMAS, *Notaire Public.*

Pour copie conforme a la minute, ce vingt-neuf Juin, mil huit cente trente-trois.

FELIX DE ARMAS, *Notaire Public.*

PAROISSE JEFFERSON, *le* 20 *Juin*, 1833.

Pardevant F^s P^ls Labarre, juge de paix dans et pour la paroisse Jefferson sont personellement comparus Messieurs P^re V^t Labarre et H. Hazeur lesquels ont declarés sous serment qu'il etait à leur connaissance que l'habitation de Marie Pierre Dumony, f. c. h. située a la Métairie et bornée dans la partie superieure par l'habitation de Mons. Narcisse Lassé et dans sa partie inferieure par celle de Jean Louis Beaulieu, h. c. l. etait habitée et cultivée plus de vingt cinq ans avant que la Louisiane appartint au gouvernement Américain. En foi de quoi nous avous signé le présent certificat pour servir ce que de droit.

H. HAZEUR,
VOLANT LABARRE,
F^S. P^IS. LABARRE, *Juge de Paix.*

C—No. 178.

To the Receiver and Register of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

François Pascalis Volant de Labarre claims, by virtue of purchase, a certain tract of land situate in the parish of Jefferson, on the bayou of the Métairie, at about six miles from this city, containing two arpens front on each side of said bayou, by a depth extending to the Lake Pontchartrain on the north side, and ten arpens on the south side; bounded, on one side, by land of George l'Esprit, a free negro, and, on the other side, by land of François Peyroux, f. c. w.

The said tract of land was purchased by claimant from the widow of Valery Boisdore, on the 3d of May, 1832, and is now claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated by claimant, and those under which he holds, for the last forty years and upward. In support of which, he hereunto produces full and authentic evidence. which he prays may be duly recorded, and favorably reported on, &c.

NEW ORLEANS, *June* 25, 1833.

Aujourd'hui troisieme jour du mois de Mai, mil huit cent trente deux, cinquante-sixieme année de l'Indépendance des Etats Unis d'Amerique. Pardevant moi Octave de Armas, notaire public dans et pour la ville et paroisse d'Orleans, Etat de la Louisiane, en présence des témoins ci-aprés nommés et soussignés. Est personellement comparue Mad^e. Eugene Perez, veuve de feu Valery Boisdoré, demeurant en cet Etat dans la paroisse Jefferson, agissant aux présentes en son propre et privé nom, comme ayant été commune en biens avec le dit feu Sieur V^y. Boisdoré son mari et en sa qualité de tutrice naturelle, dûment confirmée, de ses enfants mineurs, Laurens Valery, Alezfort, et Sidney Boisdoré. Laquelle Dame comparante es qualités a dit et exposé qu'en vertu d'un ordre de l'honorable cour des preuves de la paroisse Jefferson, daté du vingt-deux Mars, mil huit cent trente-deux, rendu en suite des deliberations d'une assemblée de famille de ses dits enfants mineurs tenue au greffe du juge de paroisse *ex officio* notaire public de la dite paroisse Jefferson et aussi aprés les publications requises par la loi, il a été offert en vente publique au café de la Nouvelle Bourse, en cette ville, le Samedi vingt-huit Avril dernier, par le ministére de François Dutillet, encanteur en cette ville, toutes les proprietées dependantes de la succession de dit feu Sieur Boisdoré, et qu'à la dite vente publique Monsieur François Pascalis Lacestiere Volant de Labarre de la dite paroisse Jefferson, s'est vendu acquereur par adjudication de la dite terre ci-aprés decrite au prix termes, clauses et conditions stipulés au certificat de vente delivré par le dit encanteur et annexé aux présentes pour recours. En conséquence, voulant fournir au sieur adjudicataire un titre authentique de proprieté à la terre à lui adjugée, la Dame comparante es qualités declare par ses présentes: vendre, ceder, transporter, quitter et delaisser des le jour de l'adjudication et à jamais avec garantiés de tous troubles, dons, dettes, hypothéques, evictions, aliénation et autres empéchemens généralement quelconques et avec substitution et subrogations à tous les droits, titres et actions provenant tant de la Dame vendresse et du dit feu sieur son épouse que de leurs vendeurs et de tous vendeurs, précedents au dit Sieur F. P. L. V. de Labarre ici présent et acceptant acquéreur pour lui, ses héritiers, ou ayans cause. Une habitation située dans la paroisse Jefferson, sur le chemin de la Métairie, à deux lieues de cette ville, mesurant deux arpens de face de chaque coté du bayou de la Métairie sur dix arpens de profondeur au sud, et s'étendant au nord aussi en profondeur jusqu'au Lac Pontchartrain; bornée d'un coté par le terre de Jean l'Esprit, negre libre, et de l'autre par celle de François Peyroux, f. c. l. ensemble avec toutes les batisses, constructions, circonstances et dépendances, droits, privileges et servitudes y attachés et qui en fort partie sans excepter ne reserver; le tout vu, connu, et visité, à loisir par le dit sieur acquéreur, qui s'en declare satisfait et s'en reconnait en bonneet due possession. Cette propriété fait partie des biens provenant de la succession de feu Sieur Valery Boisdoré au moyen de l'acquisition que ce dernier en à faite de Juan Angeling, executeur testamentaire de feue Charlotte Grenoble, negresse libre, par acte du vingt-six Mars mil huit cent huit, au rapport de feu Stephen de Guinones Lars, notaire en cette ville. La présente vente par suite de l'adjudication est faite et acceptée pour la somme de deux mille huit cent piastres, payables a un, deux es trois ans de terme, en billets endorsés à satisfaction avec hypothéque jusqu'à parfait payement. En conséquence a présentement souscrit à l'ordre de Monsieur J^n. B^te. V^t. de Labarre, trois billets datés du 28 Avril dernier, chacun de la somme de neuf cent trente-trois piastres, trente-trois cents metiers, le premier payable à un an, le second a deux ans, et le troisieme a trois ans, de la date lesquels billets, aprés avoir été signés et paraphs ne varietur par le notaire soussigné, pour on constater l'identité avec les présentes ont été remis a la venderesse et qualite, qui le reconnait et en donne décharge, et pour mieux assurer le dit payment des susdites trois billets à leur echeance respective la proprieté objet des présentes est et demeure affectée obligée et hypothequée au moyen de quoi et sous la reserve de cette hypothéque. La Dame venderesse en qualité, cede, et transporte à l'acquereur, ses héritiers et ayant cause, tous les droits de proprieté, de

garantie et autres que le dit feu Sieur Boisdoré avait et que sa veuve et ses héritiers ont et peuvent avoir sur la terre et dépendance objet des présentes, pour par le dit sieur acquereur en faire jouir et disposer comme de chose lui appartenant bien et légitimement tant en vertu des présentes que de l'adjudication a l'encan. D'aprés le certificat du conservateur des hypothéques de la paroisse Jefferson c'y annexé pour recours, il resulte qu'il n'y a pas d'hypothéque inscrite à son bureau contre la dite succession, sur l'habitation objet des présentes; car ainsi, &c., dont acte faite et passé, à la Nouvelle Orleans en l'etude, en présence de Messieurs Gustave le Gardeur et Edouard Lavigne, temoins, requis et domicilié en cette ville, qui ont signés avec les comparans et le notaire aprés lecture. Signé V^ve. Boisdoré, F. P. L. V. de Labarre, Edward Lavigne, Gustave le Gardeur, Octave de Armas, not. pub. Pour copie conforme a l'original minute deposé en mon office pour recours. Nouvelle Orleans, 22 Mai, 1832.

OCTAVE DE ARMAS, *Notaire Public.*

Pardevant moi F^s. P^is. de Labarre, juge de paix, pour et dans la paroisse Jefferson, sont personnellement comparus Messieurs H. Hazeur, agé de 80 ans, et Gervais Arnault, agé de 55 ans, lesquels ont dit et déclarés qu'il est à leur parfaite connaissance que les propriétés ci après decrites ont été et sont en état de culture, et habités depuis quarante ans, et au dela 1° une habitation située dans la Paroisse Jefferson, sur le chemin de la métairie à deux lieues de la ville de la Nouvelle Orleans, mesurant deux arpens de face de chaque coté de bayou de la métairie sur dix arpens de profondeur au sud et au nord s'étendant aussi en profondeur jusqu'au Lac Ponchartrain, bornée d'un coté par la terre de George l'Esprit, negre libre et de l'autre coté par la terre de Françoise Peyroux, f. c. l. 2° une habitation située à la métairie à environ deux lieues de la ville de la Nouvelle Orleans, mesurant douze arpens de face de chaque coté du bayou de la métairie sur dix arpens de profondeur du coté du fleuve, et s'étendant de l'autre coté jusqu'au Lac Ponchartrain bornée d'un coté par l'Esprit, negre libre, et de l'autre par P^re. Condé, h. c. l. et François Dorville.

En foi de quoi ils ont donné le présent certificat, le 29 Mai, 1833.

GERVAIS ARNOULT.
B. HAZEUR.
F^S. P^IS. DE LABARRE, *Juge de Paix.*

C—No. 179.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

Lacestiere Volant Labarre and Jean Baptiste Volant Labarre, claim, by virtue of purchase, a certain tract of land situate in the parish of Jefferson, on the bayou of the Metairie, at about six miles distant from the city of New Orleans, containing twelve arpens front, on each side of said bayou, by a depth extending to Lake Pontchartrain on the north, and of eleven arpens on the south side; bounded on one side by the land of l'Esprit, a free negro, and on the other side by land of F. Darville. The said tract of land is well known as being among the oldest settlements in the Metairie district, and is now claimed in virtue of an ancient and undisputed possession, and of continued habitation and cultivation for upward of forty years past. In support of which, claimants herewith produce full and authentic evidence, which they pray may be duly recorded and favorably reported on, &c., &c.

New Orleans, 1833.

N. B.—For proof of the habitation, cultivation, &c., of the land above claimed, see depositions recorded under the head of the next preceding claim of F. P. L. V^de. Labarre.

Sepase, que yo D^n. F^co. Mariano Guerin, vecino de esta ciudad otorgo que vendo realemente a D^n. Carlos Ximenes, escribano por S. M. y administrador de cuentas publica de real hacienda, una habitacion situado en el parage de la Metairie de doce arpanes de frente lindando al Ceste con tierra que fueron del Difunto Ripicanti hoy de Corlota Grenoble, negra libra; al este con otras del comprador y las del mulato libre Pedro Angly ô Conway; al sur, con la de Monsieur Bolieux y al norte con el Lago Pontchartrain; y tambien con el mulato Agusto Demery que me pertenece por haberle comprado de Donna Maria Catalina le beau viuda de Don Louis Julian Guerin por escriture en este archivo, en trenta de Septiembre, de mil sete cientos y novento y siete con todas sus entradas y salidas usos y costumbres derechos y servidumbres por libre de gravamen como le certifica el presente escribano anotador—en precio de seis milles pesos fuerte cuno mejicano de los cuales he recibido tres milles pesos de contados a mi voluntad, renunce a la exception non numerata pecunia prueba leyes de la entriga y otorgo formal recibo, y los tres milles pesos restantes que me debera satisfacer y pagar, mil pesos en un año, igual suma en dos y los mil restante en tres años de esta fecha; mediante lo cual me aparto de la propriedad, posesion, util dominio y señoria y demas acciones reales y personal que a dicha habitacion habia y tenga que cedo transfeiro en el comprador y en quienes susderechos y causes, habiere para que con propria a la posêa o enagere a su voluntad por esta escritura que le otôrga en señal de real entrega en lo que es visto haber adquerido la posesion sin otra entrega ni prueva de que lo relevo y me obligo a la eviction de esta venta en toda forma de derecho; y estando presente yo el nombrado Carlos de Ximenes, accepto es tu escritura e recibi comprado la habitacion en la cantidad y conformidad, que me va vendido de elle me doy por entregado y otorgo formal recibo, y me obligo satisfacer y pagar a las plazas señaladas, los tres mil pesos fuertes mejicanoe en su especi llamamiento y sin pleytos con las citas de la cabranzas, y por que se me ha de poder ejecutar con estas escrituras, y el simple juramento de partida legitima en que la defiero y sin que la general obligacion deroga a la especial ni par el contrario, hypotica especial y señaladamente la misma habitacion que me va vendida, que prometo no vender, ni en manera alguna enagenar hasta el real y efectivo pago. Al cumplimiento de lo cuale me obligo en toda forma. En cuyo testimonio es echo en esta ciudad de Nueva Orleans, a onze de Octubre, de mil ocho cientos. Yo, el escribano doy fe, conosco a los otorgantes que firmaron siendo testigos Don Celestioo Lavergue, Don Fernando Percil, y Don Jacinto Ayala, vecinos y presentes.

FIRMADO CARLOS XIMENES.
F. M. GUERIN.

Ante mi, PEDRO PEDESCLAUX, *Notario Publico.*

Es conforme a su original, que par ante Pedro Pedesclaux, paso y queda en mi poder y archivo a que me remeto y doy esta en la Nueva Orleans, a dies y nueva de Avril de mil ocho ciento treinte y tres años.

FIRMADO L. F. CAIRE, *Notario Publico.*

Lacestiere Volant Labarre and J. B. Volant Labarre became proprietors, each for one undivided half of the land claimed by them in their foregoing notice, in virtue of the purchase they made from Mrs. Elizabeth Maria M. P. Perez, widow of Antoine Maxent, by an act passed before Felix de Armas, a notary public in this city, on the 15th November, 1830, in which said act the land is described and set forth, to wit:

Une habitacion, située dans cette paroisse d'Orleans, cidevant maintenant dans la paroisse Jefferson, au quartier de la métairie, distante d'environ deux lieues de cette ville, ayant douze arpens de face de chaque côté du bayou de la métairie, sur onze arpens ou environ de profondeur du côté de fleuve, et de l'autre côté courant jusqu'an Lac Pontchartrain, bornée, dans la partie supérieur, par l'Esprit, negre libre; dans la partie inférieure, par Joseph Dorville, ensemble toutes les ediffces existants sur la dite habitacion. Ainsi que le tout se poursuit et comporte, sans par la venderesse en rien excepter ni reserver, n'en étant fait ici une plus longue description à la requisition des acquereurs, qui ont déclarés la bien connaitre, et en ètre contents pour l'avoir bien vue et visitée. Madame Veuve Maxent est propriétaire de la dite habitation au moyen de l'adjudicacion qui lui en a été faite par jugement rendu par l'honorable cours des preuves pour cette ville et paroisse, en date de neuf Janvier, mil huit cent dix neuf.

Antoine Maxent, in conjunction with his brother Maximilian, purchased said land from Jos. Deville Degoutin Bellechasse, on the 6th of August, 1807, by an act passed before Stephen de Quiñones, notary public.

Bellechasse purchased from Noyrit, by an act passed before Pedro Pedesclaux, notary public, on the 20th November, 1806; and

Noyrit purchased from Doña Maria de la Luz Jusra Ximenes, heiress of Don Carlos Ximenes, on the 8th of May, 1806, by an act passed before the said Pedro Pedesclaux.

C—No. 186.

To the Register and Receiver of the Land Office in and for the southeastern district of Louisiana, at New Orleans:

The heirs of John Dugat claim a certain tract of land, situate in the parish of Lafourche interior, on the left bank of the bayou of Lafourche, and about twenty-three leagues of the river Mississippi, containing about sixty arpens front by all the depth thereunto appertaining, not exceeding forty arpens; bounded above by land of Raphael Landry, and below by land of Louis Baube.

The said tract of land was purchased by the late Jean Dugat, father of claimant, from Francis Aufraie, on the 19th December, 1806, and is claimed in virtue of ancient and undisputed possession, having been constantly and uninterruptedly inhabited and cultivated as private property for the last forty years and upward. In support of which the said claimants produce full and authentic evidence, which they pray may be duly recorded and favorably reported on, &c.

NEW ORLEANS, *June* 18, 1833.

This indenture, made 19th December, 1806, between Aufraie, of the county of Lafourche, on the first part, and Jean Dugat, of the said county, on the second part, witnesseth, that for and in consideration of the sum of twenty-five dollars, paid in hand to the said party of the first part, the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents doth grant, sell, remise, release, alien, and confirm, unto the said party of the second part, in his actual possession now being, to his heirs and assigns for ever, all singular of a plantation, containing sixty acres front more or less, and with as much land in depth as the survey may give, situated on the left hand side of the Bayou Lafourche, about twenty-three leagues from the Mississippi, and bounded on the upper side by land of Rafael Landry, and the lower side by that of Louis Baube, together with the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, claim or demand whatever, of the said party of the first part, either in law or equity, of, in, or to the above bargained premises, with the said hereditaments and appurtenances, to have and to hold the said premises above particularly mentioned and described to the said party of the second part, his heirs and assigns, to the sole and only use, benefit, and behoof, of the said party of the second part, his heirs and assigns, for ever; and the said party of the first part, for himself, his heirs, executors, and administrators, doth covenant, promise, grant, and agree to and with the said party of the second part, his heirs and assigns, the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons, lawfully or equitably claiming, or to claim, the whole or any part thereof, will for ever warrant and defend. In witness whereof, the said parties have hereunto set their hands and seals.

FRANCISCO AUFRAIE.
JEAN DUGAT.

Before

JAMES MATHER, *J. C.*

I certify the foregoing to be a true copy from the original on file in this office. In testimony whereof, I have hereunto set my hand and seal of office, in the parish of Assumption, the 22d day of March, 1821.

B. HUBBARD, *Judge of the Parish of Assumption.*

PAROISSE JEFFERSON, *Etat de la Louisiane:*

Pardevant moi, H. P. Fauchier, l'un des juges de paix dans et pour la paroisse Jefferson, sont comparus les Sieurs Jacques Terrebonne, Jacques Encalado, Etienne Terrebonne, lesquels ont dit et declarés, après avoir été dûment assermentés, qu'ils sont: le premier agé de quarante-cinq ans, le second aussi de quarante-cinq ans, et le dernier de quarante-quatre ans; que depuis qu'ils ont l'age de connaissance ils ont connus, vus, et de tout tems entendu dire que longtems avant leur naissance le nommé François Aufray etait possesseur d'une terre sur le côte gauche du bayou de la fourche, à environ vingt-trois lieues du Mississippi, bornée du coté d'en haut par la propriété de Raphael Landry, et du coté d'en bas par celle de Louis Baube, ayant la dite terre environ soixante

arpens de face; que depuis qu'ils existent ils ont toujours connue la dite terre habitée et cultivée par le dit François Aufray ou par le Sieur Jean Dugas, (à qui Aufray a vendu cette propriété, ou par ses heritiers,) en foi de quoi les declarants on fait leur marque ordinaire en mon office, à la grand isle.

marque de × JACQUES ENCALADO.
marque de × JACQUES TERREBONNE.
marque de × ETIENNE TERREBONNE.
LFUIS RONDEAU, *Témoin.*
FAUCHIER, *Juge de Paix.*

PAROISSE JEFFERSON, *le* 18 *Mai*, 1833.

STATE OF LOUISIANA, *City of New Orleans:*

Personally came and appeared Pierre Coulan, at present residing in this city, who, being duly sworn, declared, that he is forty-five years of age, and he is perfectly acquainted with the land claimed by Jean Dugat's heirs, situate on the bayou Lafourche, and more particularly described in the preceding depositions of Jacques Terrebonne, Jacques Encolado, and Etienne Terrebonne, which have been fully read and explained to him; that said land was, about forty years ago, in the possession of François Aufraie, who lived on the same, and cultivated it, until he sold the same to Jean Dugat, about the year 1806; and that during the whole said period (of forty years) the said land has, to this deponent's knowledge, been in the constant and undisturbed possession of said Aufraie, the said Dugat and his heirs, and by them cultivated; that he perfectly recollects when the said land was always respected as private property by the Spanish government.

his
PIERRE × COULAN.
mark.

Sworn and subscribed at New Orleans, this 8th of June, 1833, before me,
WM. CHRISTY, *Notary Public.*

C—No. 191.

To the honorable the Register and Receiver of the Land Office, New Orleans, the petition of Gabriel Villeré, Jules Villeré, Delfin Villeré, Caliste Villeré, Felix Villeré, Anatole Villeré, Marie Adile Villeré, wife of Hugens Lavergue, and by her husband duly authorized, and of Eulalie Léonidie Villeré, relict of Gabriél Cyrile Fagende, all of this State, humbly showeth:

That your petitioners are the children and sole legitimate heirs of the late Jacques Philippe Villeré, their father, who died on the 7th of March, 1830; that your petitioners, as heirs aforesaid, are joint owners for one undivided half, and the said Gabriel Villeré, their brother, for the other undivided half, of a plantation, situated about eight miles below New Orleans, and on the same side of the river, measuring seven arpens and a quarter, or thereabout, front to the river, extending in depth to the lake; bounded, on the upper limit, by land belonging to your petitioners, and on the lower side by land formerly the property of Charles Jumonville de Villiers, and now belonging to Simon Cuculla; that the land or plantation above described is one of the oldest settlements on the Mississippi, and is now a part of the sugar estate belonging jointly to your petitioners, and which, besides said land, is comprised of two other tracts adjoining each other, forming together eleven arpens, twenty-six toises, and eight feet front by eighty arpens in depth, confirmed by Congress. And whereas the tract of seven arpens and a quarter, as above mentioned, has never been registered in the land office, your petitioners respectfully pray that they may be allowed to present their titles to be registered, and adduce, in support of the same, such evidence as the nature of the case admits, and that it may please this honorable board to take their claim into consideration, to order the recording thereof, and report favorably thereon. And, as in duty bound, your petitioners will ever pray.

H. LAVERGNE, *for Petitioners.*

ETAT DE LA LOUISIANE, *Paroisse d'Orleans:*

Pardevant moi Gallien Preval, juge associé de la cour de cité de la ville de la Nouvelle Orleans, sont comparus Messieurs Honoré Landraux et Manuel Andry, proprietaire demeurant dans la ville et paroisse de la Nouvelle Orleans, agés de plus de soixante ans. Lesquels après avoir été respectivement dument assermentés ont declarés comme verité-notoire qu'ils connaissent parfaitement une habitation de sept arpens et un quart face au fleuve sur toute la profondeur jusqu'au lac, qui a appartenue à feu Monsieur Montrenil et subsequement à feue Madame Patre qui l'a vendue en 1795 à feu Monsieur Antoine d'Orvateur lequel l'a vendue peu de Mois après à Monsieur Joseph Soniat Dupassat, qui la ensuite vendue à Monsieur Bernard Marigny de qui feu Monsieur Jacques Philippe Villeré, l'a achetté conjointement avec son fils ainé Monsieur Gabriel Villeré, par acte du 2 Juillet, 1808, au rapport de Narcisse Broutin alors vivant notaire en cette ville; que cette terre ou habitation qui a éte etablie, cultivée, et habitée dès les premiers tems de l'establissement de la Louisiane, fait aujourd'hui partie de l'habitation sucririe qui appartenait à Messieurs Jacques et Gabriel Villeré, et qui est aujourd'hui la propriété du dit Sieur Gabriel Villeré comme acquereur et a titre de co-heritier avec ses freres et soeurs, du dit Sieur Jacques Philippe Villeré leur pere. Laquelle habitation sucririe est située à environ deux lieues et demi par en bas, et du même coté de la ville de la Nouvelle Orleans, et est bornée par Monsieur Pierre Lacoste du coté de la ville et de l'autre coté par Monsieur Simon Cucullu.

MANUEL ANDRY,
HONORE LANDREUX.

Sworn and subscribed before me, at New Orleans, 10th September, 1832.
GALLIEN PREVAL, *Judge.*

C—No. 198.

To the Register of the Land Office and Receiver of Public Moneys for the southeastern district of Louisiana, at New Orleans, the notice of claim of Sosthene Roman, the syndic of the creditors of Jean Baptiste Degruy, represents:

That in the year 1812, the said Jean Baptiste Degruy surrendered his property before the late superior court of the Territory of Orleans, and that his estate being yet unsettled, this claimant was appointed syndic to

the same, by a judgment or decree of the first judicial district court of the State of Louisiana, bearing date January 30, 1832, and homologating the proceeding of the creditors. That among the property surrendered as aforesaid, there is a tract of land, or plantation, situated at Barrataria, in the parish of Jefferson, within this district, at a distance of about four leagues or twelve miles from the Mississippi, measuring 40 arpens front on the Bayou Barrataria, alias the river Oïcha, 10 arpens whereof have a depth of 103 arpens, 10 that of 60, and 20 that of 40, making thus together 2,430 superficial arpens, and which plantation at the time of its surrender, was completely established and in a full state of cultivation, all of which more fully and at large appears from the subjoined transcript of the schedule of the said Jean Baptiste Degruy, and of the proceeding appointing this claimant as syndic to the estate surrendered as aforesaid.

And this claimant further represents, that the said plantation is bounded by land formerly of widow Guerbois, and now Lacoste or De la Ronde on one side, and on the other side by a cypress swamp, formerly of Gravier now of Millandon; and that it is crossed in its full depth by the Bayou des Familles, along which lies the road or highway from the river to the settlement of Barrataria; that it makes part of the grant made by the late Spanish governor to the late Colonel Bouligny, and which were all sold out by him to the said Jean Baptiste Degruy and the late François Mayronne, along with his plantation fronting the river Mississippi, by an act passed before the late Pre. Pedesclaux, notary public, on the 8th of March, 1792, a copy of which is on file in this office.

And the claimant further shows, that the said plantation, or tract of land, was not only inhabited by the said Jean Baptiste Degruy in 1812, when he surrendered it to his creditors, but that there had always been settlements on the same ever since the year 1792, as it more fully appears from the subjoined declaration of Messieurs Louis Bouligny and Robin Delogny, two respectable inhabitants of the parish of Jefferson, sworn to by them before the judge of the same parish on the 17th of June, 1833; and reference to the reports of the supreme court of the State of Louisiana, will show that this tract of land has, for a long time, been the subject of judicial contest between the syndics and some of the insolvent's mortgagee creditors, which has prevented this claimant, in his capacity as syndic, from selling the same. (8 Martin's Reports, old series, 220, Dumford *vs.* Degruy's syndics and others. 2 Miller's Louisiana Reports, 544, Degruy's syndics *vs.* Hennen.)

And this claimant further represents, that besides the above tract or plantation, the same insolvent surrendered also to his creditors, two other tracts, as it appears from his schedule, which tracts are likewise undisposed of. 1st. A cypress swamp, situated at one league and a half from the Mississippi, on the left bank of the river Oïcha, containing about 400 superficial arpens, bounded on one side by land belonging to Cazelard, and on the other side by land belonging to Launnoy, and in the rear by the plantations on the lower part of the Mississippi, in the parish of Plaquemine, which tracts also make part of the grants made by the Spanish government to Col. Bouligny, and by him sold to the insolvent by the before recited act of March 8, 1792. 2d. Another tract of land forming an island between the Lake Barrataria and the Bayou St. Dennis, measuring about one league in length, two leagues in breadth, and from five to six leagues in circumference. This island is situated at a distance of about eighteen leagues from New-Orleans, and is bounded on the same side all along by the same Bayou St. Dennis. It was granted to the insolvent by the Spanish governor, Gayoso de Lemos, and the grant will be found among the records of the Spanish grants.

This claimant prays that the title of the insolvent and now the insolvent's creditors to the above three tracts of land be confirmed, so that he may finally dispose of the same to satisfy their just claims and debts.

D. SEGHERS,
For SOSTHENE ROMAN, *the Syndic of J. B. Degruy's creditors.*

Nous soussignés à la requête de Monsieur Sosthéne Roman, syndic des créanciers de Mr. J. B. Degruy, declarans que nous connassions la terre ou habitation du dit J. B. Degruy, cedée à ses créanciers; quelle est située à Barrataria, à quarante arpens de face au Bayou Barrataria au riviere Oïtha, cette terre est traversée dans sa profondeur par le bayou des familles et est bornée d'un cot épar la terre qui fut de veuve Guerbois, et maintenant de Lacoste ou Lavande, et de l'autre coté par une Cypriére, ci-devant à Granvier, aujourd'hui à Millandon; nous declarons de plus que cette terre etait habitée par Degruy lorsqu'il en fit la cession à ses creanciers en 1812, et qu'il y a toujours en des establissemens depuis 1792, jusqu'à ce jour.

BOULIGNY.
ROBIN DELOGNY.

Juré et assermenté devant moi, ci 17 jour de Juin, 1833.

J. M. HARANG, *Juge.*

C—Nos. 220 and 221.

To the Register and the Receiver of the Land Office for the southeastern district of Louisiana, at New Orleans:

Antoine Michoud claims, in virtue of purchase, a certain tract of land situate in the parish of Jefferson, and district of Barrataria, containing about *twelve hundred and two arpens twenty toises in superficie*, and bounded each by other lands belonging to claimant; and on the other side by lands now or formerly vacant, according to a plat of survey thereof executed by A. Trouard, surveyor, on the 10th November, 1809, and now in the possession of claimant.

2dly. Also another tract of land, a few arpens to the east of the above, and situated in the same parish and district, containing about *eighteen hundred* superficial arpens, and bounded east by a bay called St. Honoré, and west by other lands of claimant, and being principally marsh land.

The said two tracts of land were purchased by claimant from the late Joseph Perillat, who derived them also by purchase from different persons; they are now claimed in virtue of ancient and undisputed possession and of continued habitation and cultivation (so far as the nature of the soil could permit,) for upwards of forty years past. They are also supposed to be derived from concession made by the Spanish government, but whereof the papers have been lost.

In support of all which, claimant produces herewith full and authentic evidence, which he prays may be duly recorded and favorably reported on, pursuant to the provision of the act of Congress, approved 4th July, 1832, for the final adjustment of land claims in the district, &c., &c.

NEW ORLEANS, *June* 18, 1833.

Aujourd'hui dix septieme jour du mois d'Octobre, de l'année nul huit cent trente et un, et la cinquante sixieme de l'independance des Etats Unis d'Amérique.

Pardevant Louis T. Caire, notaire public, dans et pour la ville et paroisse de la Nouvelle Orleans, dument commissionné et assermenté et en presence des témoins ci-apres nommes et soussignés.

Fut présent Monsieur François Ferillat, demeurant en cette ville, lequel par ces présentes vendu, cédé délaissé et abandonné des maintenant et pour toujours, et s'est obligé á garantir de tous troubles, dons, dettes, hypothèques autres et empéchements generalement quelconques, á Monsieur Antoine Michoud, demeurant en cette ville á ce present et acceptant pour lui ses heritiers et ayans causes, une terre ou habitation située á Barrataria, de l'autre bord de la grand isle, paroisse de Jefferson, en cet état de la Louisiane. Cette terre est désignée au plan dont il va etre parlé et comprend tout ce qui est renfermé entre less lignes peintes en rose servant á désigner les limites de la dite terre au plan signé Lafon que les parties ont représenté et qui á leur requisition est demeuré ci annexé apres qu'elles l'ont en signé et paraphé en présence du notaire et des témoins soussignés. Ainsi que la dite terre se poursuit et comporte et telle quelle appartient au dit vendeur sans aucune exeption ni réserve et dont l'acquereur n'a désiré qu'il fut fait plus ample designation, déclarant l'avoir parcourue et examinée, la bien connaitre avoir comparé le plan ci annexé avec les titres ci apres énoncès en être content êt n'en pas demander davantage.

Il est bien entendu et expressement convenu que tout les bois qui ont été abattus jusqu'á ce jour et qui sont encore sur le bien sont compris dans la présente vente et appartiendront á l'acquéreur étant bien entendu que le vendeur ne se reserve absolument rien.

Cette terre appartient au dit Sieur François Perillat, en sa qualité de seul et unique heritier de feu Mr. Joseph Perillat son pere ainsi qu'il le declare, et de laquelle declaration le dit Sieur Michaud se contente. Et d'après le rapprochement que les parties declarent avoir fait du plan ci annexé et des titres ci après enoncée, cette terre appartient au dit Sieur Joseph Perillat attendu les ventes que le Sieur Jacques Terrebonne lui a faites par deux actes passées, pardevant feu Pierre Pedesclaux, notaire en cette ville, en même jour, vingt-quatre Novembre, mil huit cent huit, savoir: 1. Par l'un de une petite cheniere, située de l'autre bord de la Grande Isle dans la profondeur de la cheniere, appellé de la Caminada, ayant a-peu-près un quart de lieue de large, et un demie lieue de long. 2. Et par l'autre d'une petite cheniere, située de l'autre côté de la Grande Isle, dans la profondeur de la propriété du sieur acquereur ayant a-peu-près trois quarts de lieue de long, et la largeur que se trouverait depuis l'arpentage que se ferait ce la dite terre. Il n'est pas donné plus de detail sur les titres de propriété de la dite terre á la demande du Sieur Michoud, qui declare que d'après les renseignmens qu'il s'est procurés a cet égard, il se contente de la garantie à laquelle s'est ci dessus obligé le Sieur François Perillat, vendeur, pour par le dit Sieur Michoud, ses heritiers ou ayans cause, jouir, faire et disposer de la dite terre, en pleine propriété, et comme de chose leur appartenant au moyen des présentes á compter de ce jour.

La présente vente et faite moyennant la somme de deux mille piastres, sur laquelle le dit Sieur Perillac reconnait avoir reçu celle de mille piastres, du Sieur Michoud, en especes ayant cours de monaie realement comptées et delivrées á la veu du notaire et des témoins soussignés.

Et pour les mille piastres qui forment le complement du dit prix, le dit Sieur Michoud á presentement remis au Sieur Perillat un billet de pareille somme de mille piastres, daté de ce jour, et payable á six mois de sa date, et souscrit par le dit Sieur Michoud, á l'ordre du dit Sieur Perillat, qui renonce en consequence á son droit de vendeur, et par consequent á tous privileges et hypothèques sur la dite terre; c'est pourquoi le dit billet n'a pas été signé et paraphé par le notaire soussigné, n'ayant plus aucun motif pour l'identifier avec los presentes.

Attendu la dit somme payé en espece, et le dit billet remis et accepté comme argent, le dit Sieur Perillat donne quitance entière et sans reserve de la dite somme de deux mille piastres, prix de la presente vente, et de toutes choses à ce sujet.

Au moyen de ce qui précede le Sieur Perillat a presentement mis et subrogé le Sieur Mechoud dans toutes les droits de propriéte, et autres qu'il a ou peut avoir sur la dite terre vendue même dans les droits, et guaranties qui lui sont acquis contre les anciens propriétaires. Ses dessaississant de tous ces dits droits en sa faveur, voulant qu'il en soit saisi, jouissi, et disposé en son lieu et place, et comme de chose lui appartenant au moyen des presentes.

Suivant un certificat daté de ce jour, délivré par Mr. Harang, Juge de Paroisse, exerçant ex officio less fonctions de conservateur des hypothèques dans et pour la paroisse Jefferson, lequel certificat est demeuré ci annexé et constate qu'il n'y a point d'hypothèque enregistrée contre Joseph Perillat, ni contre François Perillat, son fils et seul héritier, sur les propriétés situées dans la paroisse Jefferson.

Dont acte, fait et passé en l'etude á la Nouvelle Orleans les jour, mois, et an que dessus, en présence des Sieurs Charles et André Darcantel, témoins á ci requis, et domiciliés en cette ville, qui ont signés avec les parties et moi Notaire après lecture faites.

La minute est signé François Perillat fils, Anthony Michoud, Charles Darcantel, A. Darcantel, Louis T. Caire, Notaire Public.

Pour copie conforme á l'original resté, deposé, en mon etude pour recours, en foi de quoi j'ai signé le présent, et apposé le sceau de mon office, á la Nouvelle Orleans, le dix neuf Octobre, mil huit cent trente et un.

LOUIS T. CAIRE, *Notaire Public.*

ETAT DE LA LOUISIANE, *Paroisse Jefferson.*

Le soussigné, Juge de Paroisse dans et pour la Paroisse Jefferson, certifie que l'acte cidessus et en l'autre part, a été enregistré en mon office, au folio trois cent quarante-neuf du Registre des Alienations, numero deux. Paroisse Jefferson, le trente et un Octobre mil huit cent trente et un.

J. M. HARANG, *Juge.*

Pardevant moi, J. Bermudez, Juge Associé á la cour de cité de la Nouvelle Orleans, Etat de la Louisiane, furent présents Messieurs Jean Paris et Pierre Dinet, tout deux residents en cette ville, précedemment pecheurs, demeurant á Barrataria, les quels après avoir été assermentés ont déclarés: Monsieur Paris être agé de soixante et un an, et Mr. Dinet soixante ans. Les quels comparaissant sur l'invitation de Monsieur Antoine Michoud, acquéreur des propriété de defunt Joseph Perillat, situées á Barrataria; á l'effet de donner leur déclaration de ce qu'ils savent relativement á une cheniere, située au dit Barrataria, anciènnement habitée et cultivée par Marie Nadal, successivement par Pierre Lartigne qui le 20 Mars, 1804, l'avait vendue á Jacques Terrebonne, et par Terrebonne á Joseph Perillat. Les actes du 24 Novembre, 1808, aux minutes de Pierre Pedesclaux, Notaire Public en cette ville.

Le plan de la dite propriété, dressé le 10 de Novembre, 1809, par Monsieur Trouard delégué de Monsieur Lafan, arpenteur pour le Territoire d'Orleans, lequel donne pour confin au sud-ouest l'habitation du dit Joseph

Perillat, á l'est et á l'ouest terres des Etats Unis, ayant été déroulé sur notre bureau et éxaminé, les dits Sieurs Paris et Dinet ont affirmés qu'ils se rappelent que dans les années mil sept cent quatrevingt douze et quatrevingt treize, Marie Nadal, qui plus tard la vendue a Pierre Lartigne, possedait, habitait, et cultivait cette terre pour lors appellée Petite Cheniere. En foi de quoi ils ont signé.

JEAN PARIS.
marque de × PIERRE DINET.

Juré et assermenté devant moi, Nouvelle Orleans, le 2 Janvier, 1833.

J. BERMUDEZ, *Juge.*

Pardevant moi J. Bermudez, Juge Associé de la cour de cité de la Nouvelle Orleans, Etat de la Louisiane, furent présents Messieurs Jean Paris et Pierre Dinet, touts deux demeurant en cette ville, anciens pecheurs et habitants de Barrataria, lesquels ont dit Monsieur Paris être agé de soixante et un ans, et Mr. Pierre Dinet être agé de soixante ans. Comparaissant en mon bureau sur l'invitation de Monsieur Antoine Michoud, acquéreur des propriétés de defunt Joseph Perillat, située a Barrataria, a l'effet de declarer ce qu'ils savent relativement à une portion de terre et marécage comprise dans le plan dressé par By. Lafan, arpenteur du Territoire d'Orleans, dont copie est annexé a l'acte de vente du 17 Octobre, 1831, au rapport de Louis T. Caire, Notaire Public, passé au dit Michoud par François Perillat, fils et seul heritier de feu Joseph Perillat, de toutes les propriétes du dit feu Joseph Perillat, située a Barrataria, savoir: La première a la gauche, ayant une démarcation spéciale est l'habitation qu'il avait achetée, et anciennement possédée et cultivée par Marie Nadal, qui l'avait vendue a Pierre Lartigne, au sujet de laquelle ils ont aujourd'hui donnée la déclaration qui précede,

La seconde formant le centre du dit plan est la propriété que le dit Joseph Périllat avait achettée de Jacques Terrebonne, quil cultivait, et sur laquelle il résidait, provient d'une concession de Gouverneur Miro, en date du 8 Aout, 1785.

La troisieme formant la droite du dit plan est une propriété que Julienne l'Archevêque, avait eu par heritage de ses ancêtres concessionaries du Gouvernement Espagnol, et dont le titre n'a pu être trouvé parmi les papiers de Defunt Joseph Perillat, mais les déclarans habitués á fréquenter ces lieux et á pêcher dans le lac et les eaux qui bornent ces propriétés, affirment qu'en Aout et Septembre, 1792, ils ont logié près de deux mois dans une maison que St. Yago Dupré Terrebonne, grand pêre de la femme du dit Joseph Perillat, avait fait construire sur la butte de coquilles appeler part blanc autour de laquelle il avait fait un jardin, et planté du mays dans les petites lisières en terres hautes. Ils disent aussi que traversant du part blanc á l'habitation de Jacques Terrebonne, ensuite de Joseph Perillat, par un chemin pratiqué par St. Yago Dupré en la dite année mil sept cent quatre vingt-douze, le dit St. Yago Dupré, leur avait dit qu'elle était á lui, et que les bestiaux qui paissaient dans le marais et les broussailles appellées bois inconnus lui appartenaient aussi.

En foi de quoi ils ont signes,

PIERRE (sa marque) × DINET.
JEAN PARIS.

Signé et assermenté pardevant moi, ci 2 jour de Janvier, 1833.

J. BERMUDEZ, *Juge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By A. B. Roman, governor of the State of Louisiana. These are to certify that J. Bermudez, whose name is subscribed to the instruments of writing herein annexed, was at the time of signing the same, and is now, associate judge of the city court of New Orleans; and that full faith and credit is due thereto.

Given at New Orleans, under my hand and the seal of the State, this fourth day of January, one thousand eight hundred and thirty-three, and of the independence of the United States the fifty-seventh.

A. B. ROMAN.

By the Governor: G. EUSTIS, *Secretary of State.*

STATE OF LOUISIANA, *City of New Orleans:*

Be it known, that this day, the third day of November, in the year one thousand eight hundred and thirty-five, before me, Gallien Preval, one of the associate judges of the city of New Orleans, personally came and appeared Jean Joseph Rodrigues, an old inhabitant of Barrataria, and Gaspard Tilano, also an old inhabitant of Barrataria, both residing now in the parish of Orleans, the former aged of sixty years, and the latter of fifty-eight years, who, after being duly sworn, depose and say, that they have carefully examined the plat of survey marked A, hereunto annexed, and certified under the hand of L. Bringier, esq., surveyor general, whereon are figured *three certain tracts of land*, situate in the district of Barrataria, and now the property of Antoine Michoud, esq.; that the said tracts of land are well known to these deponents; and that it is to their knowledge that they have been constantly and uninterruptedly occupied for various purposes, particularly for pasturing cattle, &c., and also cultivated for the last forty years and upward by the said Michoud, and those under whom he holds by regular purchase; and these deponents further say, that during all the above-mentioned time, the said tracts of land have ever been considered as private property of good titles, and that the same had emanated originally from the Spanish government, while in possession of the territory, and by grants of some description or other, which grants, however, they have been informed, have been lost or mislaid; that, nevertheless, it is within the recollection of these deponents that the said tracts were owned as private property under the said Spanish government, and as such, respected by the said government. These deponents finally state, that but small portions of either of said tracts are at all fit for cultivation, or any thing else; the balance, constituting the greater part, being extremely low and marshy, and of that species of swamp land called "trembling prairie," subject at high tide to inundation.

JEAN JOSE RODRIGUEZ.
GASPARD (his mark) × TILANO.

Sworn to and subscribed before me, at New Orleans, November 3, 1835.

GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Edward D. White, governor of the State of Louisiana. These are to certify that Gallien Préval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and is now,

one of the associate judges of the city court of New Orleans, and that full faith and credit are due to all his official acts, as such.

Given at New Orleans, under my hand and the seal of the State, this fourth day of November, one thousand eight hundred and thirty-five, and of the independence of the United States the sixtieth.

[L. S.] E. D. WHITE.

By the Governor, MARTIN BLACHE, *Secretary of State.*

LAND OFFICE, NEW ORLEANS, *December* 1, 1835.

SIR: In compliance with the second section of the act of Congress, entitled "An act for the final adjustment of claims to lands in the State of Louisiana, approved 6th February, 1835," we have the honor of transmitting herewith the number of claims presented to us since the passage of the above-mentioned act, and which have been duly recorded in the office of the register.

Our report on those four claims will be very short; a few words will suffice. They are all founded on regular orders of survey, ancient possession, and uninterrupted possession and cultivation.

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

B. Z. CANONGE, *Register.*
MAURICE CANNON, *Receiver.*

HON. LEVI WOODBURY, *Secretary of the Treasury.*

Reports of the Register of the Land office and Receiver of Public Moneys in and for the southeastern district of the State of Louisiana, on the claims of lands filed in the Register's office, in pursuance of an act of Congress, approved on the 6th day of February, 1835, *and entitled "An act for the final adjustment of claims to lands in the State of Louisiana.*

No. 1.

Narcisse Carmouche claims, by virtue of purchase, a certain tract of land, situate in the parish of Point Coupée, on the eastern bank of the Bayou Grosse-Tête, about fifty leagues above the city of New Orleans, containing ten arpens front on the eastern bank of the said Bayou Grosse-Tête, by the ordinary depth of forty arpens, and bounded above by the lower line of a tract of land, formerly the property of the late Simon Porche, and, on the lower side, by vacant lands.

The said tract of land is the half of a tract of twenty arpens front, formerly owned by one Henry Olivo, fils, who obtained a regular warrant, or order of survey therefor, from Governor Miro, on the 17th November, 1787. Said half is now claimed by virtue of the said order of survey, and of an uninterrupted possession and enjoyment by claimant and those under whom he holds, since the date thereof.

We are therefore of opinion that this claim ought to be confirmed.

No. 2.

Julie, Alexandre, and Martin Major claim, by virtue of purchase, a certain tract of land situate in the parish of Point Coupée, on the eastern bank of the Bayou Grosse-Tête, about fifty leagues above the city of New Orleans, containing ten arpens front on the eastern bank of the said Bayou Grosse-Tête, by the ordinary depth of forty arpens, and bounded above by the lower line of a tract of land, formerly the property of the late Simon Porche, and, on the lower side, by vacant lands.

The said tract of land is the half of a tract of twenty arpens front, formerly owned by one Henry Olivo, fils, who obtained a regular warrant, or order of survey therefor, from Governor Miro, on the 17th November, 1787. Said half is now claimed by virtue of the said order of survey, and of an uninterrupted possession and enjoyment by claimants and those under whom they hold, since the date thereof.

We are therefore of opinion that this claim ought to be confirmed.

No. 3.

The heirs of Nicholas Bara claim, by virtue of an act of donation, two tracts of land, situate in the parish of Point Coupée, about fifty leagues above the city of New Orleans, viz: the first lot, containing ten arpens front on the channel of the False river, by a depth of twenty-nine arpens six toises on the upper line, and forty arpens twenty-one toises on the lower line; and bounded, on one side, by the land of Jean Ursin Jarreau and the second lot, and, on the other side, by land of Marcelin Sicard.

The second lot, containing ten arpens front on the river Mississippi, by the depth of thirty-six arpens sixteen toises on the lower line, and bounded, on one side, by the channel of False river, and, on the other side, by land of Jean Ursin Jarreau, as it appears by the plat of survey hereunto annexed.

The said tracts of land form part of a larger tract owned by the late Jean Baptiste Bara, in the year 1782, and prior thereto, and at whose death it passed into the possession of his widow, under whom claimants hold, by virtue of a regular act of donation; the portions now claimed have been, moreover, constantly and uninterruptedly inhabited and cultivated by the said claimants and those under whom they hold. (A portion of the same land, owned by the said J. B. Bara, has been confirmed by the Congress to Jean Ursin Jarreau, the 3d March, 1835.)

We are therefore of opinion that this claim ought to be confirmed.

No. 4.

Francis Ménard claims, by virtue of purchase, a certain tract of land, situate in the parish of West Baton Rouge, about forty leagues above the city of New Orleans, containing twenty arpens front on the river Mississippi, by the ordinary depth of forty arpens, and bounded, on the upper side, by land of Jean Pierre Michel, and, on the lower, by those of Louis Molaire.

The said tract of land now claimed is composed of two tracts; one of fifteen arpens, and the other of five arpens front, formerly owned, viz: the fifteen arpens by one Estevan Watts, who obtained a regular warrant, or

order of survey therefor, from governor Manuel Gayoso de Lemos, on the 10th December, 1798, and the five arpens by one Louis Molaire, who obtained also, from the same governor Manuel Gayoso de Lemos, on the 23d of January, 1799, a regular warrant, or order of survey, for fifteen arpens. Said twenty arpens are now claimed by virtue of said orders of survey, and of an uninterrupted possession and cultivation by claimant and those under whom he holds, since the date thereof.

We are therefore of opinion that this claim ought to be confirmed.

24TH CONGRESS.] No. 1383. [1ST SESSION.

ON THE RE-ISSUE OF A BOUNTY LAND WARRANT TO AN ASSIGNEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, made the following report:

That they have considered the petition of John McCarroll, junior, and the documents accompanying the same; by which it appears that a military land warrant was granted to James Wilder, No. 2429, for one hundred acres, for three years' services in the Virginia State line, bearing date the 9th February, 1784, and that in 1802, Spencer Wilder, claiming the same as brother and heir of the said James Wilder, the deceased, transferred and sold his right to said warrant to John Carroll, senior, which said John Carroll, senior, by his deed of transfer, bearing date the 21st October, 1831, did grant and convey to the said John Carroll, junior. No claim has been made by any person to the said warrant under the said James Wilder, as heir or otherwise, other than the said Spencer Wilder, who assigned the same as above stated; and after a lapse of thirty years, it may be well presumed that the said Spencer Wilder was the only heir and representative of the said James. In the opinion of the committee, the petitioner ought to be allowed scrip to be issued on said warrant, to the said John McCarroll, junior, on his giving bond and satisfactory security, as proposed by him, to refund the value thereof, should the heirs or other claimants under said James Wilder show a better claim thereto than the said John McCarroll, junior; and the committee report a bill to that effect.

24TH CONGRESS.] No. 1384. [1ST SESSION.

ON AN EXCHANGE OF LAND UNFIT FOR CULTIVATION FOR OTHER LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1836.

Mr. MAY, from the Committee on Private Land Claims, to whom was referred the petition of James Trumble, reported:

That it appears to your committee that the petitioner was a soldier in the late war between the United States and Great Britain, in Captain Green's company, of the third regiment of infantry, in which capacity he served out the period of his enlistment faithfully, and was honorably discharged. That he received for his services as a soldier a bounty in land, and that he holds a patent from the government for the southwest quarter of section No. 29, in township No. 13 north, in range No. 6 east of the 4th principal meridian, situate in the district of land set apart for military bounties in the State of Illinois. It also appears to your committee that this tract of land possesses little or no value, and is entirely unfit for cultivation, and the petitioner asks for relief by being allowed to surrender to the government the tract of land above described, and to locate another in lieu thereof, upon any of the public lands lying within the limits of the State aforesaid, and not otherwise appropriated.

To a compliance with this request on the part of the petitioner, your committee can see no very forcible objection, especially when it is considered that Congress has, from time to time, passed laws providing for relief in all such cases as the one now presented. It may be urged that the petitioner ought to have availed himself of the opportunity afforded by the enactment of previous laws to obtain the redress he now asks, but this objection ought not, in the opinion of your committee, to have much weight, since a great variety of causes, over which the petitioner could have had no control, and which it is not necessary now to enumerate, may have operated to prevent him. Congress has also, from time to time, enacted laws for the relief of the purchasers of the public lands, by allowing them to charge all erroneous entries made by them, whether the land be valuable or otherwise; and scarcely a session of Congress passes over at which private bills are not passed, authorizing persons who have made purchases of land possessing no value, to change their entries or locations, and to select other lands in lieu thereof. The soldier, then, who, in the hour of difficulty and of danger, has borne the hardships and privations incident to his profession, and who, to defend his country from foreign enemies, has cheerfully obeyed her call, by marching to the tented field, certainly deserves no less at the hands of his country than the citizen whose life and property have been defended by his valor. It were a lasting reproach should his country, in his old age, refuse him a spot of land upon which to obtain a comfortable subsistence, and compel him to take for his services land which is of no value whatever, and which is an incumbrance rather than a benefit. Your committee, therefore, report a bill for his relief.

24TH CONGRESS.] No. 1385. [1ST SESSION.

ON AN EXCHANGE OF LAND UNFIT FOR CULTIVATION FOR OTHER LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1836.

MR. MAY, from the Committee on Private Land Claims, to whom was referred the petition of Michael Thornton, reported:

That it appears, from the affidavit of the petitioner, that during the late war with Great Britain, he served as a private soldier in the army of the United States, in Captain Myers's company, of the thirteenth regiment of infantry; that he was honorably discharged from the service, and that he received as a bounty for his services a patent for the southeast quarter of section 12, in township No. 3 north, of range No. 2 west of the 4th principal meridian, situate in the military bounty tract of the State of Illinois. It also appears that the petitioner is still the rightful owner of the land aforesaid, and that he has not suffered it to be encumbered by sale for taxes or otherwise. It is further made to appear to your committee, by the concurrent testimony of witnesses who have personally examined the above tract of land, that it possesses no value, and is entirely unfit for cultivation, and for these reasons the petitioner prays relief, by being allowed to locate upon any of the public lands, in the State aforesaid, one quarter section in lieu of the tract patented to him for his services as aforesaid.

Your committee can entertain no doubt but that it was the intention of the government, in making enlistments for the army, to give to the soldier who should serve out his time faithfully, and receive an honorable discharge, a tract of land; upon which, after enduring the toils and sufferings of war, he could sit down in quiet repose, with the certain prospect of enjoying a competency from the avails of the land earned by his services and his sufferings. And where it is made to appear that this intention on the part of the government has not been fulfilled, justice would seem to require its speedy execution. An obscure but meritorious private soldier is no less an object of his country's justice than the most distinguished and highly favored general officer. Your committee, therefore, report a bill.

24TH CONGRESS.] No. 1386. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1836.

MR. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition and accompanying documents, of Joseph Neibert, of the State of Louisiana, reported:

That the petitioner alleges that he is the purchaser, or assignee, from Job Bass, of three several lots of land, lying on the Mississippi river, in the parish of Carroll, and State of Louisiana, in the district of lands north of Red river, and offered for sale at Ouachita, being in township No. 20, range thirteen east, by the name and description of lots No. 19 for 160.50; lot No. 20 for 164.25; and lot No. 21 for 163.35: making, in the aggregate, 488.60 acres; which was purchased by said Job Bass, in good faith, by entry at the land office, and he took the Receiver's receipt for the payment in the ordinary way as purchaser, &c.

That very valuable improvements have been made on the lands in building, clearing, and leveeing the bank of the Mississippi. The petitioner further represents, that after some time it was discovered by the receiver, that these lots had been previously laid off for the use of schools, in pursuance of the acts of Congress in such case made and provided; and that the receiver proposed to refund the money. It is furthermore represented, that this proposition could not be acceded to, by reason of the great expense and labor bestowed upon the lands by the purchaser, and by reason of there being other vacant and unappropriated lands adjoining these lots, which the administrators of the school lands are willing to take in place of those lots purchased by the petitioner.

The administrators of the school lands have, in a sufficiently authenticated form, given their assent to the arrangement proposed by the petitioner, and recommend that Congress shall confirm his title as prayed for, and permit them to take lands in lieu thereof (elsewhere in the parish), which belong to the United States, and remain unsold in the above mentioned parish of Carroll. The testimony exhibited is full and satisfactory as to the truth of the allegations set forth in the petition.

Your committee are of opinion that the prayer of the petitioner is reasonable, and ought to be granted, and have reported a bill accordingly.

24TH CONGRESS.] No. 1387. [1ST SESSION.

APPLICATION OF INDIANA FOR AN EXTENSION OF THE ACT GRANTING PRE-EMPTIONS TO ACTUAL SETTLERS.

COMMUNICATED TO THE SENATE, JANUARY 14, 1836.

A JOINT RESOLUTION relative to pre-emption to settlers on public lands of the United States, within the State of Indiana.

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their exertions to continue in force the act of Congress granting pre-emptions to settlers on the lands of the United States, so far as to grant pre-emptions to settlers on any of the lands of the United States which have been in market for the term of three years, and that his excellency, the governor, transmit a copy of this joint resolution to each of our senators and representatives in Congress as soon as practicable.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, January 2, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1388. [1ST SESSION.

ON THE CORRECTION OF AN ERROR IN THE ISSUING OF A CONTRACT FOR LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1836.

Mr. LINCOLN, from the Committee on Public Lands, to whom was referred the petition of David I. Talbot, praying the correction of an error in the issuing of a patent from the General Land Office, by which he is deprived of his title to a quarter-section of land entered by him in the land office of St. Louis, Missouri, reported:

That it satisfactorily appears, from the papers and evidence in the case, that the petitioner is assignee of his father, Haile Talbot, who, on the 18th day of October, 1818, entered by purchase, with the register of the land office at St. Louis, Missouri, the northwest quarter-section of section twenty-five, township forty-six, north of the base line, and range five west of the fifth principal meridian, in Missouri, and that, upon subsequent application to the Commissioner of the General Land Office, by the said David I. Talbot, for a patent of said quarter-section of land, it was denied to him, upon the ground that the same section had already then been patented to one Robert Wash, upon the New Madrid claim of one Peter Perron. *This* patent, the committee find, was issued *immediately between the date of making the entry by said David I. Talbot, and the time of his application for the patent*, upon an erroneous certificate of the surveyor general of the land district, to the recorder of land titles, dated the 20th January, 1820, that the New Madrid certificate of Peter Perron had been located by the before-named Robert Wash, on the before-described quarter-section, now claimed by the petitioner. The original certificate of entry, an authentic copy of which, from the surveyor's office, is furnished by the petitioner, shows that the entry of the before-mentioned New Madrid claim, by the before-named Robert Wash, was of the northeast quarter-section of the section and township aforesaid; and that, *by mistake only*, in the transcript and certificate of entry, this patent was made to issue and apply to the northwest section, claimed by the petitioner.

A certificate from the before-mentioned Robert Wash, under date of December 17, 1834, among the papers in the case, asserts that his location of the New Madrid claim was on the northeast and not on the northwest quarter-section of the section and township aforesaid, and he expressly *disclaims* any right to the latter quarter-section, claimed by the petitioner.

A letter from Elijah Hayward, esq., late Commissioner of the General Land Office, dated the 6th February, 1835, fully recognizes the occurrence of this error, and suggests the only mode of correction in an appeal to Congress.

The committee being of opinion that a mistake has occurred, by which the petitioner is injuriously prevented from obtaining his patent to the land to which he is entitled, and believing that the error may be corrected by authorizing the Commissioner of the General Land Office to issue the patent, on the surrender, by the said Robert Wash, of the patent which he disclaims, and, as a substitute for which, for aught appears to the committee, he may yet receive a patent for the northeast quarter of the section entered by him, report a bill.

24TH CONGRESS.] No. 1389. [1ST SESSION.

PAYMENTS CONNECTED WITH THE PURCHASE AND MANAGEMENT OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, JANUARY 18, 1836.

TREASURY DEPARTMENT, *January* 16, 1836.

SIR: Since my report on the 13th instant, a further communication has been received from the register on the subject of payments connected with the purchase and management of the public lands.

It is annexed, and shows the payments from the Treasury of $5,956,024 in pursuance of the original act of Congress of April 30, 1802, and others subsequent thereto, applying five per cent. on the sales of land in Ohio and other new States for public roads to and within them, in consideration of their exempting said lands from taxation till five years after their sale.

As these payments are deemed by many to be chargeable to the management of the public lands, the account is herewith submitted to the consideration of the Senate, showing that part paid to the States for roads within them, being three of the above five per cent., and that part paid and advanced for the Cumberland road on account of the other two per cent.; if added to the sum before presented, they would make an aggregate for the purchase and management of the public lands of $63,608,231.

I have the honor to remain, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. MARTIN VAN BUREN,
Vice President of the United States, and President of the Senate.

TREASURY DEPARTMENT, *Register's Office, January* 15, 1836.

SIR: In my communication of the 11th instant, to the Commissioner of the General Land Office, relative to the cost of the purchase and management of the public lands, the amount of the three per cent. payable to the Western States on the proceeds of sales, and the cost of the Cumberland road, were not stated. The sums are stated below, and are respectfully submitted for your consideration, whether they legitimately come within the scope of the resolution of the Senate of the 5th instant:

Amount of the 3 per cent. payable to the State of Ohio, December 31, 1834	$404,741 09
Amount of the 3 per cent. payable to the State of Indiana, December 31, 1834	238,848 72
Amount of the 3 per cent. payable to the State of Illinois, December 31, 1833	73,441 73
Amount of the 3 per cent. payable to the State of Missouri, December 31, 1833	69,583 21
	$786,616 75

The payments from the Treasury, on account of the Cumberland road, were as follows, viz.:

For the road east of the Ohio	$2,827,506 88	
For the road west of the Ohio	2,341,900 88	
		$5,169,407 76
		$5,956,024 51

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

T. L. SMITH, *Register.*

Hon LEVI WOODBURY, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1390. [1ST SESSION.

APPLICATION OF ILLINOIS FOR PERMISSION TO RELINQUISH THE SIXTEENTH SECTIONS OF LAND, WHEN VALULESS, AND SELECT OTHER LANDS.

COMMUNICATED TO THE SENATE, JANUARY 18, 1836.

Resolved, by the general assembly of the State of Illinois, That the senators and representatives in Congress from this State, be requested to use their exertions to procure the passage of a law, authorizing the extinguishment of sections number sixteen, in every township where these sections, upon being offered for sale, will not sell for one dollar and twenty-five cents per acre, and the selection of an equal quantity of land, in quarter-sections, in lieu thereof.

Resolved, That the governor be requested to transmit a copy of the foregoing resolution to each of the senators and representatives in Congress from this State.

JAMES SEMPLE, *Speaker of the House of Representatives.*
A. M. JENKINS, *Speaker of the Senate.*

24TH CONGRESS.] No. 1391. [1ST SESSION.

APPLICATION OF ILLINOIS FOR THE CORRECTION OF CONFLICTING LOCATIONS OF SURVEYS OF THE PUBLIC LANDS, AND PRIVATE LAND CLAIMS.

COMMUNICATED TO THE SENATE, JANUARY 18, 1836.

Whereas, by the authority of the several acts of Congress, a number of locations of land warrants was made in the present State of Illinois, previous to the general survey of the lands of the general government, and the lines of said surveys do not correspond with the lines of the public surveys; and, whereas, the said public surveys were connected with said locations, commonly called private surveys, by calculation, assuming as a data the land represented in said surveys, which is found by admeasurement to be incorrect, by which the fractions adjoining said surveys do not contain the acres represented on the plats in the land offices, which fact has, in some instances, prevented the sale of said fractions, and, in other instances, citizens purchasing said fractions have been disappointed in the quantity of land sold them; therefore,

Resolved, by the general assembly of the State of Illinois, That our senators be instructed, and our representatives requested, to use their exertions to procure the passage of a law remedying the above-named grievance.

And be it further resolved, That the governor be requested to transmit to each of our senators and representatives a copy of the foregoing resolutions.

JAMES SEMPLE, *Speaker of the House of Representatives.*
A. M. JENKINS, *Speaker of the Senate.*

GENERAL LAND OFFICE, *January* 27, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of this date, covering a memorial of the legislature of the State of Illinois, stating, in substance, that the surveys of the private claims were executed previous to those of the public lands, which, being connected with the lines of the private claim surveys, by calculation, are erroneous in consequence of incorrectness in such surveys, and that the contents of the fractions adjoining such claims are consequently incorrect. Upon reference to the plats in this office, it appears in every instance, so far as an examination has been made, that the lines of the public surveys were actually run to, and connected with, the lines of the private claims, by measurement on the ground, and that wherever the public surveys, thus closed upon the lines of the public claims, corners were established thereon, and the present memorial conveys the first intimation, so far as is recollected, that those surveys are generally incorrect.

There may be, perhaps, some cases of erroneous connection, but of which this office is unapprized at present, and which, if pointed out, the office would, even under the existing laws, assume the responsibility of having corrected, by resurveys, as has been done in other States.

The statements in the memorial go to show, however, the expediency of some legislative action on the subject generally, by which the office would be authorized, whenever the circumstances of the case rendered it necessary, to employ an agent, under the direction of the surveyer general, to make a personal examination on the ground, with a view of ascertaining the nature and extent of such alleged errors, and to have them corrected; particularly in those cases where, from the limited quantity of the work to be performed, it is found impracticable to procure a competent deputy to undertake it for the present maximum allowance.

The memorial is herewith returned.

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

ETHAN A. BROWN.

Hon. THOMAS EWING, *Chairman of Committee of Public Lands, Senate, U. S.*

24TH CONGRESS.] No. 1392. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom were referred the petition and documents of George Fead, reported:

That the documents accompanying the petition show, that on the 3d day of April, 1770, a grant upon quit-rent seems to have issued to George Fead, for 2,000 acres, situated "*Northeast about fifty-eight miles above Mobile town, on the east end of Alabama river.*" It seems, from an inspection of the grant, that no other consideration was given than that of quit-rent, and it emanated from the crown of England. The treaty of the 10th of September, 1763, between Great Britain and Spain, signed at Paris, transferred the Florida country, east and west, to Great Britain, which was taken possession of by the latter power, and so held until its retrocession, in 1783.

There is no evidence to show that the grantee ever took possession of the property, in order to fulfil the conditions of the grant, or pay the rents, or whether he died with or without heirs; if the former, whether they are or were foreigners, natives, denizens, or ever became inhabitants or citizens of this country, or to what country they belong. A statement of these facts, supported by even presumptive testimony, would have enabled your committee to have entered into the examination with more light than it is possible for them to possess, but the

petition carefully abstains from giving any information upon those points. If there was no other objection to this grant, your committee believe it is a bad precedent, and one which should not be followed, to confirm grants to the heirs of the grantee, unless there is some proof that he had heirs. It opens the door for much speculation at the expense of the government, by enabling speculators to have the land sold for taxes, and acquire a title by purchase at tax sales, when perhaps there are no heirs to the grantee, or if there be any, they are foreigners who never heard of the claim. That some frauds of this description have been practised upon the government, your committee verily believe.

But these are not the most decisive objections to the confirmation of this grant. When the Floridas were retroceded by the treaty of 1783, from Great Britain to Spain, the 5th article contains the following stipulations: "*His Britannic Majesty likewise cedes and guarantees in full right to his Catholic Majesty, East and also West Florida.* His Catholic Majesty agrees that the British inhabitants, or others who may have been subjects of Great Britain in the said country, may retire in full security and liberty, when they shall think proper, and may sell their estates and remove their effects, as well as their persons, without being restrained in their emigration, except on account of debts or criminal prosecutions, the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of ratifications of the present treaty. But if, from the *value* of the possessions of the English proprietors, they shall not be able to dispose of them within the said term, then his Catholic Majesty shall grant them a prolongation proportionate to that end."

This treaty bears date the 3d of September, 1783. The policy of the Spanish government, with respect to its colonial possessions, was to exclude, as far as practicable, all persons who were not Spaniards, or who did not profess the Roman Catholic religion. The subjects of Great Britain, professing almost universally the Protestant religion, were excluded from a residence in the country, retroceded in this instance entirely. They were left at liberty by the treaty to either sell their possessions or abandon them.

The presumption is, that those possessing any value were sold because there was no application, as is believed, by either the British government or its subjects to extend the term limited for the sale of those lands in the treaty. If the British subjects were injured by this regulation, their own government was bound, and no doubt did make remuneration therefor. The Spanish government held and possessed the country from the treaty of 1783, for nearly forty years, until the 22d February, 1819, when it was ceded to the United States. During all this time the Spanish government never considered this title valid; but, on the contrary, it was considered null and void by that government, and perhaps it was an abandonment in any government. It is a circumstance somewhat remarkable, that no application was made to the Spanish authorities for the space of near forty years after the issuance of this grant for its confirmation. This is a circumstance, when taken in connection with the 5th article of the treaty, to show that the grantee, or his heirs, did not believe that the grant was legal, or that they retained any property in it, and that it had become void. Is the United States under any other, or further obligation to confirm this grant than Spain would have been if the country had still remained under her dominion? It is believed that the 8th article of the treaty between the United States and Spain, dated the 22d of February, 1819, at Washington, reads as follows: "All the lands made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authority, in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of those lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of said lands, who by reason of recent circumstances of the Spanish nation, and by the revolution in Europe, have been prevented from fulfilling the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty, in default of which, the said grants shall be null and void." This article imposes no obligation upon the United States whatever, for two reasons. First, it only provides for the owners who were then in the actual *possession* of the lands claimed by them. Secondly, it only provides for such grants as had been made before the 24th of January, 1818, by the *King of Spain or by his competent authority*, and it has no relation to British grants whatever, which is a further proof that his Catholic Majesty considered that all such grants of land made by the British authorities, and which had not been sold, was null and void by the treaty of 1783.

The committee are of opinion that this claim does not come within the provision of any treaty or act of Congress, by way of establishing its validity. On the 8th of May, 1822, Congress passed an act (Land Laws, page 825) establishing a board of commissioners to examine all Florida claims that the United States were in any way bound to provide for, according to the treaty with Spain of 1819. By the provisions of that act, the claims were to be filed by the 1st of May, 1823, or they were declared void. The act of February, 1824, extended the term until the 1st of September thereafter, and if not filed, they were declared void. By the act of March, 1825, the last provision for filing these claims with the board of commissioners was extended to the 1st of January, 1826, shortly after which, the commission was closed. It is presumed that this claim never was laid before the board, or if so, that it must have been rejected. The petition is silent upon the subject. The only reason assigned in the petition in favor of the grant, is that Congress have confirmed some in the same situation. The reason should admonish us, that if Congress have incautiously permitted the United States to be deprived of its domain, without either consideration or obligation on her part, that the representatives should double their vigilance for the future in detecting claims which are entirely without foundation. Your committee are of opinion that the prayer of the petitioner is unreasonable, and ought not to be granted.

24TH CONGRESS.] No. 1393. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Charles Stewart, reported:

That the claim appears to be founded upon various grants from the British government to Charles Stewart, for six several tracts of land in Florida Territory, to wit: 150, granted July 24, 1770; 1261½, granted April 7,

1773; 1000, granted May 16, 1775; 1000, granted May 16, 1775; 1000, granted May 16, 1775; 1000, granted May 16, 1775. Your committee having bestowed a full consideration upon the subject of these grants, are of opinion that they are subject to all the objections which exist to the claim of George Fead, and the House is respectfully referred to the report made in that case for further information upon the subject. The committee consider that the prayer of the petitioner is unreasonable, and ought not to be granted.

24TH CONGRESS.] No. 1394. [1ST SESSION.

FOR THE RECOGNITION OF THE TITLE OF THE HEIRS OF JULIEN DUBUQUE TO LAND IN IOWA.

COMMUNICATED TO THE SENATE, JANUARY 20, 1836.

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

The heirs of Auguste Chouteau and John Mullanphy, late of the city of St. Louis, in the State of Missouri, now deceased, respectfully represent, That on the 10th of November, 1796, the Baron de Carondelet, then intendant and governor general of the Spanish government in Louisiana, granted in full property to one Julien Dubuque, a subject of that government, a tract of land called "The Spanish Mines," lying on the west bank of, and extending up, the river Mississippi, from the upper hills of the little river Maquanquitais, to the hills of Mesquabinongues, being about seven leagues on the western bank of the Mississippi by three leagues in depth, which the Fox Indians, then in possession of the country, had granted to the said Julien Dubuque, in full council, on the 22d of September, 1788; and that at the treaty made by General Harrison with the Sac and Fox tribes of Indians, at St. Louis, on the 3d of November, 1804, an additional article was added, expressly reserving and recognising the grant to Dubuque, lest it should be considered as retroceded by the general terms of the treaty. The petitioners refer to the assent of the Indians only to show the fairness of the grant to Dubuque as it respected the Indians, and not as affecting the validity of the grant as between the grantor and grantee, for Spain never regarded the Indian title in making grants of land. All question of Indian title is now at an end as to the country in dispute between the claimants and the United States. This grant was afterward, about the year 1806, laid before the board of commissioners appointed by the United States to adjust private land claims in Louisiana, and by that board held to be a complete title, that required no adjudication by them, under the laws of the United States.

On the 20th of October, 1804, the said Julien Dubuque, for the sum of ten thousand eight hundred and forty-eight dollars and sixty cents, paid him by Auguste Chouteau, late of St. Louis, deceased, sold and conveyed to him seventy-two thousand three hundred and twenty-four arpens of said land, to be taken off the lower or southern end of the tract; and on the 10th of April, 1807, the said Auguste Chouteau, for the sum of fifteen thousand dollars, sold and conveyed to John Mullanphy, late of St. Louis, now deceased, the undivided half, or thirty-six thousand one hundred and sixty-two arpens of the tract so bought of Dubuque.

Dubuque continued in possession of the land from the time of the grant until his death, about the year 1810, after which the residue of the grant was sold under the laws of the Territory of Louisiana, to divers persons, for the payment of his debts. Some of the assignees of Dubuque have continued in possession of the land from that day, so far as our relations with the Indians would permit, until they were dispossessed by the United States. After the last treaty of cession from the Sacs and Foxes to the United States, including Dubuque's mines, the executive officers of the United States, supposing the grant from Spain to Dubuque to be of no avail, without any judicial investigation or decision of the validity of the title of the claimants, or any of the forms of law, dispossessed the claimants by military force, and proceeded to lease their lands under a supposed authority to lease the public lead mines, and continue to hold the possession by superior force, and have caused great waste and damage to the claimants, by destroying their timber, digging up their soil, and carrying away their lead ore.

The petitioners insist that, independently of the assent of the Indians, which Spain never regarded in such grants, the grant to Dubuque, by the intendant general, possessing full power to make it, was valid and binding between Spain and the grantee; that it was made for valuable consideration of services rendered by Dubuque to the Spanish crown in exploring the country, and discovering and developing its resources; and that under the treaty ceding Louisiana to the United States, and the principles recognised by the Supreme Court of the United States in the case of United States *vs.* Arredondo and others, at January term, 1832, and in other cases, the claimants are entitled to the land and the peaceable possession under the grant to Dubuque, and their mesne conveyance from him. No jurisdiction over this case was given to the last board of commissioners. Heretofore there has been no adequate judicial tribunal in the country of Dubuque's mines to grant redress in the premises, and the petitioners are apprehensive that the United States will proceed to sell the country, including Dubuque's grant, as public lands of the United States, and by so doing, involve the claimants in ruinous litigation with great numbers of purchasers, and array the interests and passions of a whole country against their title; they therefore pray Congress to take their case into immediate consideration, and either to relinquish the pretensions of the United States to the lands granted to Dubuque, or, at least, suspend them from public sale, until the title can be adjudicated according to the constitutional rights of the claimants; and, in the meantime, that they be restored to their possessions, until the title shall be decided according to the laws of the land.

Elisabeth Mullanphy,
Octavia Mullanphy,
Ann Biddle,
Mary Harney,
Wm. S. Harney,
Bryan Mullanphy,
James Clemens, jr.
Eliza Clemens,
R. Graham,
Catharine Graham,
Charles Chambers,
Jane M. Chambers,
E. Chouteau,
Cerre Chouteau, in her own right, and as executrix of Auguste Chouteau, deceased.
Henry Chouteau,
Gabriel S. Chouteau,
Auguste P. Chouteau,

By PR. CHOUTEAU, JR., *Attorney in fact.*

24TH CONGRESS.] No. 1395. [1ST SESSION.

LOCATION OF CLAIMS AND RESERVATIONS OF THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE, JANUARY 20, 1836.

TREASURY DEPARTMENT, *January* 20, 1836.

SIR: In compliance with a resolution of the Senate, dated the 11th instant, I have the honor to transmit a report from the Commissioner of the General Land Office, accompanied by documents numbered from 1 to 18, and which are believed to contain all the information in this department on the subject of the resolution.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. MARTIN VAN BUREN, *Vice President of the United States, and President of the Senate.*

GENERAL LAND OFFICE, *January* 18, 1836.

SIR: In compliance with your reference to this office of the resolution of the Senate of the United States of the 11th instant, in the following words: "*Resolved*, That the Secretary of the Treasury communicate to the senate the instructions given to the agent for the location of the Choctaw claims, and the registers and receivers of public moneys of the different land offices in Mississippi, in relation to the location of the reservations and claims of the Choctaw Indians under the treaty made at Dancing Rabbit creek, on the 27th of September, 1830; and also if any, and what claims, under the fourteenth article of the treaty, have been presented since the removal of the Choctaw Indians west of the Mississippi river, and the amount of land so claimed; and whether any and what quantity of land has been reserved at the late sales proclaimed in Mississippi for the satisfaction of these claims; also, whether any claim has been sanctioned by the department, under the fourteenth article of the treaty, when the claimant's name was not found registered by the agent, as signifying his intention to remain and become a citizen of the State of Mississippi or Alabama," I beg leave to report, in reply to the first clause of the resolution, that the "agent" referred to was appointed by, and has acted under the directions of the War Department, and that the instructions given by this office to the land officers, in relation to the locations under the provisions of the Choctaw treaty of 1830, with the correspondence upon which those instructions were predicated, are contained in the accompanying papers, numbered 1 to 12, inclusive. And in reply to the inquiries in the second clause of the resolution, I have to state that the only information which has been communicated to this office by the land officers in relation to the lately alleged claims under the fourteenth article of that treaty, is contained in the papers numbered 13 to 18, inclusive. Copies of the last three have been furnished to the Secretary of War for his information.

All which is respectfully submitted.

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 1.

DEPARTMENT OF WAR, *Office Indian Affairs, June* 8, 1833.

SIR: Colonel George W. Martin has been selected by this department to locate reservations under the nineteenth article of the treaty with the Choctaws of September 27, 1830.

I have to request that you will direct copies of the plats of the one hundred and twelve townships and fractional townships which have been surveyed, to be prepared and forwarded to Colonel Martin. As the department is not informed of the post-office nearest to him, you are requested to enclose them to General John Coffee, Florence, Alabama.

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

ELBERT HERRING.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

No. 2.

GENERAL LAND OFFICE, *June* 17, 1833.

SIR: Your letter to the Commissioner, of the 8th instant, has been duly received, wherein you state that Colonel George W. Martin has been appointed by the department to locate reservations under the nineteenth article of the treaty with the Choctaws of September 27, 1830, and request that the Commissioner would direct copies of the plats of the one hundred and twelve townships and fractional townships which have been surveyed, to be prepared and forwarded to Colonel Martin.

It devolves upon me to advise you that, with the present force at the disposal of this office, it will be impracticable to comply with your request, and that the surveyor general of Mississippi will not be enabled to furnish such extra copies within any reasonable time. The surveyor is already required to prepare triplicate plats of the public surveys, and until such *triplicates* are completed, a fourth set cannot be ordered.

Under these circumstances it will be advisable, and indeed indispensably necessary, for Colonel Martin to make references to the plats in the office of the surveyor general at Washington, Mississippi, (which office is directed by a law of the last session of Congress to be removed to Jackson,) or to the land officers of the northeastern or northwestern district. The President has designated a town recently established on the Yellow Bushe (a stream tributary to the Yazoo), which is situate within about three miles of the old missionary establishment at Elliott, as the seat of the land office for the northwestern district. The town is, I believe, named *Tuscahomo.* He has designated the town of *Columbus*, on the Tombeckbee, as the seat of the land office for the northeastern district.

The necessary instructions preparatory to the opening of those offices have been given. The officers have not as yet received the late advice of the President's designation of the *sites* of those offices.

The first step to be observed by the officers will be to obtain the township plats from the surveyor general. Colonel Martin may, in the mean time, decide whether it would be more convenient to make reference to the office of the surveyor general or at the district land offices.

I would further remark that, in the location of the numerous reservations under various Indian treaties heretofore made, it has never been customary to furnish copies of the plats to the Indian agents. They have always obtained the information to be afforded by the plats, by reference either to the surveyor's office or the district land office.

I have to request that you will have the goodness to furnish this office with a copy of the instructions to Colonel Martin, as soon as your convenience will admit.

I am, very respectfully, &c.

JOHN M. MOORE, *Acting Commissioner.*

ELBERT HERRING, Esq., *Commissioner of Indian Affairs.*

No. 3.

DEPARTMENT OF WAR, *Office Indian Affairs, July* 1, 1833.

SIR: I enclose, herewith, a copy of the instructions to George W. Martin, esq., the agent appointed to make the selections of the locations of the tracts of land granted to the Choctaws by the treaty of September 27, 1830.

Owing to the difficulty of obtaining copies of the plats, as stated in your letter of the 17th ultimo, I have this day written to Mr. Martin, directing him to make reference to the plats in the office of the surveyor general of Mississippi, so far as may be necessary to the accomplishment of his duties, and have informed him that such instructions would be given by you to the land officers as would insure him every facility in the prosecution of his labors.

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

ELBERT HERRING.

JOHN M. MOORE, Esq., *Acting Commissioner General Land Office.*

DEPARTMENT OF WAR, *June* 26, 1833.

SIR: You are hereby appointed to make the selections of the locations of the tracts of land granted to the Choctaws by the fourteenth, fifteenth, and nineteenth articles of the treaty of September 27, 1830, concluded at Dancing Rabbit creek. Your compensation will be five dollars per day, to include services and expenses while engaged in this duty; and you are authorized to employ an interpreter, if necessary, and if one attached to the agency cannot be detailed to attend you, and to allow him two dollars and a half per day, in full for his expenses and services. These claims will be paid upon accounts certified by both yourself and the interpreter.

The department is informed that plats of the surveys of one hundred and twelve townships have been received at the General Land Office, and that the exterior lines of (one) one hundred and seventy-six townships have been run, the sectioning of a majority of which is in progress. Copies of the plats received here will be forwarded for you, from the Land Office, to the care of General Coffee. You will please to apprize the department of your address, that copies of the other plats may be sent to you direct.

Upon application to Colonel Ward, or William Armstrong, esq., at the agency, you will be furnished with copies of registers of the different classes of reservees in the three districts, and may obtain all the information you will require in the fulfilment of this duty. These registers are supposed to be complete, and you will be governed by them in the location and assignment of reservations in all cases, unless otherwise directed by this department.

The general provisions of the treaty are, that the reservations shall be bounded by sectional or quarter-sectional lines of survey, and include the improvements of the reservees. An exception to this rule occurs in the fifteenth article, and in the first clause of the nineteenth, by which two of the four sections granted to the three chiefs and to Colonel Folsom are to be located "on unoccupied, unimproved land." You will consult the wishes of these persons in locating their sections, taking care not to interfere with the possessory rights of any other Indian. The half sections and quarter sections allowed to heads of families, in the fourteenth article, for their children, will adjoin the location of the parents.

The number of reservees provided for in the third and fourth clauses of the nineteenth article is limited, and the extent of their respective reservations is proportioned to the number of acres in cultivation. You will learn from the registers the names of the persons entitled to land under the several classes. In locating the three quarter sections granted to those who shall have cultivated thirty acres or more, you will observe that the treaty provides they shall be "contiguous and adjoining." The reservations allowed under these two clauses are also to be located so as to include that part of the improvements which contains the dwelling-house. If the contingency should happen, contemplated in the latter part of the fourth clause, that the number of reservees should exceed the number stipulated for, you will call upon one or more of the chiefs of the district to which they belong to decide who shall be excluded. For instance, one half section is granted to the cultivators of from twenty to thirty acres, the number not to exceed four hundred. If there should be four hundred and fifty claimants, the chiefs are to decide upon the fifty whose claims must be rejected.

The fifth clause provides for the assignment to the captains whose cultivated possessions may entitle them, under the previous clauses, to less than a section of an additional half section. The half section must adjoin the tract which includes their improvements and dwelling-house. The registers also will show you the names and number of the orphans entitled to reservations.

If any of the Choctaws have no improvements, or if the location of a tract would include the improvements of more than one of them, in that case you must exercise a sound discretion respecting the person to whom such tract shall be assigned. It is desirable that the parties interested should decide for themselves, or agree to submit to the determination of their chief. But if they will not do either, the best method will be to draw lots in their presence. It is also desirable that the reservees of each district should be located together, and as near to each other as the preservation to each of them of his improvements will permit.

You will establish such permanent marks upon each reservation as will show its extent and boundaries. You will also open a new register, and enter upon it the names of the reservees, and the number of the sections, half-

sections, or quarter-sections, as marked on the plats of survey assigned to them respectively. The originals of this register you will leave with the sub-agent, William Armstrong, esq.: a copy you will forward to this department.

The department relies upon your zeal and exertions to execute any part of your duty under these instructions in a manner accordant with the obligations of the government, and satisfactory to the Indians.

I enclose a copy of the treaty.

Very respectfully, your obedient servant,

JOHN ROBB, *Acting Secretary of War.*

GEORGE W. MARTIN, Esq., *care of Gen. John Coffee, Florence, Alabama.*

No. 4.

GENERAL LAND OFFICE, *July* 5, 1833.

SIR: I have to acknowledge the receipt of your letter of the 1st instant, covering a copy of the instructions given by the War Department to George W. Martin, esq., in relation to the location of the reservations granted to individuals by the Choctaw treaty of 1830. Perceiving that those instructions are silent upon several points which have already been brought before this office for decision, I beg leave to enclose copies of the letters containing those decisions, for your information, with a request that they may be made the basis of additional instructions to Mr. Martin.

Copies of the letter to Mr. Armstrong have been furnished to several persons interested in the subject, as explanatory of the manner in which the locations would have to be made.

I am, &c.,

JOHN M. MOORE, *Acting Commissioner.*

Hon. E. HERRING, *Commissioner of Indian Affairs.*

GENERAL LAND OFFICE, *April* 28, 1832.

SIR: Your letter of the 23d instant to the Secretary of War having been referred to this office, I have to give the following answers to your several questions, viz.:

"*First.* How will the reservations be located where there are two or more neighbors living so near to each other that their houses fall within one reservation? Will they be bound to locate adjoining, or will they be entitled to floats? If so, who will have the preference; will they draw for choice, or will the oldest settler be bound to take the reservation including his own dwelling?"

Answer. The reservations may be located by taking such legal subdivisions of adjacent sections as will give to the reserve as *square* a form as practicable. Thus, if different improvements are so situated upon the same section, or subdivision of a section, as to allow the parties, by taking legal subdivisions, to obtain their respective improvements, they will have to take such legal subdivisions, together with such adjacent tracts as may be necessary to give the required shape and contents to the reservations.

If, however, two or more reservees have settled upon and improved the *smallest* legal subdivision of a section, and thus rendered it impracticable to make a division of the improvements by the selection of legal subdivisions, they will have to make an arrangement among themselves as to the manner in which the reservations are to be located.

"*Secondly.* Where a reservation falls in a fraction, as is often the case on the river, and the fraction falls short of the complement of acres, can the reservation be completed from the adjoining fraction?"

Answer. Yes, in cases including and based upon actual improvement, taking care, however, that the subdivisions which may be located to complete the quantity be so designated as to give the entire reserve a square form; but where a *floating* right is located on a fractional section, such fraction must be taken in full satisfaction of the quantity granted by the treaty.

"*Thirdly.* Where a reservation is granted to an individual by name in the treaty, for a certain number of acres, to include his improvement, and it turns out that he never had any in cultivation, where will his location be made—will he be entitled to a float, or is he deprived entirely of his reservation?"

Answer. The reservation having been granted in consequence of a supposed improvement by the individual named in the treaty, if it should appear that such individual had no improvement, he is not entitled to a reservation.

"*Fourthly.* Where a reservation has been positively granted in the treaty for a certain number of acres, and afterward the individual wishes to receive the benefits allowed citizens, and has given the notice within the six months after the ratification of the treaty, that he wishes to become a citizen, and hold his land accordingly, can he do so, or will he be held to his agreement set forth in the treaty, which he, of course, solicited when the same was made?"

The question is, can he abandon the treaty stipulation and receive a greater quantity of land from the government?

Answer. No. The claimant is only entitled to the quantity specially designated for him by the treaty.

I am, &c.

ELIJAH HAYWARD.

F. W. ARMSTRONG, Esq., *Indian Agent, &c., Present.*

GENERAL LAND OFFICE, *July* 3, 1832.

SIR: I return the letter of Messrs. Cook and Ellis, enclosed in your note of this date, respecting the location of the reservation secured to Colonel David Fulsom, by the Choctaw treaty of 27th September, 1830.

The provision respecting Colonel F. is in the following words: "To Colonel David Fulsom, four sections, of which two shall include his present improvement, and two may be located elsewhere on unoccupied unimproved land." The two sections to include his present improvement must be located in one body, and include the improvement on which he then resided, and the floating sections must also be located in one body, and so far from being made to "cover the improvements in different parts of the nation," as desired by Messrs. Cook and Ellis, must, agreeably to the expressed words of the treaty, be located on "unoccupied, unimproved land." The reservation will have to be made by *sections.*

I am, &c.,

ELIJAH HAYWARD.

Hon. W. R. KING, *Senate.*

GENERAL LAND OFFICE, *August* 15, 1832.

SIR: In reply to your letter of the 27th ultimo, inquiring whether "floating claims for lands in the Choctaw purchase cannot be located on the different mission stations," I have to state, that it is expressly provided by the Choctaw treaty of September, 1830, that all the floating reservations should be located upon *unoccupied and uncultivated* lands. No location of a missionary station can, therefore, be sanctioned.

I am, &c.,

ELIJAH HAYWARD.

W. S. COLQUHOUN, *Columbus, Ohio.*

GENERAL LAND OFFICE, *January* 25, 1833.

SIR: I have the honor to return the letter enclosed in yours of the 22d instant, and, in answer thereto, have to state that a strict construction of the Choctaw treaty of September, 1830, would have prevented *fractional* sections from being located by the floating claims of half and quarter sections; but that, with a view of giving the most enlarged construction to it, for the benefit of the holders of these floating rights, the Indian agent was informed, on the 28th of April last, that a floating right might be located upon a fractional section, provided that the party making such location would take the fraction in full satisfaction of the whole quantity granted by the treaty. Mr. Murrell's wish to locate a floating claim upon *two* fractions cannot be acceded to.

An extract of so much of the letter to Mr. Armstrong as relates to the location of fractions is enclosed.

I am, very respectfully,

ELIJAH HAYWARD.

Hon. GAB. MOORE, *Senate.*

GENERAL LAND OFFICE, *February* 28, 1833.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant; and the subject of your proposed location of two fractional sections by a floating Choctaw reservation having been brought before this office by the Hon. Mr. Moore, I enclose herewith a copy of my letter to that gentleman of the 25th ultimo, stating that the location of a floating claim upon *two* fractions could not be sanctioned.

I am, very respectfully, &c.

ELIJAH HAYWARD.

WM. MURRELL, Esq., *Coffeeville, Clarke county, Alabama.*

GENERAL LAND OFFICE, *March* 19, 1833.

SIR: I have to acknowledge the receipt of your letter of the 26th ultimo.

The second article of the supplementary treaty with the Choctaws having granted to Mr. Tuzan, among others, "half a section of land," in issuing the instructions it became necessary to say what tracts could be located under those words. "Half a section of land" is a description purely technical, and no other meaning could strictly be given to it, than that it was to be the half of a regular section, (a tract of a mile square,) agreeably to the public surveys; but as the treaty was to be liberally construed, and as a close adherence to the technical meaning of those words would have precluded the location of any tract made fractional by a water-course or other causes, it was deemed advisable to allow the holder of such a floating grant, the option of taking either a regular half section or a fractional section in lieu thereof. This construction is liberal, and can furnish no well-grounded cause of complaint, for if the holder of a reserve is not satisfied with the privilege of locating *one* fraction, he is not compelled to make such a location, but may conform to the words of the treaty and take a regular half section, it being entirely optional with him to take whichever location he may deem most advisable. I have, therefore, to repeat the decision heretofore communicated to you, that your location of a floating claim to "half a section of land" upon two fractions cannot be sanctioned.

I am, &c.

ELIJAH HAYWARD.

Mr. W. MURRELL, *Coffeeville, Clarke county, Alabama.*

No. 5.

GENERAL LAND OFFICE, *August* 6, 1833.

SIR: Your letter of the 8th ultimo, with a newspaper copy of your publication in relation to the Choctaw reservations, has been received.

George W. Martin, esq., having been appointed agent to locate the reservations granted by the Choctaw treaty, your duties in relation thereto will be confined to entering, as reserved, upon the books and maps of your office, such tracts as Mr. Martin may designate as reservations, and you are to exercise no agency of any other kind in relation to those reservations, without special instructions from this office.

The President has not decided upon the forms which will have to be observed in the execution and acknowledgment of the conveyances of those reservations, in order that they may receive his approval; but, so soon as he does, the necessary instructions will be made out, and transmitted for the information and government of the persons interested.

I am, very respectfully, &c.

ELIJAH HAYWARD.

SAM'L GWINN, Esq., *Register of the N. W. District, now at Clinton, Mississippi.*

No. 6.

GENERAL LAND OFFICE, *August* 20, 1833.

SIR: The Secretary of War having advised the Treasury Department, "that Colonel George W. Martin has been appointed to locate the reservations provided for in the treaty with the Choctaws of September 27, 1830, with the exception of those four orphans, the location of which has been assigned to Wm. Trahern, esq.," and that those gentlemen have been directed to make duplicate returns of their proceedings to the proper land offices,

I am instructed to require you to withhold from sale all lands which may be reported to you by either of those gentlemen, as Indian reservations under the aforesaid treaty. These tracts must be marked upon your plats and tract books, as being reserved for the respective reservees; and, at the close of each month, you will forward to this office one of the duplicate returns with which you will be furnished by the agents. Upon this return, you will certify that the lands therein mentioned have been marked upon your plats and tract books.

Should you discover any errors in those returns, or be apprized of any facts which should be made known to the executive before the reservations are finally acted upon, you will accompany the return by such a statement thereof as may be necessary.

I am, very respectfully, ELIJAH HAYWARD.

To the REGISTERS *at Mount Salus, Chocchuma, Columbus, and Augusta, Mississippi.*

No. 7.

DEPARTMENT OF WAR, *September* 5, 1833.

SIR: By a proclamation of the President, of August 12, 1833, the lands ceded to the United States by the Choctaw Indians in the State of Mississippi, are required to be offered at public sale in the month of October or November next. By the treaty of cession, certain reservations are to be made in favor of individuals of the Choctaw tribe, and these reservations must be necessarily located before the lands are sold.

By a letter recently received from the locating agent there is reason to fear that this work cannot be completed before the time fixed for these sales, and I have therefore to request that instructions may be given to the proper registers and receivers to postpone the sales, upon the requisition of Colonel Martin, the agent, of such parts of the land as may be necessary, in order to carry into effect the stipulations of the treaty.

I have submitted this subject to the President, and it is with his approbation this letter is addressed to you.

Very respectfully, I am, &c.,

LEWIS CASS.

Hon. WM. J. DUANE, *Secretary of the Treasury.*

[*Endorsement.*]—Referred to the Commissioner of the Land Office.

W. J. DUANE.

September 5, 1833.

No. 8.

GENERAL LAND OFFICE, *September* 10, 1833.

SIR: From representations recently received by the President of the United States, there is reason to apprehend that all the locations of lands stipulated to be reserved for the benefit of certain individuals of the Choctaw tribe of Indians, by treaty between the United States and the said tribe, concluded at Dancing Rabbit creek, on the 27th day of September, 1830, may not be duly perfected and made known, at the proper land offices, on or before the respective periods for the opening of the sales, as designated and prescribed in the proclamation bearing date the 12th August last; in consequence whereof I am charged by the President to authorize and direct you to withhold from public sale such tracts or portions of the land so proclaimed to be sold at your office, as the United States agents for locating the reservations on behalf of the Choctaws shall indicate to you as necessary and proper to be withheld from sale, in order fully to carry into effect the intentions of the treaty.

In order that this instruction may not have any prejudicial effect on the public sales, it is requested that you will regard it as *confidential* until the day of sale.

I am, very respectfully, &c. JNO. M. MOORE, *Acting Commissioner.*

P. S. George W. Martin is the general agent, and Col. Wm. Trahern the agent for locating the orphan reserves.

REGISTERS *at Mount Salus, Columbus, Augusta, and Chocchuma, (the latter forwarded to him at Rankin,) Mississippi. Duplicates sent to the* RECEIVERS *of the same offices on the* 16*th.*

No. 9.

DEPARTMENT OF WAR, *September* 28, 1833.

SIR: I transmit the copy of a letter addressed to the locating agent under the Choctaw treaty, and would suggest the propriety of your giving corresponding instructions to the proper registers and receivers. I would also suggest whether it would not be well to remove the injunction, heretofore laid upon those officers, to keep secret the fact of the necessity of withholding from sale, should such necessity be found to exist, any tracts required for the location of the Choctaw reservations, and where that duty cannot be performed before the day fixed for the sale.

Very respectfully, I am, sir, your obedient servant,

LEWIS CASS.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington.*

DEPARTMENT OF WAR, *September* 27, 1833.

SIR: I regret to learn, that owing to some misunderstanding, the copy of the register of the names of the Choctaw Indians entitled to reservations, which is in the possession of Major Armstrong, has not been received by you. Another copy is preparing here, which will be ready for transmission in a day or two: but, in the meantime, I am apprehensive that this circumstance will delay the sale of at least a portion of the lands ceded by the Choctaws.

I am desirous that the inconvenience should be as little as possible, and I would therefore suggest to you the

expediency (as you cannot now possibly complete the locations prior to the day appointed for the sale of the land) to fix upon such a district of country for the locations as will enable you to do justice to the Indians, and that the residue of the ceded territory be offered for sale, agreeably to the proclamation.

I do not myself see any objection to this course, and I think it will be promoting the public interest. Still, as it is possible there may be difficulties attending it of which I am not aware, I must refer the subject to your discretion. Be pleased to communicate with the surveyor general, and registers, and receivers on this subject.

Very respectfully,

LEWIS CASS.

Col. GEORGE W. MARTIN.

No. 10.

GENERAL LAND OFFICE, *September* 30, 1833.

GENTLEMEN: On the 10th instant, instructions were issued to you, to withhold from the approaching sales of public lands in your district, such *tracts* or *portions* of the lands proclaimed to be sold, "as the United States agent for locating the reservations on the behalf of the Choctaws, shall designate to you as necessary and proper to be withheld from sale, in order fully to carry into effect the intentions of the treaty."

I am directed by the President to enclose for your information a copy of an instruction from the War Department, to the locating agent, George W. Martin, dated 27th instant, from which you will perceive that, owing to some misunderstanding, the copy of the register of names of the Choctaw Indians entitled to reservations, has not been received by the agent, and that another copy is preparing, to be transmitted.

Inasmuch as from the circumstance stated, the locating agent may find it necessary to withhold from sale a greater body of land than was first supposed to be necessary, I am charged by the President to say to you, that you are authorized to withhold from public sale *as many townships or fractional townships, in contiguous bodies or otherwise*, of the land proclaimed, as the agent may designate as necessary to accomplish the intentions of the treaty. You are requested to give public notice accordingly.

I am, very respectfully, &c.

JOHN M. MOORE, *Acting Commissioner.*

The REGISTER and RECEIVER *at Mount Salus, Chocchuma, Columbus, and Augusta, Mississippi.*

No. 11.

TREASURY DEPARTMENT, *October* 14, 1834.

SIR: Herewith you will receive a copy of a letter from the Department of War, addressed to George W. Martin, esq., and dated the 11th instant, from which you will perceive that the President has modified the order precluding the agent from making locations under the 14th article of the Choctaw treaty, in behalf of persons who have not been registered, so far as to permit them to exhibit the evidence of their claims, and to authorize contingent locations in such cases as the agent may believe are embraced by the requisitions of the 14th article, and where the evidence establishes the fact that the omission of their names on the register was caused by the mistake or neglect of the agent: and, also directed, that the lands thus located be suspended from sale until the views of Congress in regard to them can be ascertained. I have, therefore, to request, that the necessary instructions may be issued without delay to the proper land officers, requiring them to suspend the lands from sale, according to the President's directions.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

DEPARTMENT OF WAR, *October* 11, 1834.

SIR: The applications that have from time to time been presented to this department, by persons claiming reservations under the 14th article of the Choctaw treaty, that the sales of the sections they claim may be suspended, have been submitted to the President, who has directed the following instructions to be communicated to you.

In the cases that have been brought to the notice of this department, it has appeared from the evidence exhibited, that the names of the claimants were registered, and the record has been lost; or that the record was made on separate slips of paper, that cannot now be found; or that they applied verbally, and were led by the agent to believe that this was a compliance with the treaty; or that their application to be registered was refused without sufficient reason.

There has also been evidence exhibited to show that the agent certified that persons "caused their names to be registered," whose names are not upon the register returned by him. In this state of things, the President deems it to be his duty to modify the order that precluded you from locating sections for persons not upon this register, in order that the parties may have an opportunity to obtain the action of Congress upon their claims.

You will therefore give public notice, that persons who consider themselves entitled to reservations under the 14th article, and whose names are not upon the register of Colonel Ward, will exhibit to you the evidence in support of their claims. This evidence must show that they were citizens of the Choctaw nation, heads of families, and did signify their intention to become citizens within the time prescribed by the treaty. It must also show the time of their application to be registered, and the conversation and circumstances relating to it.

If they bring themselves within the requisition of the 14th article, and the evidence of credible and intelligent witnesses induces you to believe that the omission of their names on the register was caused by the mistake or neglect of the agent, you will make locations for them, in the manner pointed out in the instructions heretofore given to you. These locations, it must be understood, are contingent, and will be complete only in the event of their being confirmed by Congress.

If the whole or a part of any reservations that may be claimed have been sold, you will designate upon the plats tracts of equal dimensions, and of as nearly equal value as practicable.

The register and receiver of the proper land offices will be instructed to reserve from sale the reservations you may locate under this order, until the views of Congress are ascertained.

The President specially directs that you transmit, in season for the action of Congress at its next session, detailed reports, showing the names, standing, and credibility of the witnesses, and all the circumstances in each case, with copies of the papers presented to you, and your communications to the land offices upon this subject.

The execution of these instructions will require your prompt and vigilant attention, that justice may be done to the Indians and the government.

I am, &c.

MAHLON DICKERSON, *Acting Secretary of War.*

Col. GEORGE W. MARTIN, *Columbus, Mississippi.*

WASHINGTON, *October* 13, 1834.

The requisite instructions will be given by the proper departments, for the location and suspension from sale of reservations of land in the Choctaw country, whenever persons claiming reservations under the 14th article of the treaty with the Choctaws of the 27th of September, 1830, shall exhibit to Colonel George W. Martin, the locating agent, probable evidence of credible witnesses of their rights under the provisions of said article, and that their failure to obtain such reservations has been caused by the mistake or neglect of the agent appointed to make a list of reservees.

These locations will be contingent, and will be complete only in the event of their being sanctioned by Congress. Until that decision is obtained, the tracts located under this order will be reserved from sale.

If the tracts to which any claimants were entitled have been sold, in whole or in part, the locating agent will designate upon the plats tracts of equal dimensions, and of as nearly equal value as practicable, and these also will be reserved from sale.

In all cases, the locating agent will make special reports of the names of the witnesses, and of the facts and circumstances submitted' to him; and these reports will be transmitted in season for the action of Congress, at its next session.

ANDREW JACKSON.

No. 12.

GENERAL LAND OFFICE, *October* 16, 1834.

GENTLEMEN: Enclosed you have a copy of a letter, dated the 14th instant, from the Secretary of the Treasury, covering a copy of a letter from the Secretary of War to Col. George W. Martin, of the 11th instant, and a copy of the President's instructions of the 13th instant, directing that conditional reservations should be made for certain individuals, under the 14th article of the Choctaw treaty; and you will accordingly withhold from sale any lands which Col. Martin may designate under those instructions.

At the close of each month, you will forward to this office an abstract of all the tracts thus designated by the locating agent during the month. Very, &c.,

ELIJAH HAYWARD.

REGISTERS *and* RECEIVERS *of the land offices at Chocchuma, Columbus, Augusta, and Mount Salus, Mississippi; and at Tuscaloosa, Demopolis, and St. Stephen's, Alabama.*

No. 13.

Extract of a letter from Samuel Gwin, register at Chocchuma, Mississippi, to the Commissioner of the General Land Office, dated May 5, 1835.

"I might also state that this delay of bringing the public lands, in the Choctaw purchase, into market, is the *hot-bed* that will bring forth thousands of fraudulent claims under the treaty; and you need not be surprised if it does not forever supersede another public sale, by sweeping off some six or seven hundred sections of the choicest lands, by claims *coined* to suit the times. By pushing the lands into market, they are prevented from maturing their plans, and carrying them into effect. But here is time given them to gather a head of water, and it will not be lost to them."

No. 14.

Extract of a letter from Samuel Gwin, register, to the Commissioner of the General Land Office, dated Chocchuma, May 7, 1835.

"I would also recommend that all the lands *conditionally* reserved from sale at the last land sales in townships 24, range 7, W., be also offered to sale at the above period. These claims are *not just;* Congress has failed to act on the subject, as was expected, and there is no good reason why the government should not have the disposal of her domain, until these claims are sustained by an act of Congress. They are held by speculators and not by Indians—have been purchased at reduced prices, and the assignees were, at the last session, lobby members in Washington; and if there is not some stimulant to such claimants to make good their claims, it will create incalculable difficulties in your office. If the government is a debtor to these claimants, let them make them good, but not before she is in justice bound to pay them. Again; these lands are worth *fifty times* as much as the lands the Indians *pretendedly* lived on. Those that had settlements (and they are not one in a hundred) lived on very poor land; and if a strict examination was had, the very same lands, or lands of similar quality, could be had in their immediate vicinity; and if they must have them, let them be taken there. There is no justice in their *floating* from the poor pine lands, east of the Yala Busha, to the richest river lands on the Mississippi. There are plenty of lands yet to be sold in that section to satisfy all *just* claims; but I query very much, if you keep the door open, whether there will be, in a short time, enough in the Choctaw purchase, to

satisfy the real and fictitious claims. I do hope that you will confer with the Secretary of War, and let him direct the locating agent to examine *personally* the lands where the Indians lived, and where they wish their location made. If the officers of the government will close their eyes on this matter, then may you give up the idea of ever having another sale in the Choctaw purchase. I have seen enough to know that anything can be proved where *rich river lands* are in view. In recommending the above, I have discharged my duty, and let the result be as it may, I shall hereafter look on in indifference, as I have, unfortunately, heretofore fallen between two fires, the speculators, the government, and vile slanderers. The lands above alluded to are the whole of sections 15 and 16; north half 21; north half 22; west half northwest quarter 23; whole of sections 17, 19, and 20; north fractional south half, and east half northeast quarter 18; lots 1 to 24, inclusive, of section 4; lots 25 to 40, inclusive, of section 3; lots 17, 18, 23, 24, 25, 32, 33, and 40, of section 5; east half section 8; whole of section 9; whole of sections 10 and 11; and lots 25 to 40, inclusive, in section 2; whole of sections 12 and 14; north half 13; and lots 35, 36, 37, and 38, of section 1, all in townships 24, range 7, west, making about 11,630.04 acres.

No. 15.

Extract of a letter from Samuel Gwin, Register, to the Commissioner of the General Land Office, dated Chocchuma, August 26, 1835.

"List of lands reserved under the 14th article, from sale in December, 1834, until the action of Congress could be had thereon, which I recommend to be proclaimed for the reasons in my letter to you of the 7th May last:

"Lots 35, 36, 37, in section 1.

Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40, in section 2.

Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40, in section 3.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, in section 4.

Lots 17, 18, 23, 24, 25, 32, 33, and 40, in section 5.

East half section 8, whole section, 9, 10, 11, and 12, north half 13, whole of 14, 15, 16, 17.

South half and east half northeast quarter section 18, whole of 19 and 20, north half 21, north half 22.

West half northwest quarter 23, and north half 30, all in township 24, range 7, west.

Under the eighth paragraph of the supplemental treaty of Dancing Rabbit creek, there is a reservation in favor of *Peggy Trihan* and her two fatherless children, and Delila and her five fatherless children, of a quarter section to each of the mothers and children, to be located under the direction of the President of the United States.

Under this clause the following lands have been reserved from sale; and that the orphans may have the full benefit of the donation, I recommend that the lands be sold at public sale, and the money paid over to them, or otherwise disposed of for their use, as may be deemed best by the President of the United States.

Sarah, one of Delila's children, lots 11 and 12, section 19, township 22, range 3, east.

Joseph, one of Delila's children, lots 1 and 2, section 14, township 22, range 9, west.

Betsey, one of Delila's children, southwest quarter section 19, township 24, range 6, east.

Peggy Trian, lots 1, 6, and 7, section 7, township 22, range 5, east.

Same, Lots 8, 9, 14, aud 15, section 7, township 21, range 5 east.

These last two are believed to be the children of Peggy Trihan; for Governor Runnels purchased the mother's claim, if I mistake not.

It has been represented that frauds had been practised on these orphans by a person having himself appointed their guardian, ordering the land to be sold, and he himself becoming the purchaser, for little or nothing. From the whole tenor of the treaty, I think it may rationally be concluded that the President is, by it, the guardian of these orphans, and for their use the lands ought to bring as much as they are worth."

No. 16.

LAND OFFICE AT AUGUSTA, *Mississippi, October* 20, 1835.

SIR: Enclosed I hand a copy of an advertisement of John Johnson, sr., who styles himself the "agent and attorney in fact of the Choctaw claimants."

The course pursued by this individual in relation to the straggling Indians who have remained in or returned to the country which has been ceded to the United States, will, I apprehend, have a prejudicial effect on the sales of the lands in the townships enumerated in his advertisement. He has, as I have been informed, taken testimony in favor of the claims of one hundred or more Indians, who have attempted to prove that they did apply to the proper agent within six months after the ratification of the treaty to have their names registered as claimants under the 14th article of said treaty.

I am induced to believe that most of this testimony is of a suspicious character, at least so far as it relates to individuals who did not attend, agreeably to the notice of the locating agent, to have their reservations located. This, I think, they would have done, had they believed their names were registered, and their neglecting to do so, raises a violent presumption that they did not, at that time, believe themselves entitled. I have further heard it suggested, that the principal witnesses used on this occasion were persons not to be depended upon as to the truth of their statements, and that the certifying magistrate was not, at the time of making his certificates, in commission.

Under these circumstances, I have given to the purchasers, as my opinion, that the government would not interfere with their purchases, should they be disposed to extend their liberality to the Indians, and especially in those cases where the individual did not apply to have their claims located previous to the sale of the townships in which their claims may be situated.

I respectfully request your opinion on this subject, which will quiet the apprehensions of the purchasers, and satisfy the doubts of those who may wish to purchase.

With, &c. WM. HOWZE.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office, Washington City.*

NOTICE.

All persons are cautioned against purchasing any lands lying in township No. 3, in range No. 12, east; also, township No. 4, in ranges Nos. 10, 11, 12, and 13, east; also, townships Nos. 5 and 6, in ranges Nos. 9, 10, and 11, east; to which the Choctaws may be entitled to reservations under and by virtue of the provisions of the 14th article of the treaty of Dancing Rabbit creek of the 17th day of December, 1830.

JOHN JOHNSON, SR.,
Agent and Attorney in fact for Choctaw claimants.

No. 17.

REGISTER'S OFFICE, *Choccluma, November* 24, 1835.

SIR: I am now more than ever satisfied that it is the settled purpose and determination of a set of speculators to sweep the balance of the Choctaw country, under the *pretended* claims arising under the 14th article of the treaty. As was anticipated or expected by the President, when he gave the order for a conditional reservation to satisfy these claims, there were a few cases of merit that had, by some means unknown, been overlooked, and their rights neglected, and that justice might be done them, a suspension of certain lands for *their use* was ordered. But, as appears on the face of the order, they were entirely contingent, and looked *alone* to the *next session* of Congress for the expected relief; for he states, "in all cases the locating agent will make special reports of the names of the witnesses, and of the facts and circumstances submitted to him, and these reports will be transmitted in season for the *action of Congress at its next session.*" The conclusion is, I think, fair, that they were limited in their nature and operation to the then ensuing session of Congress, which was the last session. In pursuance of them, before the land sales closed at this place in last December, I forwarded the reservations and orders to me on the subject, which was received in time, and published in document No. —. I then believed the cases intended to be met by the President with relief, were fairly before Congress. But advantage has been taken, and this order, limited as it is on its face to the last Congress, is held up as authority for sweeping every acre of the remaining country, under circumstances much more aggravated than the grand Yazoo speculation, some thirty-five years ago. Hordes of Indians, who have all *plain cases*, are now conjured up, and, under pretended purchases, a set of ravenous speculators are carrying everything before them.

Already have they blown up the sales at Columbus, and, after devouring that carcase, they have commenced here; and I was told this evening that they would take all the valuable land in this district.

I have reflected but little on the subject, but that little has brought me to the conclusion to go on and offer the land as ordered in the proclamation. If I do finally adopt this course, I will fully and explicitly give my reasons, and I am fully satisfied they will at least satisfy you that I am solely governed by the public good.

I feel much embarrassed on this subject. Many of my warm friends are interested in them; some *few* (comparatively) of the claims themselves are good, and in an attempt to stem this current, the odds are against me on every score but public duty; and, if I am not sustained in my course, I hope at least that my motives may not be misunderstood by you.

The subject deserves the serious consideration of Congress, as *several* of that body are either directly or indirectly interested in these claims, whose influence, with the perseverence and importunities of the claimants as lobby members, will, I fear, have the effect of forcing them through without reflection or a strict regard to the interests of the United States.

For the present, I would refer you to my letters of 7th May, 4th May, and 26th August, last past.

The mail is expected every hour, and I must close. I will give you my views fully on this subject, for I am resolved, whether I reserve the land from the next sales or not, that you, and through you, the committee shall not act ignorantly on the claims; for it is apparent that, under a very few good cases, one of the grandest schemes of fraud is now in progress and near consummation, that has ever been started in this country.

I am, respectfully, your obedient servant,

SAM'L GWIN, *Register N. W. Land District, Mississippi.*

E. A. BROWN, Esq., *Commissioner General Land Office, Washington City.*

No. 18.

LAND OFFICE, *Mount Salus, Mississippi, December* 11, 1835.

SIR: I am informed that an immense quantity of the public lands has been located as Indian reservations under the 14th article of the Choctaw treaty. I have received orders from George W. Martin, the locating agent, for the suspension from sale of a few sections, and have been informed that nearly all the valuable land that is proclaimed to be sold at this office, on the 21st instant, is located, and orders are expected from the locating agent to withhold the same from sale. It is the prevailing opinion among those with whom I have conversed on the subject, that those claims are nearly all fraudulent.

I am induced, from the reports I have heard, to believe that about three millions of dollars of the public domain are at stake and dependent on the action of Congress with regard to these floats; and I deem it very expedient that proper information be laid before the Executive and before Congress, before any action is had thereon. I am informed that the common course of procedure with those floats is to submit the testimony of the claimant and his witnesses to the locating agent upon which the location is made, thereby leaving it possible, and even probable, that neither the applicant nor his witnesses are known to the agent; and perhaps the person producing the papers is also unknown to him. However, I hope Col. Martin has given the necessary information on that point.

The report of these locations has latterly taken such a wide spread, that I fear the public must suffer much for want of bidders; numbers deeming it unnecessary to attend, being unwilling to purchase the refuse and back lands after all the valuable fronts are reserved.

I should have communicated with that office on this subject before the present time, but I was not aware, until very lately, of the extent to which the speculators had pushed the project.

Very respectfully, your humble servant,

T. S. SUMRALL, *Register.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office, Washington.*

24TH CONGRESS.] No. 1396. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of William Walker, of Jackson county, Alabama, reported:

That the petitioner states he attended the sale of the United States lands, in the Huntsville land district, in 1830, for the purpose of purchasing a half quarter-section of land adjoining his plantation, and when, *as he understood*, the land he wanted was offered, he bid it off, and paid the price, before he ascertained that he was mistaken in supposing it was the land he intended to buy, but *another half quarter* of no value, and situated on the mountain. He also states that he was led into this error by the haste with which the sale was conducted; that the land he intended to buy was fertile. These facts appear by the affidavit of the petitioner, whose good character is sustained, as well as most of the material facts, by the testimony of other witnesses. Your committee, acting upon the principle that mistakes, when clearly made out, ought to be relieved against; and believing the proof in this case as strong as the nature of the transaction would permit, recommend the relief prayed for, and report a bill accordingly.

24TH CONGRESS.] No. 1397. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of Abraham Woodall, of St. Clair county, Alabama, reported:

That the petitioner (who states himself to be perfectly illiterate) procured the services of one who professed to understand the mode of taking the numbers of land, to inform him as to the number of a small tract within the Huntsville land district, in order to make an entry. That this individual, instead of the number and designation of the land petitioner pointed out to him, gave the number of another forty-acre tract, altogether different, and which proved to be valueless. Petitioner made the entry under this mistake, and paid the government price, which he asks may be allowed him on his surrendering the certificate, in payment of another tract. These facts appear by an affidavit of the individual who furnished the petitioner with the number upon which he made the entry. Your committee believe the entry was made under a mistake, and therefore that the relief ought to be granted, and report a bill for this purpose.

24TH CONGRESS.] No. 1398. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom were referred the papers relating to the application in behalf of the widow and children of the late Samuel Brown, reported:

That it appears by the letter of the register of the land office at Palmyra to the Commissioner of the General Land Office, and the affidavits accompanying it, that in the year 1830 said Samuel Brown, then residing in Kentucky, visited the State of Missouri to purchase a tract of land, as a residence for himself and family. That after he had examined a quarter-section of government land, with which he was well pleased, he deter-

mined to enter it at the land office; but being himself a stranger in the country, and unacquainted with the numbers, he took the precaution to obtain information from an individual who lived near, and possessed a knowledge of the country; that this individual, with a knowledge of the land Brown really wanted, by a mistake in making out the number, gave him the number of a quarter-section altogether different from the one he examined, and of little or no value. From this improper number Brown made the entry, and soon after returned to Kentucky without having discovered the mistake; nor was it observed until after the time had expired within which such mistakes might, according to the existing law, be corrected at the office where the entry was made. Evidence was afterward taken and filed with the register, who forwarded it to the General Land Office. Samuel Brown died before he could make the necessary proofs to show the mistake, and his widow has done so since, all of which is on file.

From this state of facts your committee believe that the applicants are entitled to relief, at least so far as to authorize the relinquishment of the land erroneously entered, and the entry of an equal quantity in that land district in lieu of it; and for this purpose report a bill.

24TH CONGRESS.] No. 1399. [1ST SESSION.

ON A CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 21, 1836.

Mr. HARRISON, from the Committee on the Public Lands, to whom was referred the petition of Joseph Henderson, reported:

The petitioner, Joseph Henderson, sets forth that he had a pre-emption granted to him by the register and receiver of the land office at Batesville, in Arkansas Territory, to the southwest quarter of section one, township one north, in range twelve west, of the fifth principal meridian; that the said quarter-section of land was included within the location made by the governor of the Territory of Arkansas, under an act of Congress, approved the 15th June, 1832, entitled "an act granting to the Territory of Arkansas one thousand acres of land for the erection of a court-house and jail at Little Rock;" and that he was thus deprived of his pre-emption right to the said tract of land. The petitioner, therefore, prays for such relief as Congress may deem just and equitable. The committee are of the opinion that the petitioner is entitled to relief; and they have, therefore, reported a bill, giving to the said petitioner, Joseph Henderson, the right to enter and locate, in lieu of his said tract, a quarter section of any unappropriated land in said Territory.

24TH CONGRESS.] No. 1400. [1ST SESSION.

ON A DONATION OF LAND TO KEZIAH SHIELDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 21, 1836.

Mr. LINCOLN, from the Committee on the Public Lands, to whom was referred the petition of sundry citizens of Cumberland county, Kentucky, in behalf of the widow and children of Christian Shields, lately deceased, reported:

That the object of the petition appears to be the procurement of a grant by Congress, of some portion of the public lands to Keziah Shields, the widow of Christian Shields, and to her three infant sons, born at one period of birth, in the lifetime of their father. Mrs. Shields is also the mother of two other and older children, and is represented by the petitioners to have been left, on the death of her husband, in 1835, in very narrow circumstances. These are the only grounds of the application to Congress, and, however strongly the circumstances of her situation might be addressed to the sympathy of the benevolent, and the charity of the liberal, yet the committee can find no warrant for extending the hand of beneficence, at the expense of the nation, and by the application of public property, held only in trust for the benefit of the country, to the relief of cases of private and individual need, disconnected from all claims upon the public justice. The committee, therefore, are of opinion that the prayer of the petition ought not to be granted.

24TH CONGRESS.] No. 1401. [1ST SESSION.

ON MAKING DONATIONS OF LAND AS INDEMNITY TO PERSONS FOR IMPROVEMENTS WEST OF ARKANSAS, WHICH WERE CEDED TO THE CHOCTAW INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of the Territory of Arkansas, praying for a donation of one quarter-section of the unappropriated public land to each head of a family who resided west of the present western boundary of the Territory of Arkansas, as an indemnity for the loss of certain improvements which were ceded to the Choctaws by the government, reported:

That prior to the treaty of 1821, between the United States and the Choctaw Indians, the settlements in Arkansas extended some forty or fifty miles further west than they do at present. That in that section of the country, at that time, there were organized counties, in which, for several years, courts of justice had been regularly held, and from which members of the legislature had been regularly sent to the legislature, and in which all the rights and privileges, common to any other portion of Arkansas, were fully exercised; and without the knowledge or consent of these people, this country, including them, was transferred to the Choctaw Indians, and the inhabitants ordered off for the settlement of the Indians. Many of the settlers promptly obeyed the order of the government, and moved away, while the greater part of them refused to comply with the request of the government, but held on to the possession of their improvement, in open resistance, until the spring of 1828, when Congress passed an act, granting to each settler then residing upon the ceded country, a section of 320 acres of the unappropriated land, as an indemnity to them for the loss of their improvement, and as an inducement to them to remove away. After the passage of the act of 1828, the country was peaceably surrendered to the Indians, and upon it they now reside. The legislature of Arkansas now ask, as they have done on several former occasions, an indemnity of one hundred and sixty acres of the unappropriated land to each head of a family, who, in obeying the order of the government, by removing from their possessions, lost, by their non-residence upon their improvements in the ceded country, at the time of the passage of the act of 1828, the benefit of that act. To place them upon something like an equal footing with those who have been compensated for their losses, seems to the committee but reasonable and just, and therefore they report a bill.

HOUSE OF REPRESENTATIVES, *December* 24, 1835.

SIR: I am directed by the Committee on the Public Lands, to ask of you to furnish the committee, at your earliest convenience, the amount of donation claims which have been allowed in Arkansas, to those who lost their improvements by virtue of Indian treaties. And also to state the probable number, if you have any data in your possession on which you can ground an opinion, that have not been provided for by the donation act; that is, the number of those who lost their improvements by the Choctaw treaty, but who did not reside in the ceded country at the passage of the act of 1828.

Respectfully, your obedient servant,

Z. CASEY.

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

GENERAL LAND OFFICE, *January* 14, 1836.

SIR: I should have been gratified to have afforded on earlier answer to your inquiry of the 24th ultimo, "as to the amount of donation claims which have been already obtained in Arkansas by those who lost their improvements by virtue of Indian treaties," but have been prevented from so doing by the multiplicity of official calls and engagements, which have incessantly occupied my attention.

You also request to know from any data possessed by the office on which an opinion may be grounded, "the probable number that have not been provided for by the donation act—that is, the number of those who lost their improvements by the Choctaw treaty, but who did not reside on the ceded country at the passage of the act of 1828."

The only official information that can be afforded to the committee by this office, in reference to the subject of inquiry, is, that there have been issued three hundred and sixty-seven "donation patents," under the act of 1828, fourteen of which, however, are yet in this office, held under suspension. And on the 12th ultimo it was ascertained that the number of Arkansas donation patent certificates to claimants, granted by the registers of land offices in that Territory, on which the issuing of patents was suspended, amounted in number to sixty-eight. The number of those who lost their improvements by the treaty referred to, is not officially known, nor is it apparent how that fact can be satisfactorily ascertained.

The idea strongly suggests itself, that it would have been a wise and safe policy, had the act of 1828 ordered that a census be taken as to the individuals intended to be benefited by the act, and not left the subject in that state of uncertainty which appears to have been the fruitful cause of all the subsequent alleged frauds and misdemeanors in relation to the establishment of claims under that act.

Although in your letter of the 24th ultimo it is not stated that the committee have been pleased to call for such information as the files of this office may afford in relation to alleged frauds under the act aforesaid, I nevertheless deem it my bounden duty on this occasion, to submit for its information such allegations touching that subject as are on file, and which are herewith transmitted, papers numbered one to nineteen inclusive; from which you will perceive, that the President has ordered the further issuing of patents to be suspended, and the suspected cases to be reported to the district attorney for the Territory, in order that proper proceedings may be instituted in prosecution of the offenders against the law.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. ZADOK CASEY, *House of Representatives.*

No. 1.

LAND OFFICE AT LITTLE ROCK, *June* 3, 1835.

SIR: We conceive it to be our duty to state to you, that we have been credibly informed, that donation claims, under the act of May 25, 1828, and the subsequent acts of Congress in relation thereto, which were rejected at this office, have been adjudicated and established at the land office at Helena, in this Territory.

Since we have learned (though unofficially) that claims under the above acts, to donations of land, were adjudicated at that office, we have transmitted to the officers thereof, a list of the adjudications made at this office.

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

B. SMITH,
P. T. CRUTCHFIELD.

ELIJAH HAYWARD, Esq., *Com. of the Gen. Land Office, Washington City.*

No. 2.

LITTLE ROCK, *June* 9, 1835.

DEAR SIR: I have not had any business in your office, therefore am unknown; but I, as one of the citizens of Arkansas and of the United States, have the right to detect *error* in the *officers* of the government of this republic. You will discover, from an examination in the General Land Office, two claims proven up as donation claims at the land office at Little Rock, in February or March, 1833, I think, or perhaps one of those months, 1834, in the name of ——— Campbell, who claimed themselves as citizens and settlers in the county of Miller, at the cession of that country to the Indians; which claims, after proof had been made in the office, I went to the officer (receiver) Chambers, and informed him they were fraudulently obtained; and I now pledge myself to produce ten respectable men of the county and adjoining counties, who will swear that those men, Campbells, had never lived, for ten years previous to the passage of the donation law, within two hundred miles of the ceded country. I, at the time the objection was made, produced a letter from men that would swear the facts above stated, and desired it to be filed with the papers, that is, the testimony taken in the case. The testimony would be that those men forged their given names, and after the fact of their having proven up claims was known in the neighborhood, they ran away. And, sir, if there has not been one third of the claims proven spurious, I am deceived; they are going on now here bringing in men and proving claims that we know nothing of. If the poor or needy of the country were to profit by it, it would not be so much be looked at; but only a few speculators, who are making fortunes out of the government, to the exclusion of the mass of the people. If the government, at the passage of the law, had appointed (or would now) agents besides the officers of the land office, who were the civil officers of the counties at the time of the cession, much fraud would have been prevented. I have never been directly or indirectly engaged in any of the claims, but have been the sheriff of this county for five years, and have noticed how things have been conducted; and, therefore, respectfully submit the facts to you who have the control on this subject until Congress shall meet, and then have the facts represented fairly. Do you suppose for a moment that any man who had a claim to land (320 acres) would have been silent ever since 1828 until now, if he had a good claim? No; for the longer the thing was postponed, the more likely the witnesses would be to be dead or out of the way, &c.

Yours, respectfully,

JOHN K. TAYLOR.

SECRETARY *of the Treasury.*

No. 3.

LITTLE ROCK, A. T., *June* 15, 1835.

SIR: I feel it my duty to apprise you (as I am informed from a source I can rely upon) that the claim of Daniel Phillips, (a Lovely claim,) proven up and confirmed at the Little Rock land office, February 2, 1833, and located on the northeast quarter of section 17 and southeast quarter of section 18, in township 19 south, range one west of the 5th principal meridian, was fraudulently obtained. I have the names of three respectable witnesses to prove the fact; and, sir, there is a species of fraud and speculation going on, with regard to those claims, perhaps not equalled. There is, I have no doubt, men hired to ride through the remote parts of the Territory to hire men to come and prove claims who never saw the ceded country; and if some persons were appointed to re-examine the claims that have been allowed, there is but little doubt there would be a saving to the government perhaps of half a million dollars. (Consider the immense value of the Mississippi lands at present in this Territory.) I have no doubt there have also been more pre-emption floats proven up at Helena land office than the Territory is entitled to. A review is necessary.

I have no interest, only as a citizen of one of the best governments ever known to man.

Yours, respectfully,

JOHN K. TAYLOR.

SECRETARY *of the Treasury of the United States.*

P. S.—I wrote you some days since about some other claims, and could about many more.

Yours,

JOHN K. TAYLOR.

N. B.—Please answer me what action can be had at your department.

No. 4.

LAND OFFICE, *Helena, June* 22, 1835.

SIR: The very high value which at this time obtains for land situate on the margin of the Mississippi river and the adjoining lakes and bayous, in every part of the alluvial region where the cotton plant flourishes, has

induced the speculators and land dealers to resort to every expedient which ingenuity can suggest, to acquire a title to land situate in the above-described locations. To accomplish this object in a summary manner, a great number of individuals, from the most remote parts of the Territory, have recently visited this office for the purpose of establishing *donation claims*. The abstract of claims under this title, herewith forwarded to the department, shows the whole number confirmed at this office since it was first established. There is, at this time, proof on file in relation to at least thirty additional claims, upon which I have refused to act, solely on the ground that the claimants ought to apply for relief at the land office situate in the district of country wherein they reside. On this point I respectfully solicit instructions from the department.

Should this question be decided affirmatively, the motives for moving up these claims would be greatly diminished, and the temptations now held out to many individuals to commit the crime of perjury almost entirely removed. And it may be, that in the claims now suspended on the ground above stated, there are several cases of actual bonafide sufferers, for whose relief the government has made such ample provision: if so, I am positively certain, that a large number of fraudulent claims have been confirmed, although the testimony might have been conclusive in every point required in the instructions.

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

JOHN T. CABEA.

Hon. ELIJAH HAYWARD.

Abstract of Donation Claims adjudicated upon the land office at Helena, Arkansas Territory, under the 8th secton of an act of Congress, passed May 24, 1828, granting donations to certain persons in Arkansas Territory.

No. of Claim.	Names of claimants.	When adjudicated.	Decision.	Remarks.
1	Thomas Coil	Feb. 2, 1835, suspended for further testimony.		Re-examined and confirmed, April 18, 1835.
2	Isaiah Moss	Suspended ditto.		
3	Isaac Myers	March 28, 1835.	Confirmed.	Confirmed do.
4	Benj. Cuthbert, heir of John Cuthbert	March 28, 1835.	do.	
5	George Jamison	April 7, 1835.	do.	
6	Benjamin Bencker	April 8, 1835.	do.	
7	James Matthews	April 8, 1835.	do.	
8	Henry Reel	April 8, 1835.	do.	
9	Robert McElhany	April 8, 1835.	do.	
10	Fy. Weiland	April 14, 1835.	do.	
11	John Nooner	April 14, 1835.	do.	
12	John Snell	April 14, 1835.	do.	
13	James C. Wilcox	April 15, 1835.	do.	
14	Robert McConnell, jr	April 16, 1835.	do.	
15	Jesse Vincent	April 16, 1835.	do.	
16	Eleazer Doane	April 16, 1835.	do.	
17	John Murray	April 18, 1835.	do.	
18	Robert Anderson	April 18, 1835.	do.	
19	Samuel L. McFarland	April 20, 1835.	do.	
20	Nancy Johnson, late Nancy Kelly	April 27, 1835.	do.	
21	Solo. Moffit, heirs of	April 27, 1835.	do.	
22	William McCown	April 27, 1835.	do.	
23	James Polk	April 27, 1835.	do.	
24	Alexander McLaughlin	April 27, 1835.	do.	
25	Edward Carney	April 27, 1835.	do.	

JOHN T. CABEAN, *Register.*

June 22, 1835.

No. 5.

MARSHAL'S OFFICE, *Little Rock, A. T., July* 6, 1835.

SIR: From recent information, I am induced to make to your department some suggestions relative to what are called in this country donation land claims. By the act of Congress of 1828, there was allowed to the citizens residing in what was termed Lovely county, a donation of 320 acres of land, to be located on any unappropriated lands in this Territory, the time given by this act for claimants to prove up their claims, was, by subsequent acts of Congress, extended to some four or five years from the passage of the last act; at the time of the passage of the first act of the treaty with the Cherokee Indians, the number of persons residing in the ceded country, who were supposed legitimately entitled to the benefits of the act, were not more than four hundred.

From the best information I can get, I am inclined to think that some seven or eight hundred claims have been proven up and allowed, at different land offices in this Territory, at all events a number largely over the correct estimate of inhabitants or heads of families entitled to claims. Within the last few months, I am inclined to believe that a number of claims have been procured, presented, and passed, or confirmed, by fraud, perjury, and subornation of perjury, and the most valuable lands of the United States applied to their satisfaction; as an evidence of this fact, several claims were presented at the land office in this place, and the fraud detected, and prosecutions instituted without the interposition of the United States attorney.

There is also a species of claims called *floating pre-emptions*, allowed and passed, as I am informed, at the land office at Helena, which were never designed by the spirit or meaning of the act granting pre-emption rights, or by

the instructions of the officer at the head of the land department. The high estimation in which the cotton lands of the country are held, has been a great inducement to men to procure those claims by the most profligate and abandoned course, with a view to speculation; a rigid investigation of all the claims passed and confirmed during the last twelve or eighteen months would no doubt save to the government a large quantity of valuable cotton land, and bring before the public, for retributive punishment, the conspirators in the scheme of peculation and fraud. This action would necessarily have to be in the United States court, to avail the government of all the evidence which can and will be adduced.

Colonel Rutherford, the deputy marshal, and myself, have been absent for some time on official business, or I would have noticed this business sooner. The governor of the Territory has just informed me that he had or would represent the same matter to the heads of departments.

I am, dear sir, your obedient servant,

ELIAS RECTOR, *Marshal Arkansas Territory.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 6.

LITTLE ROCK, *July* 21, 1835.

SIR: I have sat down to inform you of some of the greatest frauds ever practised on the government of the United States since the Yazoo speculations. When I speak of fraud and speculation in Arkansas, it is with regard to the Lovely and Miller donation. You will recollect the law passed 24th May, 1828, giving donations to sufferers, and yet, after the lapse of from that to this time, there have been more claims proven up in the last twelve or eighteen months than all the five or six years previous, which is of itself sufficient evidence to show the fraud. I, sir, have no personal acquaintance with you myself, but can refer you to gentlemen of the first respectability of the country for the truth of what I shall say to you about the matter intended to be represented. If we had a good prosecuting attorney for the government, there could be no doubt of success on the part of the government, in matters pending before the United States court now sitting at this place: there have been many persons presented for fraud at this court, that could be convicted, without doubt, but for the former reason, and the thing has just commenced, and you may be assured it will be prosecuted with effect, if such a thing can be done, by some few honest men yet left in Arkansas. We have a clue to some ten or twelve of these fraudulent claims, and this court will unravel many others; as to my assertion to the incompetency of the district attorney, (having no ill-will toward him,) I will refer you to Hon. A. Yell, Major F. W. Armstrong, Hon. Benjamin Johnson, Elias Rector, marshal, and Colonel Wharton Rector. I write you solely for the good of my country, without ill-will or malice to any individual. I have been the acting sheriff of this county for the last five years, and have seen enough to convince any honest man of what I now inform you. Much more could be said—this is sufficient.

Your humble and obedient servant,

JOHN K. TAYLOR.

Gen. ANDREW JACKSON, *President of the United States.*

No. 7.

WINCHESTER, VA., *July* 28, 1835.

SIR: I was anxious to have a good deal of conversation with you when recently in Washington, in relation to the affairs of the land office at Helena, Arkansas; but you were, unfortunately, too unwell to admit of it.

I now beg to say to you, that the only way for the government to defeat the frauds growing out of the floating pre-emption law of 1834, will be to suspend every entry under that law made at Helena. You will have ample apology for doing so, from the fact that not one case in a hundred has been proven up according to law, nor is there one case in that number that is genuine. To give you an example, in many cases the husband and wife have been allowed floats. The testimony in relation to floats has almost in every case been taken before magistrates in the county, when your instructions only contemplate that the testimony should be so taken in special cases.

I beg to furnish your department with the names of the individuals who have been active in committing these frauds upon the government. Their names follow: Edwin T. Clark, Robert Burton, Wm. B. R. Horner, Wright W. Elliott, and John J. Bowie. Wm. D. Ferguson is also suspected for having proved up some spurious cases.

I am, sir, with great respect, your obedient humble servant, THOMAS P. ESKRIDGE.

JUDGE HAYWARD, *Washington City.*

No. 8.

HELENA, ARKANSAS TERRITORY, *July* 29, 1835.

SIR: I take the liberty to inform you that Littleberry Hawkins, the receiver of public moneys at this place, is guilty of the following charges, viz.:

First. Of acting as agent for others in the purchase of public land to a very large amount. The grievance or impropriety of which arises from the advantage which he possesses over all others; he being one of the public officers, should not be interested directly or indirectly in the purchase of land, that all might expect an impartial and correct course to be pursued by him, being entirely uninfluenced by any selfish interest.

Second. He has left the office for so long a time at once, without any person knowing where he was gone, and that, too, immediately after his return from below to make the deposits, that almost every person (from Hawkins's broken condition,) believed that he had run away, and it was so reported throughout the whole western country. In this long absence many persons had to suffer, as some branches of the land business could not be acted upon in his absence, whereby many remained till his return, and many left to return again.

Third. He has privately contracted for Lovely claims before they were adjudicated, from which it is reasonable to believe that the same influenced his decision, and that he is no guard or watch over the rights of individuals, or the interests of his country.

Fourth. He refused to give up certain papers relative to the establishment of certain Lovely claims, (which he had purchased,) to Dr. Cabean, the register at this office, who was summoned to appear forthwith at Little Rock, before the superior court, now in session, for the purpose of establishing certain facts in regard to certain Lovely claims. The register was compelled to go without the papers. It is well known that there are a great many spurious Lovely claims; and when such a disposition is evinced in one of our land offices, it is not to be wondered at.

Fifth. He has formed a partnership with the notorious John J. Bowie. This man is well known throughout the western States, being the same who presented so many spurious Spanish claims to our court for confirmation; those rejected claims are now known by the name of the Bowie claims.

Sixth. He has used false keys to the register's office, thought for the purpose of marking many quarter-sections as having been entered; all for speculation and advantage in different ways.

Seventh. He has frequently carried into his books entries and locations of pre-emption floats, without application at the register's office. One circumstance I will name. Benjamin Desha, formerly receiver of public moneys at Little Rock, came to Helena to locate one Lovely claim, which he wished to locate on the north half of section four, township six south, range two east. The map of said township arriving at the register's office by express, at this time, Hawkins, to obtain this half-section, carried the entry, by pre-emption floats, into his books, without ever having made the application at the office of the register. But Desha was not to be swindled in that way; he knew too much of the business for that. He threatened Hawkins that he would inform the department of his conduct, by which Hawkins became alarmed, and gave Desha three thousand dollars for a compromise. At this same time he located a pre-emption float on the widow Tucker's place in the same township, although informed that it was a good pre-emption right, and obtained his certificate from the register by stating what was false, saying that he had purchased.

Eighth. He speculates upon the public funds; buys drafts at a great discount.

Ninth. He purchases pre-emption claims and pre-emption floats before his adjudication of them; and is guilty of various other mal-practices in office, too tedious to mention; but all the specified charges can be substantially proven by any amount of testimony.

With much respect, your obedient humble servant, JOHN C. D. THORNTON.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

No. 9.

LAND OFFICE, *Helena, July* 30, 1835.

SIR: By request of Doctor J. T. Cabean, I have the honor herewith to enclose a copy of a subpœna executed by the marshal of the Territory on the 25th instant.

The mandate of the court required the Doctor's immediate presence before the judges now in session at Little Rock; and on the day after the service of the writ, he left this place, leaving his office under my charge. He requested me to state that he will return with the least possible delay.

I have the honor to be, very respectfully, your obedient servant, H. L. BRISCOE.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

TERRITORY OF ARKANSAS, } ss.
UNITED STATES OF AMERICA, }

To the Marshal of Arkansas Territory, greeting:

You are hereby commanded to summon John T. Cabean, register of the land office at Helena, if he be found within your bailiwick, to appear before the judges of our superior court, at the court-house, in the town of Little Rock, forthwith, at our present July term, then and there to give evidence to the grand jury of the United States; and to bring with him, for the inspection of the grand jury, the depositions of George W. Thorn, George Jay, and Benjamin Boswell, proving up donation claims, and all the papers relating to the same on file in the land office at Helena; and that you make due return of this writ to our said court.

In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of office, this 21st day of July, 1835, and of the Independence of the United States the sixtieth. [L. S.]

WM. FIELD, *Clerk.*

I do certify that the above is a true copy of the original. Given this 25th of July, 1835.

NAT. DENNIS, *Deputy Marshal for Elias Rector, Marshal of Arkansas T.*

No. 10.

LITTLE ROCK, *August* 6, 1835.

SIR: The supreme court of Arkansas have been in session for the last four weeks; during that time some forty or fifty indictments have been found against individuals for perjury in proving up spurious *Lovely donation claims;* and I have but little doubt there will be as many or more found at the next term of the court. This information I have thought it my duty to give, that the proper department might look to the propriety of further investigation of the subject. Nearly all these fraudulent claims have been purchased by speculators, who now hold them. The government has been swindled out of some thousands of acres of the best Mississippi land, some of it worth at this time from $20 to $40 per acre!

I presume Gov. Fulton has written to the proper department on the subject. I believed it my duty to give the information, that the system of swindling may be brought to a close; and at this time I am happy to believe that public opinion will aid us in a full and fair investigation of the subject, &c.

I am, as ever, your friend,

A. YELL.

A. JACKSON, *President, Washington.*

No. 11.

NASHVILLE, TENN., *August* 8, 1835.

SIR: We have settled some lands in Arkansas, in township six south, range seven west, south of the Arkansas river. The lands in this township have been surveyed seven or eight years ago, and have not as yet been offered for sale, nor has the plat been returned (though it has been received) to the office.

A considerable portion of the lands in this, as well as the adjoining townships, are held by Lovely claims, which is the case with the lands we claim. We are very desirous to get the title perfected to our lands, and to extend our purchases, which we are deferred from doing, from the above circumstance. The government heretofore has not been called on to offer these lands, from the circumstance of a few land speculators wishing to cover them with those forged claims, and delay gives time to make more of them; and further, there are thousands of acres held at this time, simply by the filing an application at the office, for lands to be covered by Lovely claims, (but no claim filed,) and it appears not necessary to file the claim or purchase them to file, until the lands are offered by the government for sale; and thereby these few individuals are enabled to hold large bodies of land without paying a dollar for them. When an opportunity offers to make a sale at a high price, then it is, and not until then, a claim is filed. This you see enables them with a few claims in their pocket, to hold large bodies of lands, to the prejudice of those disposed to settle and cultivate the soil.

We ask the sale of the abovenamed township to be as soon as convenient, as we are not only anxious to get titles to our lands, and extend our purchases, but get neighbors about us; all of which is prevented from the abovenamed circumstance.

Yours, very truly,

H. R. W. HILL,
JOHN WATERS.

Gen. ANDREW JACKSON, *President of the United States.*

No. 12.

LAND OFFICE, *Helena, August* 12, 1835.

SIR: I have the honor to inform the department, that at the last term of the superior court of this Territory, bills of indictment for perjury were found against Enoch Campbell and James Duncan, in establishing donation claims before the land officers at Little Rock. These claims have each been located at this office.

Certificates of location No. 1, and No. 24, contain the land embraced by these locations.

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

JOHN T. CABEAN.

Hon. ELIJAH HAYWARD.

No. 13.

LITTLE ROCK, *August* 14, 1835.

DEAR SIR: I have again sat down to trouble you with some accounts from Arkansas, and would not do so, but know no other source to apply to for redress of wrongs done to the government under which we live. The superior court of the Territory adjourned its July session on the 10th instant. The grand jury adjourned on the 8th instant, nine o'clock, P. M., which body brought to light some of the most glaring frauds ever practised upon this government, the Bowie and Yazoo claims not excepted. Sir, it was clear to the mind of every juror, that men had gone to the different land offices, and proven up Lovely donation claims, and for which patents have in many instances issued, when, in fact, such individuals never saw the country ceded to the Indians. The jury above alluded to have, from proof in their deliberations, found some twenty-five or thirty bills of indictment against persons for perjury and subornation of perjury, one of which individuals we caught and had upon trial, and his only means of acquittal was to claim the statute of limitation. (See Gordon's Digest.) It says that no man shall be convicted of a crime, (not capital, unless he flies from justice,) that shall have been committed two years previous to the finding the indictment; and many others will get off on the same grounds. The next grand jury, I have no doubt, will have evidence sufficient before them, to find bills against many persons who have gone to the different land offices, and changed their names and proven up claims. It has also been lately discovered, that some of the speculators have had influence enough over some of the land officers, to have the plats marked as if entries had been made, then let them have time to go and examine before the land was certainly entered; which course of conduct is calculated to deceive those who might wish to enter. To give some knowledge of the extent of the frauds committed, at the cession of Lovely and Miller counties to the Indians, I have been informed, that at the extent, not more than five hundred persons were entitled to claims, and also understand eight or nine hundred have proven up. I do not know what course government will take, (if any,) but if there would be a board of three or five vigilant persons, sent with authority to the border of each of those counties, with power sufficient to compel persons and papers to come before them, every man could be identified who lived there at the cession. The sheriffs and clerks are yet living, I believe; also, the tax lists perhaps can be found. Indeed, I have understood that the old clerk of Lovely county has the tax list of 1828, which year the law giving donations passed, &c. I, sir, have no interest in making those developments, but think it a duty due to my country. I am, and have been sheriff of this county for five years, and am now deputy marshal, and as such, think I would not be doing my country justice in standing by and seeing such fraud and peculation, and say nothing.

I have the honor to be, your obedient servant,

JOHN K. TAYLOR.

Gen. ANDREW JACKSON, *President of the United States.*

No. 14.

TREASURY DEPARTMENT, *August* 28, 1835.

SIR: I refer to you a letter from the honorable A. Yell, on the subject of certain frauds committed at the land offices in Arkansas. You will perceive, from the endorsement, that the President has directed that no

patents issue from the land office where frauds are suspected, in the particular class of cases named, until investigation can be had; and, in the meantime, that you be directed to instruct the land officers to report to the district attorney of the United States all suspected cases, and to request the attorney to institute proper prosecutions.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 15.

To the Honorable the Secretary of the Treasury of the United States:

The undersigned, composing the grand jury, to the July term, 1835, of the superior court for the Territory of Arkansas, beg leave to present to your consideration the following matters which have transpired during their recent session. Among the various matters which they have been called upon to investigate, the subject of the validity of donation claims to land, under the treaty with the Cherokee Indians, (commonly known in this country as the Lovely claims,) has engaged their most serious attention.

This investigation, which has been continued for several weeks, has resulted in a firm conviction upon the minds of the undersigned, that a large proportion, if not a majority, of those claims, have been procured by the basest fraud and perjury. One of the land officers, and a great many witnesses, summoned from the section of country where those claims are pretended to have originated, have undergone a patient and thorough examination before the grand jurors, which has resulted in the finding of many bills of indictment for perjury, against the principals in the claims; and the witnesses, besides the jury, are fully satisfied that many more claims, upon which they could not act, from the difficulty of procuring sufficient legal testimony, are spurious—inasmuch as the validity of many of these claims will be tested at the next term of our court, we have thought it not only proper, but our duty, respectfully to suggest to the department the propriety of suspending the further issuance of patents upon such claims, until their validity shall have been fully examined into, and substantiated.

All of which is respectfully submitted.

W. Rector, *foreman of the grand jury.*

D. B. Green,	James Hester,
Richard Fletcher,	John F. Lindsey,
Charles C. Rice,	Elijah Garis,
John Douglass, jr.,	Jesse Bland,
Samuel Bigham,	Richard C. Hawkins,
Nathaniel Lewis,	Benjamin Kellogg,
Jared C. Martin,	Hardy Jones,
Moses H. Blue,	John V. Boyle.
Valentine Brazie,	

We concur in the above.

BENJAMIN JOHNSON, *Judge.*
A. YELL, *Judge.*
DE LA F. RAGSDON, *Ass. Pros. Att'y for U. S., for Ark. T.*
WM. FIELD, *Clerk District Court.*

No. 16.

LITTLE ROCK, *September* 16, 1835.

DEAR SIR: I have this moment received yours of the 26th ult., saying you had forwarded copies of my letters, wrote to your department, on the subject of the Campbell and Phillips claims; you might have added the claim of Hudson; in the case of Hudson and the Campbells, I pledged myself to prove false, which I did, and the grand jury, at the July session of the superior court, found bills of indictment *vs.* the Campbells and Hudson. Nor is this all; they found against thirty for perjury and subornation of perjury, and how many the next jury may find is yet to be seen.

Yours respectfully,

JOHN K. TAYLOR.

In any case I pledge myself in, my name need not be concealed; some of the speculators will now not speak to me.

J. K. T.

JOHN M. MOORE, Esq., *Acting Commissioner, General Land Office.*

No. 17.

LAND OFFICE, *Helena, September* 17, 1835.

SIR: The very great extent of the operations at this office in pre-emption claims, where floating rights accrue, will, I have no doubt, excite the suspicion and rigid scrutiny of the department, when the claims are presented for final adjudication.

The very high value of Mississippi land, and there being no opportunity at this time of obtaining it at private entry, has compelled the speculators to resort to these claims as one of the methods to obtain title and possession to land which has not been offered at public sale. Almost in every case, the transfer of floating claims, the acknowledgment before the magistrate, and the certificate of magistracy, are all perfected long before the claim has been confirmed, or even any evidence of intention to enter the land. Artful and designing men can establish almost as many pre-emption claims of this class as they please; and, while floating claims command such a high price, and meet with such a ready sale as now obtains at this office, there is no calculating how many claims can, or will, be established before the expiration of the present law.

I respectfully submit these facts to the consideration of the department, and solicit additional instructions, which will require the pre-emptors in all cases to establish their claims in the presence of the land officers.

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

JOHN T. CABEAN.

Hon. JOHN M. MOORE.

No. 18.

GENERAL LAND OFFICE, *August* 26, 1835.

GENTLEMEN: Herewith I enclose to you copies of two letters, dated the 9th and 15th June last, to the Secretary of the Treasury, alleging that the donation claim which has been confirmed to Daniel Phillips, and two claims "in the name of Campbell," have been fraudulently obtained. The No. of the donation certificate in favor of Daniel Phillips is 216; No. of the claim, 284. There are two certificates in the name of Campbell. No. 223 in the name of William Campbell; claim No. 299. No. 237, in the name of Jeremiah Campbell; No. of claim, 309. If the register is in possession of the patents for the claims in question, (which have been sent to his office,) he will be pleased to return them to this office immediately. You are requested to inquire into the truth of the charges preferred in the enclosed, and make a report in relation to the same, accompanied by such explanations in reference to the confirmation of the claims in question, as the papers on file in your office may enable you to give.

I am, very respectfully, your obedient servant,

JOHN M. MOORE, *Acting Commissioner.*

REGISTER *and* RECEIVER, *Little Rock, Arkansas Territory.*

No. 19.

LAND OFFICE, *Little Rock, November* 17, 1835.

SIR: In responding to the letter of the acting Commissioner of the 26th August last, enclosing to us "copies of two letters, dated the 9th and 15th of June last," addressed to the Secretary of the Treasury, which alleged, "that the donation claim which has been confirmed to Daniel Phillips, and two claims in the name of Campbell, have been fraudulently obtained," we have the honor to state, that, agreeably to the request of the acting Commissioner's letter, we have inquired into the truth of the charges preferred in those letters. We herewith enclose to you copies of the testimony in each case, on which the claims of Daniel Phillips, William Campbell, and Jeremiah Campbell, were adjudicated, which correspond with the numbers of the claims indicated in the letter of the acting Commissioner. The patent to William Campbell is herewith enclosed. The patents issued to Daniel Phillips and Jeremiah Campbell are not in the register's office, having been delivered to those claiming them. We have ascertained from the clerk of the superior court of this Territory, that *Jeremiah Campbell* has been indicted, in that court, for perjury, in the several cases, jointly with Enoch Campbell and Jonathan Hudson. One of the indictments is for perjury, committed in the proof of the claim of the said Jeremiah Campbell, the copy of which is herewith transmitted, as above mentioned, wherein it will appear, that Enoch Campbell and Jonathan Hudson are witnesses. The other *two* indictments against said Jeremiah Campbell, jointly with Enoch Campbell and Jonathan Hudson, are, as we understand from the clerk, for perjury committed in the proof of the respective claims of Enoch Campbell and Jonathan Hudson. We are informed that the said persons, so indicted, have absconded. We have not been able to ascertain anything by which the claims of Daniel Phillips and William Campbell are impeached. The aforementioned copies of the testimony in each of those claims, together with the adjudication endorsed on each, herewith transmitted, contain all the information we are enabled to impart concerning them, except what we have herein before stated.

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

SAM'L. M. RUTHERFORD,
P. T. CRUTCHFIELD.

Hon. ETHAN ALLEN BROWN, *Commissioner of the General Land Office, Washington city, D. C.*

24TH CONGRESS.] No. 1402. [1ST SESSION.

COST OF PURCHASE AND MANAGEMENT OF THE PUBLIC LANDS, THE QUANTITY SURVEYED AND SOLD, AND THE AMOUNT RECEIVED THEREFOR.

COMMUNICATED TO THE SENATE, JANUARY 25, 1836.

TREASURY DEPARTMENT, *January* 13, 1836.

SIR: In compliance with a resolution of the Senate, passed the 5th instant, on the subject of public lands, I have the honor to submit the annexed report and accompanying documents from the General Land Office.

The returns received do not enable the department now to answer the inquiry fully to a later period than the 30th September last; but as soon as the returns to the close of the year 1835 are all received, a further report will be made as to the last quarter.

From these documents, it appears that the whole cost attending the purchase and management of the public lands to the 30th September, 1835, is computed at $57,652,207; that the whole quantity of land surveyed and offered for sale to that date, was 166,897,082 acres, of which only 44,499,620 acres have been sold, and that the net proceeds or receipts into the Treasury therefor had been $58,619,528.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. M. VAN BUREN, *Vice-President U. S. and President of the Senate.*

GENERAL LAND OFFICE, *January* 13, 1836.

SIR: In obedience to a resolution of the Senate of the United States of the 5th instant, in the words following: "*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what has been the whole cost attending the purchase and management of the public lands up to the 1st day of January, 1836, designating the amount of each of the various heads of expenditure; also, that he inform the Senate what amount of land has been surveyed and offered for sale in each of the States and Territories; the amount which has been sold in each, and the net proceeds of such sales to the 1st day of January, 1836," which you have referred to this office, I have the honor to inform you, that the information sought for in the first clause of the resolution has been prepared by the Register of the Treasury, whose statement, paper marked A, is herewith transmitted, together with statement marked B, prepared at this office, to afford the information required in the second clause of the resolution.

The information is required to be brought down to the 1st instant, but in consequence of the delay that would occur in affording it to a later period than has already been observed in the statistical tables of this office, I have concluded that it would be better to make up the report to the 30th September last, and be more acceptable to the Senate, than to withhold it until the fourth quarter can be prepared, inasmuch as a great portion of the heaviest returns for that quarter has not been received.

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

ETHAN A. BROWN, *Commissioner*.

Hon. LEVI WOODBURY, *Secretary of the Treasury*.

A.

TREASURY DEPARTMENT, *Register's Office, January* 11, 1836.

SIR: The following information, relative to the cost of the purchase and management of the public lands, is communicated in compliance with your request of the 6th instant:

The whole expenditure, under the head of the Indian department, from the commencement of the government to the 30th September, 1835, as far as can be ascertained from the records of this office, amounts to		$17,541,560 19
By the convention with France of the 3d of April, 1803, the United States paid for Louisiana, in stock and money	$15,000,000 00	
Interest on the stock created under the convention, up to the period when, agreeably to the terms therein expressed, it became redeemable	8,529,353 43	23,529,353 43
By the treaty with Spain of the 22d of February, 1819, there was paid for the Floridas the sum of	5,000,000 00	
Interest on the stock created per act of the 24th of May, 1824, to provide for the award of the commissioners under the said treaty, up to the time it was paid off	1,489,768 66	6,489,768 66
The payments to the State of Georgia, on account of lands relinquished to the United States, including the value of arms furnished that State, amounted to		1,250,000 00
The amount of Mississippi stock, issued under the act of the 3d of March, 1815, and redeemed by payments at the Treasury, exclusive of the amount received in payment for lands, is		1,832,375 70
There has been paid for salaries and contingent expenses of the General Land Office, the sum of		797,748 64
For salaries and incidental expenses at the several land offices, out of the proceeds of the sale of public lands, while in the hands of receivers, the sum of	2,479,049 13	
And for the salaries of registers and receivers by warrants on the Treasury of the United States	91,153 39	2,570 202 52
The salaries of surveyors general and their clerks, and of the commissioners for settling land claims, including the expenses of surveying private claims, amount to		860,567 78
And the payments from the Treasury on account of the survey of public lands, have amounted to		2,780,630 97
		$57,652,207 89

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

T. L. SMITH, *Register*.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office*.

B.

States and Territories.	Quantity of land surveyed and offered for sale in each State and Territory, on the 30th of September, 1835.	Quantity of land sold in each State and Territory, on the 30th of September, 1835.	Amount paid by the purchasers of public land, from the earliest period to the 30th of September, 1835.	Payments into the Treasury on account of the sales of public lands, from the earliest period to the 30th Sept., 1835.
	Acres.	*Acres.*	*Dollars.*	*Dollars.*
Ohio	*a.* 14,703,163.10	10,602,670.92	19,489,931 96	16,780,177 04
Indiana	18,690,447.53	8,390,838.91	10,810,172 11	9,510,481 71
Illinois	21,574,495.45	4,340,481.10	5,505,497 35	5,355,611 99
Missouri	20,392,249.14	2,948,819.24	4,205,309 08	3,886,224 55
Alabama	29,915,088.56	7,329,030.00	13,017,115 45	10,097,347 68
Mississippi	17,525,818.82	5,601,517.34	7,822,987 35	6,837,770 45
Louisiana	6,450,942.05	767,415.07	1,162,590 88	999,087 47
Michigan, peninsula	12,211,519.37	3,207,821.88	4,072,393 94	3,810,509 13
Michigan, west of lake	4,674,690.71	149,754.75	215,189 01	149,387 45
Arkansas	13,891,538.31	668,362.51	861,815 41	636,642 33
Florida	6,867,129.87	492,909.16	657,092 35	556,283 20
Totals	166,897,082.91	44,499,620.88	67,820,084 89	*b.* 58,619,523 20

a. This quantity includes the lands sold at New-York and Pittsburg, and the special sales to John Cleves Symmes and the Ohio Company, prior to the organization of the district land offices.

b. In addition to the amount paid into the Treasury there has been received by government in payment of the public lands, as follows, viz.:

Certificates of public debt and army land warrants	$984,189 91
Mississippi stock	2,448,789 44
United States stock	257,660 73
Forfeited land stock and military scrip	1,719,333 53
	5,409,973 61

TREASURY DEPARTMENT, *General Land Office, January* 12, 1836.

24TH CONGRESS.] No. 1403. [1ST SESSION.

ON THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS AND GRANTING LANDS TO CERTAIN STATES.

COMMUNICATED TO THE SENATE, JANUARY 27, 1836.

Mr. EWING, from the Committee on Public Lands, to whom was referred a bill to appropriate, for a limited time, the proceeds of the sales of the Public Lands of the United States, and for granting lands to certain States, reported:

That they look upon the leading measure proposed by the bill as one of great national importance. The gradual operation of a system, devised in the early history of our government, for the support of the public credit, and for reducing the public debt, has, within a short time past, produced its full and final effect. The public debt is discharged, and existing commercial regulations, which the condition of our country renders indispensable, together with the sales of the public lands, bring yearly a large surplus fund into the Treasury. This fund, which is no longer taken up in the payment of a national debt, and which still remains unappropriated, has already arisen to the amount of about twenty-four millions of dollars; and as it does not arise from transient causes, it goes on increasing, and must continue to increase. This state of things is not at all desirable. Its natural tendency is to produce extravagance in the appropriation and wastefulness in the expenditure of public money. Indeed, it seems to be conceded by all, that this large surplus ought not to remain and accumulate in the public Treasury; and there have been suggested, as means of lessening the amount and preventing a future accumulation—

First. The reduction of the customs;

Second. Increased expenditures in the navy and fortifications;

Third. A reduction of the price of public lands, and the surrender of large portions of them to the States in which they lie; and,

Lastly. This bill, which proposes to distribute the proceeds of the public lands among the several States, leaving the receipts from customs to defray the ordinary expenses of government in time of peace.

The first-named measure—a reduction of the customs—cannot be resorted to without awakening feeling dangerous to the peace and harmony of the country. The tariff law now in force, is the result of a compromise of the opinions of the citizens of different sections of the Union, and ought not to be disturbed, unless a strong political necessity call for its modification. Under this law, or, indeed, any law, keeping up such duties as are necessary for the proper regulation of commerce, it is believed that the customs will produce a revenue, at least equal to the ordinary wants of the government. The surplus, therefore, cannot be reduced by lessening the amount of the customs.

The next measure proposed, is a large increase of appropriations upon our fortifications and navy, so as

to absorb the surplus revenue, and at the same time put the country in an attitude of defence in the event of a foreign war. Such increased appropriation, to some extent, is, in the opinion of your committee, necessary and proper. There ought to be dealt out, with a liberal hand, all that can be well applied to render the seaboard safe from foreign aggression; but the amount asked by the Executive for both these purposes, does not, with the other current expenses of government, exceed the probable receipts from customs for the ensuing year, if the country be not involved in war. And it is not, in the opinion of your committee, proper that an expenditure should be made in the construction of fortifications or naval armaments for the purpose of exhausting the surplus revenue. If it be, the expenditure of money is made at once the *primary object*, and the improvement of the national defences but subordinate and auxiliary thereto. This would be true in fact, as well as in form. If much money were expended, it would necessarily be applied to little purpose. We might on a sudden emergency, in a short time, by large expenditure, prepare fortifications which would serve the purpose of a temporary defence; but all those substantial works, which are to stand as our future and permanent fortresses, require time, a selection of materials, and skilful engineers, which it is not in our power to supply much beyond what is necessary in expending judiciously and skilfully our ordinary appropriations. So, also, with respect to the navy.

But to this project there is another and a serious objection. The expenditures in support of the government are, much the larger portion of them, upon our seacoast and in our great commercial cities. This proposed extraordinary expenditure would very much increase that amount, and draw to the seacoast other large sums of money which ought properly to have a general distribution over the whole United States. Nor could we expect such a system, if once adopted, to cease, or even to diminish, for ages. No nation was yet ever known voluntarily to lessen its expenditures. If we commence a system of fortifications for the purpose of expending money, chiefly, and but in a secondary degree only, for defences, there will be no limit or end to the means it will furnish us of exhausting our national resources. Hundreds of millions may be expended with a tolerable show of public necessity or convenience, when it is not, on the other hand, deemed necessary to guard and to save the public treasure. It appears clear to your committee, therefore, that an amount of money large enough to exhaust the surplus revenue, could not at present be expended in this manner advantageously to the country.

The reducing of the price of the public lands, and ceding them to the States in which they lie, is another mode proposed to lessen the receipts into the Treasury, and thus prevent the influx of a surplus revenue.

Propositions such as these were referred to the Committee on Manufactures, at the first session of the twenty-second Congress, and on the sixteenth of April, eighteen hundred and thirty-two, they presented a detailed report to the Senate, in the general views and reasoning of which, your committee concur; and they herewith present the same, and make it a part of their report. That paper, in the opinion of your committee, demonstrates the injustice and impolicy of such a disposition of the national domain; and subsequent experience has confirmed their reasoning.

But other similar propositions, varying from those considered in that report, in some of their features, have been referred to your committee. Among these are—

A proposition to graduate the price of the public lands according to quality; and

To grant the lands to the States in which they lie, after they shall have been offered for sale for a given time.

To each of these your committee have given a careful consideration.

These propositions appear to be suggested for the benefit of the States in which the public lands are situated, for it is easy to prove that the interests of the United States, as the great landed proprietor, would not be subserved by either of them. The graduation of the price of the public lands is in no wise necessary or expedient, as a measure to effect their sale. Lands which have been long in market become surrounded by settlements. If they be hilly, they become valuable for their timber and stone, and other mineral productions. If swampy, or barren, they form a convenient appendage to neighboring farms for pasturage; and if not worth entering at the minimum price for any of these purposes, the public suffers no loss in permitting them to remain open and unappropriated.

Experience has fully shown, that the rise in the value of the public lands increases in proportion to the time that it is in market, or rather, to the number of the sales and density of the settlement near and around it. This fact is strongly illustrated by a reference to the sales of the public lands at the several land offices for a series of years. By this it will be seen that a larger per-centum of the lands actually in market at private sale, has generally sold at the *old* than at the *new* offices, and that per-centum has generally increased in proportion to the *time* the lands have been in market. It is a remarkable fact, bearing upon this proposition, that in no State or Territory, has the sales of public lands at private sale been so great in proportion to the quantity in market within the last five years, as in Ohio, in which State the public lands have been longest exposed to sale.

Your committee are also of opinion, that such graduation or reduction in the price of the public lands would operate to the injury, and not the benefit of the section of country in which such lands lie. If the amount of public land, the price of which was thus reduced, be great, its first and immediate effect would be to reduce the value of all the lands in its vicinity, *pro rata*, with the reduction of the public lands. To those who were full handed, and able to make large purchases, it might open a fine field for speculation, and profitable investment of capital, and if the price were reduced low, so as to make it an object with the capitalist, the public lands would be purchased up at once, on speculation, and retailed at an advanced price. It would thus cause a fluctuation in the value of land, a fall and a rise in its price, which is ever favorable to the sharp-sighted and sagacious speculator, but inimical to the interests of the agricultural portion of the community. Your committee, therefore, think that no interest which ought to be cherished and protected by the government, requires the graduation of the price of the public lands.

The proposition to cede the public lands to the States in which they lie, after they shall have been offered for sale a given number of years, is liable to many and serious objections. This project is, no doubt, well calculated to meet with favor in those States in which there is yet much public land unsold, as it holds out to them an apparent prospect of a vast accession to their resources. But it is, in the opinion of your committee, entirely delusive. The several States which form parties to the national compact have all an equal right to, and an equal interest in, the national domain, and such an application of it to the use of some of the States, which is not just to all, cannot be expected to meet with general favor.

Such a disposition of the public lands would be, indeed, a violation of a solemn contract which was adopted by, and made binding under the Constitution of the United States. The deed of cession of Virginia, by virtue of which we hold by far the largest and most valuable portion of our territory east of the Mississippi river, contains a clause, common to all the cessions of the several States, which provides that, after certain reservations shall have been made, and certain bounties satisfied, that the lands so ceded "shall be considered a *common fund*

for the use and benefit of all the United States, members of the federal alliance," "and shall be *faithfully and bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." This deed of cession was made by Virginia and accepted by Congress prior to the adoption of the Constitution. It, therefore, became and was a compact before the adoption of the Constitution, and is referred to and made binding by the first section of the fifth article of that instrument. It is, in the opinion of your committee, too clear to require an argument, that the giving of all the residue of these lands to the States in which they lie, after they shall have been offered for sale for a period of years, will not, if any lands of value remain unsold, be disposing of them *bona fide*, for the benefit of all the States, according to the requisition of this solemn compact. The principle on which grants of land have been made to the several States in which the public lands lie, for public works of any kind, is, that the United States being a large landholder, have, in the management of that property, a right to do what any other landholder, who consulted his own interest, would do—appropriate a portion of his lands, or their proceeds, to open roads and canals, and to construct public works in their neighborhood, so as to enhance their value or bring them sooner to a market. But this proposed gift or cession of the residue of the lands, after they shall have been in market five or ten years, cannot be sustained on that ground. A gift or conveyance of a *part*, on condition that it be so applied as to make the *residue* more valuable than the whole would otherwise have been, is a *bona fide* disposition of such part of the fund for the use of all those who are entitled to share in it; but if we give away the *whole residue* at any time, when that residue possesses value, we as certainly misapply the fund and abuse the trust; for, in that state of things, nothing remains to be enhanced in value, and the gift is to *one* State or to a *few* States—whereas, the trust is for all, and Congress is required to dispose of the land *bona fide* for the benefit of *all*.

But, if Congress had the right to give the residue of the lands, after they should have been offered for sale five or ten years and still remain unsold, to the States in which they lie, such a disposition of them would be unequal among themselves, and therefore unjust. It would not give them lands in proportion to the population of each, or to the amount that each, or the citizens of each, had paid for lands into the public Treasury. The State of Ohio would receive, on this proposition, certainly less than four millions of acres (the amount depending upon the time the land should be in market before it be surrendered), that is, about four acres to each individual in the State, while the public lands in the State of Ohio have brought into the Treasury about seventeen millions of dollars, besides satisfying, to a large amount, the debts of the government.

Missouri, upon a like mode of distribution or surrender, would have not less than twenty-five millions of acres, or about one hundred and sixty acres to each individual, black and white, according to the census of 1830. Thus, one inhabitant of Missouri would receive a quantity of land equal to what would be received by forty inhabitants of Ohio; and while the lands in Ohio have brought seventeen millions into the public Treasury, the lands in Missouri have brought in less than three millions. This disparity, therefore, would be very unjust to Ohio, but still more so to the other States of the Union having equal rights, and which, on this principle of surrender, would receive nothing. It cannot, therefore, be expected by any one, however strongly solicitous he may feel for the advancement of the new States, that such a measure will be adopted. Something more equal and more just must be thought of by those who wish to promote their interests and add to their prosperity.

There are other measures proposed which, if adopted, would affect, more or less, the interest of the United States in the public land, by lessening its general value and rendering its management more complicated and difficult. One of the first, and not the least important of these, is the law granting pre-emptions to actual settlers, which was first passed on the 29th day of May, 1830, and which, with some modifications, is still in force. The intent of this law was that of kindness and benevolence. It was enacted for the benefit of the poorer class of citizens, who, having pushed forward beyond the lands offered for sale, settled and improved the public lands, and made themselves a home, with some comforts around them, and had become able, by their industry, to pay for these lands at the minimum price. It seemed hard that these pioneers, who had thus improved the lands by their labor, should be compelled to enter into competition with new adventurers at the sales, and thus pay for improvements which they themselves had made. Such appear to have been the reasons for the enactment of these laws. They provided that, when two individuals cultivated one quarter section of land, each should be entitled to the pre-emption of half the tract so jointly cultivated, and each, also, to a pre-emption of eighty acres anywhere in the same land district; and, by a supplementary law, the claims were made assignable.

Your committee have satisfactory information that these laws have been the cause of frauds and perjuries, to an amount and number almost incredible. Thousands of pre-emptions have been proved under them, and certificates granted, when the whole case was without the least shadow of foundation. In other cases, the cutting down of a single tree, the marking it with a hatchet, or encamping for the night, has been made the ground of pre-emption claims. In most of the last-named cases, two individuals would together cut down their sapling, or tie each his horse upon the same quarter section of land; this, with the oath founded upon it, which appears to be always according to form, would get for each of the individuals a certificate or warrant, now familiarly called a "*float*," which they might lay on any of the lands of the United States which were surveyed, and not offered for sale; thus taking, at the minimum price of $1 25 per acre, lands worth, in many instances, more than twenty times that sum. Large companies, it is believed, have been formed, who procure affidavits of improvements to be made, get the warrants issued upon them, and whenever a good tract of land is ready for sale, cover it over with their *floats*, and thus put down competition. The frauds upon the public within the past year, from this single source, have arisen to many millions of dollars.

Your committee believe that a great error was committed by the passsge of these laws, and that no amendment or modification will guard against the mischiefs which they have heretofore produced. Claims of this kind cannot, in the very nature of things, be subjected to judicial investigation; or, if they were, the means of eliciting truth, the confronting witness against witness by parties who are stimulated on both sides to the uttermost to rebut and repel, cannot be brought to bear upon the examination of these claims. Hence, a few individuals, whose evidence can be purchased with a price, and who can appear under different names at pleasure, may, under the auspices of these laws, divert millions of money from the public Treasury into the coffers of their employers.

The system early adopted for the disposition of the public lands of the United States is admirable, and, in the opinion of your committee, ought not to be broken in upon or departed from. The pre-emption laws have, more than any other cause, tended to unsettle and derange them, and they have thrown upon the General Land Office a mass of labor, most unpleasant in its character, and difficult to be performed. The good which they do bears no comparison to the evil, for every dollar which the poorer settlers save by them, hundreds are lost by the government, and fraud, and perjury, and unlawful combination, and lawless violence, to put down competition at public sales, have arisen out of their provisions. In the opinion of your committee, they ought to cease.

There are also connected in some measure with this subject, several bills and memorials referred to your committee, proposing or praying for grants of land for seminaries of learning, for public education, or to aid in constructing works of internal improvement. These are all meritorious objects, and your committee are disposed to give them the most favorable consideration. But there are many difficulties attending the action of Congress on these special subjects. The very great extent of our country, the general feeling that all parts of it have equal rights to the munificence of Congress, the impossibility of determining which, among many institutions in the same State, ought to have such bounty as Congress might be disposed to bestow on objects of this kind, all lead to the conclusion that it were better to put it in the power of the several States to confer these bounties, and select the most worthy objects, than to attempt here to perform that office.

The rapidity with which the public lands now sell, the ease with which they are converted into money, the abundance of money now in the Treasury, and the moral certainty that there will be, for a long time, enough, and more than enough, to meet the current expenses of the government, have impressed strongly upon your committee the opinion, that it is impolitic and inexpedient to make a donation of *land* for any *object*, where a donation of money may be as lawfully made, and will effect the same end. These donations or transfers of land are liable to the objection that they tend more or less to confuse and complicate the land system. They all add something to the duties of the officers of the United States who have charge of the public lands, and they serve to embarrass the purchaser, who has not, as he would without them have, one set, and one only, of land offices to whom he is to resort for the entry of lands. There is another objection. Though it be the fact, that a donation of land by law is equivalent to a donation of money, yet we do not always feel it exactly so. There is a natural tendency to consider it more highly than it deserves, and to treat it too highly in legislation.

Your committee, on the whole, believe that it is better, if Congress have the constitutional power, to distribute among the several States, according to their respective rights, the proceeds of the sales of the public lands, allowing the States to use it for any or all of the purposes set forth and recommended in these bills and memorials. But that the lands themselves should not be assigned over, given away, or granted by Congress; that the ancient system of sales should be carefully preserved, and that all the deviations from it, which have caused much waste and confusion, should, as soon as possible, be corrected, and the former order of things fully restored.

The question of constitutional power has occupied the careful and sedulous attention of the committee; and they here present to the Senate the course of reasoning on that subject which they consider sound and just, and which has led them to the conclusion that Congress possesses the power to distribute the proceeds of the public lands according to the principles of this bill.

At the time the deed of cession from Virginia was made and accepted, the Union was held together by the Articles of Confederation of 1778, which, in its 8th article, provides "that all charges of war and other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States."

The mode of determining the proportion which each of the States shall bear of the public charges, is particularly pointed out, and it is there provided that "the taxes for paying that proportion shall be laid and levied by the authority and direction of the several States." To this state of things, existing at the time of the delivery of the Virginia deed of cession, its provisions must necessarily apply. It was to a confederacy of independent States, who kept up a common treasury out of contributions from each of its several members, according to a determinate regulation, that this deed was made, and after making certain reservations, specially set forth, it declares the trust in the following distinct and unequivocal terms: "That all the lands within the Territory so ceded to the United States, and not reserved for, or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditures, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." If, then, we had still continued, down to the present time, a confederation of States, bound together by the articles of 1778, and if, as is now the case, the public debt were discharged, the public expenses borne by revenues from other quarters, and the public land pouring its millions into the Treasury, what ought Congress, as the trustee of that common fund, to do with it? It is a trust fund, placed in the hands of Congress "*for the use and benefit of the several States*," and it is to be disposed of "*bona fide*" for that purpose, "*and for no other use or purpose whatsoever.*" So long as there was a public debt to be paid, this fund was well applied for the common benefit in the payment of that debt, as the debt was a common charge upon all, "according to their usual respective proportions in the public expenditures." And so long as it was necessary for the support of government, its application to that purpose was right, for the same reason, but when this state of things has ceased, when the proceeds of the public lands are no longer necessary for either of these purposes, what is it the *duty of the trustee* to do with it, according to the letter and spirit of the deed of trust? And what, were it a case between individuals, would a court of equity compel him to do? The answer is plain and obvious. He not only *might pay it*, but he would be *bound* to pay it over to those for whose benefit he held it. If it were not necessary to disburse it *for them*, he must restore it *to them*. This, as between individuals, would be a plain case, and your committee cannot perceive how it is varied when applied between States and nations. If, then, we had remained, as we were, members of the old confederation; if the Constitution had not intervened, to change, in anywise, the relations of the States to each other, or to the whole, it would have been not only the *right*, but the duty of Congress, pursuant to the spirit of that deed of cession, to have distributed among the several States the proceeds of the sales of the lands contained within the bounds of that grant. The delivery and acceptance of this deed amounted to a *contract*, and the above is, according to the opinion of your committee, the just construction of that contract.

But the rights and duties of the United States as a contracting party, are not all changed by the adoption of the Constitution. The 1st section of the 6th article of that instrument, provides "that all debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the confederation;" so that our rights, and our duties, with regard to this trust, are the same precisely that they would have been under the old confederation. All that has been said relative to the deed of cession from Virginia, applies equally to the cessions from the other States, except Georgia, whose deed bears date after the adoption of the federal Constitution; but, with this exception, it is in tenor and spirit the same with the deed above considered.

Your committee are hence led to the conclusion, that with respect to the proceeds of all the lands north of the 31st degree of latitude, and east of the Mississippi river, Congress not only has the constitutional power to make the proposed distribution, but it is a duty enjoined on them by a contract which is recognized and adopted by the Constitution.

As to the land lying within the bounds of the original purchase of Louisiana and Florida, our right so to

apply it rests upon less satisfactory grounds. We have no compact concerning it; no constitutional provision, or any agreement recognized by the Constitution, which expressly authorized the *purchase* of this additional territory, or which places the land so purchased in the same situation with that which was originally transferred to Congress by the States. But the right to acquire the additional territory is no longer an open question. It has been settled, and by virtue of its adjustment we have already received into the Union two States, and the prosperity of the whole country has been thereby greatly enhanced. It would seem that when a large extent of territory was added to that which heretofore belonged to the United States, it ought to be subjected to the same constitutional and legal principles which governed in the disposition and management of the lands which we held at the time of the formation of the Constitution. It has been so, strictly, in all things, so far as it related to jurisdiction: it would seem just and reasonable that it should be so as to soil also.

But in every estimate which has been as yet presented of the costs and the proceeds of the public lands, whether by the Secretary of the Treasury or by committees of Congress, the money paid for Louisiana and Florida has been charged to this fund, and it continues to be so down to the last report of the Secretary of the Treasury of the 8th of December, 1835. If this be correct, if the public lands have been made the fund out of which this large purchase has been paid, it is in truth but a conversion of the receipts for land into other lands, which would, as a necessary consequence, follow the same law of distribution which applied to the original subject out of which the payments were made. The fact that other great and important advantages were derived to the Union from the purchase of these two territories does not at all weaken the force of the argument, but leaves it, in this particular instance, precisely as it would have stood if there had been a purchase of land merely out of the funds arising from the sales of lands; and by the well-known principles of equity the trust attends the fund, whensoever invested.

Your committee have not taken into consideration the question whether Congress have power, under the Constitution, to distribute a portion of the general revenue among the several States, but have chosen to rest the measure proposed by this bill on its own special grounds

The expediency of this measure appears from considerations heretofore suggested, nor those alone. The distribution of the proceeds of the public lands among the several States would cause a watchful censorship over this branch of the public revenues, which has fallen into confusion by past negligence and inattention. The representatives in Congress from the several States would be induced, by the interest which their immediate constituents must feel in the subject, to prevent the waste of the public lands, as well as of public money, and to watch over the national domain, as a matter in which those to whom they are responsible have a direct and immediate interest.

It would withdraw from the Treasury of the United States the surplus revenue, without infringing on the Constitution, or touching any of its provisions. The money so withdrawn will be, in effect, restored to the pockets of the people, as it will thus enable the several States to exempt their citizens from a direct and burdensome taxation, which they now of necessity impose to effect those public improvements which the situation of the whole country demands, and which are requisite to the prosperity and advancement of each particular State. So long as the law may be continued in force, it will be a steady, regular, and certain resource for these and like purposes to the several States, nor ought they, nor will they feel that it is a gift gratuitously given and submissively received. If our views of the subject be just, it is, in the present state of the Treasury, their own as a matter of equity, not of mere favor; and State pride would not be humbled, or State independence endangered by receiving it.

By a provision of the Constitution of the United States, the several States are denied the right of laying imposts upon commerce—that easy and indirect mode of raising a revenue which is hardly felt by a people. They are, therefore, generally compelled to resort to direct taxes upon land and goods, and, in the Western States, on land especially, to provide for the wants of government, and to construct such works of internal improvement as their wants and welfare may require; and in some of the States those taxes have borne heavily upon the people. That burden, by the distribution proposed by this bill, would be lightened, and a large annual fund placed in the hands of the several States, which would enable them to extend the benefit of their improvements as fast and as far as the general interests might require.

Your committee entertain no doubt that if our country continues in a state of peace, and if no unforeseen calamity should visit it and mar its prosperity, that the receipts from customs, brought down to the lowest standard that existing laws contemplate, will still be amply sufficient for all the current expenses of the government, economically administered. The estimates which are sent us from the Secretary of the Treasury of those probable receipts, have not for some time past approached very nearly to accuracy; they, therefore, cannot be received as a basis of an estimate.

The increased population and business of the country, the very force of circumstances, which none can control, pours into the Treasury millions upon millions, which its officers were not led to anticipate, and which they hardly seem yet to realize. In the report of the Secretary of the Treasury of the 8th of December, 1835, he estimates the revenue of the last quarter of that year at $4,950,000. But, in answer to a resolution of the Senate of the 5th of the present month, he shows that the actual receipts for the same quarter have in fact amounted to about $11,149,000, exceeding the amount of the estimate by about $6,200,000, while the whole receipts of the year 1835 have exceeded his estimate by about $14,629,000.

Having formed the opinion that it is within the constitutional power of Congress to pass this measure; that the finances of the nation will not be too much diminished, or at all deranged by it; and that the general prosperity of the country would be increased by its adoption, your committee have thought it within the range of their duty to estimate, as nearly as may be from the data within their power, the probable annual amount which will arise from the sales of the public lands, and be subject to distribution, should this bill become a law.

In looking into the future of human affairs, and judging of them from the past, we are constantly liable to error, arising from the difficulty of estimating all the disturbing causes which may intervene to produce a fluctuation in the course and current of events. On this subject, however, there are more stable and constant elements, which go to make up the data of our calculations than generally enter into financial estimates.

The sales of the public lands rest essentially on the wants of the husbandman, and are limited to a quantity little exceeding those wants. It is true, when the price is much below its actual value, it may become a subject of extensive speculation, but even then the amount of sales resolves itself into the same element, and speculation merely goes in advance of the farmer, who purchases for actual occupation, without increasing the aggregate of sales in a series of years. The principles of population which have developed themselves in the United States in the last forty years, will not, probably, change materially in a like period to come, for within that time none of those causes which operate as checks upon population can, in the ordinary course of things, have existence here; nor is it probable that the pursuits of the great body of the people will essentially change; for the

same causes which have made us an agricultural community are likely to continue without diminution, so long as the means of subsistence remain, as now, abundant and easy to be procured, and so long as there is a wide public domain parcelled out and ready for sale on moderate terms, placing a home and a freehold in the power of all that have the wish to possess them. The population of our country is, therefore, likely to continue its ratio of increase, and the habits and pursuits of our people to remain the same. Hence the investments in land for the use of the agriculturists will increase in like ratio as heretofore with the increase of our population.

Prior to the year 1800, but little land had been sold by the United States, and there was at that time, of wild and uncultivated land within the bounds of the now States of Maine, Vermont, New York, Pennsylvania, Virginia, Georgia, Tennessee, Kentucky, and Ohio, belonging to the States and individnals, a very large quantity, the amount of which cannot be very accurately ascertained, but it is safe to say that it exceeded one hundred millions of acres This has all, or nearly all, since passed into the hands of actual settlers; and there has been sold and granted of the lands of the United States, within that period, about fifty millions of acres. Thus it appears there have been taken up and converted to the use of the husbandman, within the last thirty-five years, about one hundred and fifty millions of acres of wild land; and in the mean time, little or none heretofore cultivated, has been abandoned. The population of the United States in 1800, was four millions, nearly; at this time it is about fourteen millions five hundred thousand; and as the increase upon four millions has, in thirty-five years, required one hundred and fifty million acres of new land, it follows that a like increase upon fourteen million five hundred thousand will, in a like period, require about five hundred and forty millions of acres, rising from the beginning to the end of the period in a ratio of progression; the average amount being about fifteen millions per year.

From the above data, your committee estimate the average receipts from the sales of the public lands for the next ten years, if the country continue in peace, if the land system be faithfully preserved, and if the sales be guarded from combination and fraud, at an average of something more than $10,000,000 per annum. There is already in hand, to be divided by the terms of this bill, $20,571,125 75; of this, the several States will be entitled to receive the sums shown by the annexed table, and of the receipts of each succeeding year, until the next census, in nearly the same proportions.

Your committee report the bill back, with amendments, and recommend its passage.

Table showing the amount to which each State will be entitled.

States.	Federal population.	Share for each State.	Fifteen per cent. to new States.	Total to new States.
Maine	399,437	$689,028	.....	.....
New-Hampshire	269,326	464,587	.....	.....
Massachusetts	610,408	1,052,953	.....	.....
Rhode Island	97,194	167,659	.....	.....
Connecticut	297,665	513,472	.....	.....
Vermont	280,657	484,133	.....	.....
New-York	1,918,553	3,309,503	.....	.....
New-Jersey	319,922	551,865	.....	.....
Pennsylvania	1,348,072	2,325,424	.....	.....
Delaware	75,432	130,120	.....	.....
Maryland	405,843	700,079	.....	.....
Virginia	1,023,503	1,765,554	.....	.....
North Carolina	639,747	1,103,563	.....	.....
South Carolina	455,025	784,918	.....	.....
Georgia	429,811	741,423	.....	.....
Kentucky	621,832	1,072,660	.....	.....
Tennessee	625,263	1,078,578	.....	.....
Ohio	935,884	1,614,400	$230,844	$1,845,244
Louisiana	171,694	296,172	67,561	363,733
Indiana	343,031	591,728	325,485	917,213
Illinois	157,147	271,078	483,760	754,838
Missouri	130,419	224,972	174,354	399,326
Mississippi	110,358	190,367	788,403	978,770
Alabama	262,508	452,826	541,940	994,766

April 16, 1832.

Mr. CLAY, from the Committee on Manufactures, made, to the Senate, the following report:

The Committee on Manufactures have been instructed by the Senate to inquire into the expediency of reducing the price of public lands, and of ceding them to the several States within which they are situated, on reasonable terms. Far from desiring to assume the duty involved in this important inquiry, it is known to the Senate that a majority of the committee was desirous that the subject should have been referred to some other committee. But, as the Senate took a different view of the matter, the Committee on Manufactures have felt bound to acquiesce in its decisions; and, having bestowed on the whole subject the best consideration in their power, now beg leave to submit to the Senate the result of their inquiries and reflections.

The public lands belonging to the general government are situated, first, within the limits of the United States, as defined by the treaty of peace which terminated the Revolutionary war; and secondly, within the boundaries of Louisiana and Florida, as ceded by France and Spain, respectively, to the United States.

1st. At the commencement of the Revolutionary war, there were, in some of the States, large bodies of waste and unappropriated lands, principally west of the Allegany mountains, and in the southern or south-western quarters of the Union, while in others, of more circumscribed or better-defined limits, no such resource

existed. During the progress of that war, the question was agitated, what should be done with these lands in the event of its successful termination? That question was likely to lead to paralyzing divisions and jealousies. The States not containing any considerable quantity of waste lands, contended that, as the war was waged with united means, with equal sacrifices, and at the common expense, the waste lands ought to be considered as a common property, and not be exclusively appropriated to the benefit of the particular States within which they happen to be situated. These, however, resisted the claim, upon the ground that each State was entitled to the whole of the territory, whether waste or cultivated, included within its chartered limits. To check the progress of discontent, and arrest the serious consequences to which the agitation of this question might lead, Congress recommended to the States to make liberal cessions of the waste and unseated lands to the United States; and, on the 10th day of October, 1780, "*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th of September last, shall be disposed of *for the common benefit* of the United States," &c.

In conformity with the recommendation of Congress, the several States containing waste and uncultivated lands made cessions of them to the United States. The declared object having been substantially the same in all of these cessions, it is only necessary to advert to the terms of some of them. The first in order of time was that of New-York, made on the first day of March, 1781, by its delegation in Congress, in pursuance of an act of the legislature of the State, and the terms of the deed of cession expressly provide that the ceded lands and territories were to be held "to and for the *only use and benefit* of such of the States as are, or shall become, parties to the Articles of Confederation." That of Virginia was the next in date, but by far the most important of all the cessions made by the different States, both as respects the extent and value of the country ceded. It comprehended the right of that commonwealth to the vast territory northwest of the river Ohio, embracing, but not confined to the limits of, the present States of Ohio, Indiana, and Illinois. The deed of cession was executed by the delegation of Virginia in Congress, in 1784, agreeably to an act of the legislature passed in 1783; and, among other conditions, the deed explicitly declares "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered *a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive*, according to their usual respective proportions in the general charge and expenditure, and shall be *faithfully and bona fide* disposed of for that *purpose*, and for no other use or purpose whatsoever." Passing by the cessions which other States, prompted by a magnanimous spirit of union and patriotism, successively made, we come to the last in the series, that of the State of Georgia, in 1802. The articles of agreement and cession entered into between that State and the United States, among various other conditions, contain the unequivocal declaration, "that all the lands ceded by this agreement, to the United States shall, after satisfying the above-mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding conditions, be considered *as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*"

Thus, by the clear and positive terms of these acts of cession, was a great public national trust created and assumed by the general government. It became solemnly bound to hold and administer the lands ceded, as a common fund for the *use and benefit* of all the States, and for no *other* use or purpose whatever. To waste or misapply this fund, or to divert it from the common benefit for which it was conveyed, would be a violation of the trust. The general government has no more power, rightfully, to cede the lands thus acquired to one of the new States, without a fair equivalent, than it could retrocede them to the State or States from which they were originally obtained. There would, indeed, be much more equity in the latter than in the former case. Nor is the moral responsibility of the general government at all weakened by the consideration that, if it were so unmindful of its duty as to disregard the sacred character of the trust, there might be no competent power, peacefully applied, which could coerce its faithful execution.

2d. The other source whence the public lands of the United States have been acquired, are, first, the treaty of Louisiana, concluded in 1803; and, secondly, the treaty of Florida, signed in 1819. By the first, all the country west of the Mississippi, and extending to the Pacific ocean, known as Louisiana, which had successively belonged to France, Spain, and France again, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, was transferred to the United States, in consideration of the sum of fifteen millions of dollars, which they stipulated to pay, and have since punctually paid, to France, besides other conditions deemed favorable and important to her interests. By the treaty of Florida, both the provinces of east and west Florida, whether any portion of them was or was not actually comprehended within the true limits of Louisiana, were ceded to the United States, in consideration, besides other things, of the payment of five millions of dollars, which they agreed to pay, and have since accordingly paid.

The large pecuniary considerations thus paid to these two foreign powers were drawn from the Treasury of the people of the United States; and, consequently, the countries for which they formed the equivalents ought to be held and deemed for the common benefit of all the people of the United States. To divert the lands from that general object; to misapply or sacrifice them; to squander or improvidently cast them away, would be alike subversive of the interests of the people of the United States, and contrary to the plain dictates of the duty by which the general government stands bound to the States and to the whole people.

Prior to the treaties of Louisiana and Florida, Congress had adopted a system for surveying and selling the public lands, devised with much care and great deliberation, the advantages of which having been fully tested by experience, it was subsequently applied to the countries acquired by those treaties. According to that system, all public lands offered for sale are previously accurately surveyed, by skilful surveyors, in ranges of townships of six miles square each, which townships are subdivided into thirty-six equal divisions or square miles, called sections, by lines crossings each other at right angles, and generally containing 640 acres. These sections are again divided into quarters, and prior to the year 1820, no person could purchase a less quantity than a quarter. In that year, provision was made for the further division of the sections into eighths, thereby allowing a purchaser to buy only eighty acres, if he wished to purchase no more. During the present session of Congress, further to extend accommodation to purchasers of the public lands, and especially to the poorer classes, the sections have been again divided into sixteenths, admitting a purchase of only forty acres.

This uniform system of surveying and dividing the public lands applies to all the States and territories within which they are situated. Its great advantages are manifest. It insures perfect security of title and certainty of boundary, and consequently avoids those perplexing land disputes, the worst of all species of litigation, the distressing effects of which have been fatally experienced in some of the Western States. But these are not the only advantages, great as they unquestionably are. The system lays the foundation of useful civil institutions, the benefit of which is not confined to the present generation, but will be transmitted to posterity.

Under the operation of the system thus briefly sketched, the progress of the settlement and population of the public domain of the United States has been altogether unexampled. Views which the committee will hereafter present, conclusively demonstrate that, while the spirit of free emigration should not be checked or counteracted, it stands in no need of any fresh stimulus.

Before proceeding to perform the specific duty assigned to the committee by the Senate, they had thought it desirable to exhibit some general views of this great national resource. For that purpose, a call, through the Senate, for information, has been made upon the executive branch of the government. A report has not yet been made; but, as the committee are desirous of avoiding any delay, not altogether indispensable, they have availed themselves of the report from the Secretary of the Treasury to the House of Representatives, under date the 6th April, 1832, hereto annexed, marked A, and of such other information as was accessible to them.

From that report, it appears that the aggregate of all sums of money which have been expended by the United States in the acquisition of the public lands, including interest on account of the purchases of Louisiana and Florida up to the 30th day of September, 1831, and including also expenses in their sale and management, is $48,077,551 40; and that the amount of money received at the Treasury for proceeds of the sales of the public lands to the 30th of September, 1831, is $37,272,713 31. The government, therefore, has not been reimbursed by $10,804,838 90. According to the same report, it appears that the estimated amount of unsold lands, on which the foreign and Indian titles have been extinguished, is 227,293,884 acres, within the limits of the new States and Territories; and that the Indian title remains on 113,577,869 acres within the same limits. That there have been granted to Ohio, Indiana, Illinois, and Alabama, for internal improvements, 2,187,665 acres; for colleges, academies, and universities in the new States and Territories, the quantity of 508,009; for education, being the thirty-sixth part of the public lands appropriated for common schools, the amount of 7,952,538 acres; and for seats of government in some of the new States and Territories, 21,589 acres. By a report of the Commissioner of the General Land Office, communicated to Congress with the annual message of the President of the United States, in December, 1827, the total quantity of the public lands, beyond the boundaries of the new States and Territories, was estimated to be 750,000,000 acres. The aggregate, therefore, of all the unsold and unappropriated public lands of the United States, surveyed and unsurveyed, on which the Indian title remains or has been extinguished, lying within and without the boundaries of the new States and Territories, agreeably to the two reports now referred to, is 1,090,871,753 acres. There had been 138,988,224 acres surveyed, and the quantity only of 19,239,412 acres sold up to the 1st January, 1826. When the information called for shall be received, the subsequent surveys and sales up to the present period will be ascertained.

The committee are instructed by the Senate to inquire into the expediency of reducing the price of the public lands, and also of ceding them to the several States in which they are situated, on reasonable terms. The committee will proceed to examine these two subjects of inquiry distinctly, beginning first with that which relates to a reduction of price.

I. According to the existing mode of selling the public lands they are first offered at public auction for what they will bring in a free and fair competition among the purchasers; when the public sales cease, the lands remaining unsold may be bought, from time to time, at the established rate of one dollar and a quarter per acre. The price was reduced to that sum in 1820, from $2 per acre, at which it had previously stood from the first establishment of the present system of selling public lands. A leading consideration with Congress in the reduction of the price, was that of substituting cash sales for the credits which had been before allowed, and which, on many accounts, it was deemed expedient to abolish. A further reduction of the price, if called for by the public interests, must be required, either, 1st, Because the government now demands more than a fair price for the public lands; or, 2dly, Because the existing price retards, injuriously, the settlement and population of the new States and Territories. These suggestions deserve separate and serious considerations.

The committee possess no means of determining the exact value of all the public lands now in market; nor is it material, at the present time, that the precise worth of each township or section should be accurately known. It is presumable that a considerable portion of the immense quantity offered to sale, or held by the United States, would not now command, and may not be intrinsically worth the minimum price fixed by law; on the other hand, it is certain that a large part is worth more. If there could be a discrimination made, and the government had any motive to hasten the sales beyond the regular demands of the population, it might be proper to establish different rates, according to the classes of land; but the government having no inducement to such acceleration, has hitherto proceeded on the liberal policy of establishing a moderate price, and by subdivisions of the sections, so as to accommodate the poorer citizens, has placed the acquisition of a home within the reach of every industrious man. For $100 any one may now purchase eighty, or for $50, forty acres of first-rate land, yielding, with proper cultivation, from fifty to eighty bushels of Indian corn per acre, or other equivalent crops.

There is no more satisfactory criterion of the fairness of the price of an article than that arising from the briskness of sales when it is offered in the market. On applying this rule, the conclusion would seem to be irresistible, that the established price is not too high. The amount of the sales in the year 1828, was $1,018,308 75; in 1829, $1,517,175 13; in 1830, $2,329,356 14; and, during the year 1831, $3,000,000. And the Secretary of the Treasury observes, in his annual report, at the commencement of this session, that "the receipts from the public lands, during the present year, it will be perceived, have likewise exceeded the estimates, and indeed *have gone beyond all former example.* It is believed that, notwithstanding the large amount of scrip and forfeited land stock that may still be absorbed in payment for lands, yet if the surveys now projected be completed, the receipts from this source of revenue will not fall greatly below those of the present year." And he estimates the receipts during the current year, from this source, at three millions of dollars. It is incredible to suppose that the amount of sales would have risen to so large a sum if the price had been unreasonably high. The committee are aware that the annual receipts may be expected to fluctuate, as fresh lands, in favorite districts, are brought into market, and according to the activity or sluggishness of emigration in different years.

Against any considerable reduction of the price of the public lands, unless it be necessary to a more rapid population of the new States, which will be hereafter examined, there are weighty, if not decisive considerations.

1. The government is the proprietor of much the largest quantity of the unseated lands of the United States. What it has in market bears a large proportion to the whole of the occupied lands within their limits. If a considerable quantity of any article, land, or any commodity whatever, is in market, the price at which it is sold will affect, in some degree, the value of the whole of that article, whether exposed to sale or not. The influence of a reduction of the price of the public lands would probably be felt throughout the Union; certainly in all the Western States, and most in those which contain, or are nearest to the public lands. There ought to be the most cogent and conclusive reasons for adopting a measure which might seriously impair the value of the property of the yeomanry of the country. While it is decidedly the most important class in the community,

most patient, patriotic, and acquiescent in whatever public policy is pursued, it is unable or unwilling to resort to those means of union and concert which other interests employ to make themselves heard and respected. Government should, therefore, feel itself constantly bound to guard, with sedulous care, the rights and welfare of the great body of our yeomanry. Would it be just toward those who have hitherto purchased public lands at higher prices, to say nothing as to the residue of the agricultural interest of the United States, to make such a reduction, and thereby impair the value of their property? Ought not any such plan of reduction, if adopted, to be accompanied with compensation for the injury which they would inevitably sustain?

2. A material reduction of price would excite and stimulate the spirit of speculation, now dormant, and probably lead to a transfer of vast quantities of the public domain from the control of government to the hands of the speculator. At the existing price, and with such extensive districts as the public constantly offers in the market, there is no great temptation to speculation. The demand is regular, keeping pace with the progress of emigration, and is supplied on known and moderate terms. If the price were much reduced, the strongest incentives to engrossment of the better lands would be presented to large capitalists; and the emigrant, instead of being able to purchase from his own government upon uniform and established conditions, might be compelled to give much higher and more fluctuating prices to the speculator. An illustration of this effect is afforded by the military bounty lands granted during the late war. Thrown into market at prices below the government rate, they notoriously became an object of speculation, and have principally fallen into the hands of speculators, retarding the settlement of the districts which include them.

3. The greatest emigration that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be, 1st, To lessen the value of real estate in those three States; 2d, To diminish their interest in the public domain, as a common fund for the benefit of all the States; and, 3d, To offer what would operate as a bounty to further emigration from those States, occasioning more and more lands situated within them to be thrown into the market, thereby not only lessening the value of their lands, but draining them of both their population and currency.

And, lastly, Congress has, within a few years, made large and liberal grants of the public lands to several States. To Ohio, 922,937 acres; to Indiana, 384,728 acres; to Illinois, 480,000 acres; and to Alabama, 400,000 acres; amounting together to 2,187,665 acres. Considerable portions of these lands yet remain unsold. The reduction of the price of the public lands, generally, would impair the value of those grants, as well as injuriously affect that of the lands which have been sold in virtue of them.

On the other hand, it is inferred and contended, from the large amount of public land remaining unsold, after having been so long exposed to sale, that the price at which it is held is too high. But this apparent tardiness is satisfactorily explained by the immense quantity of public lands which have been put into the market by government. It is well known that the new States have constantly and urgently pressed the extinction of the Indian title upon lands within their respective limits, and, after its extinction, that they should be brought into market as rapidly as practicable. The liberal policy of the general government, coinciding with the wishes of the new States, has prompted it to satisfy the wants of emigrants from every part of the Union, by exhibiting vast districts of land for sale in all the States and Territories, thus offering every variety of climate and situation to the free choice of settlers. From these causes, it has resulted that the power of emigration has been totally incompetent to absorb the immense bodies of waste lands offered in the market. For the capacity to purchase is, after all, limited by the emigration, and the progressive increase of population. If the quantity thrown into the market had been quadrupled, the probability is that there would not have been much more annually sold than actually has been. With such extensive fields for selection before them, purchasers, embarrassed as to the choice which they would make, are sometimes probably influenced by caprice or accidental causes. While the better lands remain, those of secondary value will not be purchased. A judicious farmer or planter would sooner give one dollar and a quarter per acre for first-rate land, than receive as a donation land of inferior quality, if he were compelled to settle upon it.

It is also contended that the price of the public land is a tax; and that at a period when, in consequence of the payment of the public debt and the financial prosperity of the United States, the government is enabled to dispense with revenue, that tax ought to be reduced, and the revenue arising from the sales be thereby diminished. In the first place, it is to be observed that if, as has been before stated, the reduction of the price of the public lands should stimulate speculation, the consequence would probably be, at least for some years, an augmentation of the revenue from that source. Should it have the effect of speculation supposed, it would probably also retard the settlement of the new States, by placing the lands engrossed by speculators, in anticipation of increased value, beyond the reach of emigrants. If it were true that the price demanded by government operated as a tax, the question would still remain whether that price exceeded the fair value of the land which emigrants are in the habit of purchasing; and, if it did not, there would be no just ground for its reduction. And assuming it to be a tax, it might be proper to inquire who pays the tax: the new or the old States—the States that send out or the States that receive the emigrants? In the next place, regarded as a tax, those who have heretofore made purchases at the higher rate have already paid the tax, and are as much deserving the equitable consideration of the government as those who might hereafter be disposed to purchase at the reduced rate. It is proper to add that, by the repeal and reduction contemplated of duties upon articles of foreign import, subsequent purchasers of the public lands, as far as they are consumers of those articles, will share in the general relief, and will consequently be enabled to apply more of their means to the purchase of land.

But in no reasonable sense can the sale of the public lands be considered as the imposition of a tax. The government, in their disposal, acts as a trustee for the whole people of the United States, and, in that character, holds and offers them in the market. Those who want them buy them, because it is their inclination to buy them. There is no compulsion in the case. The purchase is perfectly voluntary, like that of any other article which is offered in the market. In making it, the purchaser looks exclusively to his own interest. The motive of augmenting the public revenue, or any other motive than that of his own advantage, never enters into his consideration. The government, therefore, stands to the purchaser in the relation merely of the vendor of a subject which the purchaser's own welfare prompts him to acquire; and, in this respect, does not vary from the relation which exists between any private vendor of waste lands and the purchaser from him. Nor does the use to which the government may think proper to apply the proceeds of the sale of the public lands give the smallest strength to the idea that the purchase of them is tantamount to the payment of a tax. The government may employ those proceeds as a part of its ordinary revenue, or it may apply them in any other manner, consistent with the Constitution, which it deems proper. Revenue and taxation are not always relative terms. There may be revenue without taxation. There may be taxation without revenue. There may be sources of established revenue which

not only do not imply, but which supersede taxation. Is the consideration paid for land to a private individual to be deemed a tax, because that individual may happen to use it as a part of his income?

2. Is the reduction of the price of the public lands necessary to accelerate the settlement and population of the States within which they are situated? Those States are Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana. If their growth has been unreasonably slow and tardy, we may conclude that some fresh impulse, such as that under consideration, is needed. Prior to the treaty of Greenville, concluded in 1795, there were but few settlements within the limits of the present State of Ohio. Principally since that period, that is, within a term of about forty years, that State, from a wilderness, the haunt of savages and wild beasts, has risen into a powerful commonwealth, containing, at this time, a population of a million of souls, and holding the third or fourth rank among the largest States in the Union. During the greater part of that term, the minimum price of the public lands was two dollars per acre; and of the large quantity with which the settlement of that State commenced, there only remain to be sold 5,586,834 acres.

The aggregate population of the United States, exclusive of the territories, increased from the year 1820 to 1830, from 9,579,873 to 12,716,697. The rate of the increase, during the whole term of ten years, including a fraction, may be stated at thirty-three per cent. The principle of population is presumed to have full scope generally in all parts of the United States. Any State, therefore, which has exceeded or fallen short of that rate, may be fairly assumed to have gained or lost by emigration nearly to the extent of the excess or deficiency. From a table accompanying this report, (marked B,) the Senate will see presented various interested views of the progress of population in the several States. In that table, it will be seen that each of eleven States exceeded, and each of thirteen fell short of an increase at the average rate of thirty-three per cent. The greatest increase, during the term, was in the State of Illinois, where it was one hundred and eighty-five per cent., or at the rate of 18½ per cent. per annum; and the least was in Delaware, where it was less than six per cent. The seven States embracing the public lands had a population, in 1820, of 1,207,165, and, in 1830, 2,238,802, exhibiting an average increase of 85 per cent. The seventeen States containing no part of the public lands had a population, in 1820, of 8,372,707, and, in 1830, of 10,477,895, presenting an average increase of only 25 per cent. The thirteen States, whose increase, according to the table, was below 33 per cent., contained, in 1820, a population of 5,939,759, and, in 1830, of 6,966,600, exhibiting an average increase of only seventeen per cent. The increase of the seven new States upon a capital which, at the commencement of the term, was 1,207,165, has been greater than that of the thirteen whose capital then was 5,939,759. In three of the eleven States, (Tennessee, Georgia, and Maine,) whose population exceeded the average increase of 33 per cent., there were public lands belonging to those States; and in the fourth, (New York,) the excess is probably attributable to the rapid growth of the city of New York, to waste lands in the western part of that State, and to the great development of its vast resources by means of extensive internal improvements.

These authentic views of the progress of population in the seven new States, demonstrate that it is most rapid and gratifying; that it needs no such additional stimulus as a farther reduction in the price of the public lands; and that, by preserving and persevering in the established system for selling them, the day is near at hand when those States, now respectable, may become great and powerful members of the confederacy.

Complaints exist in the new States, that large bodies of lands in their respective territories, being owned by the general government, are exempt from taxation to meet the ordinary expenses of the State governments, and other local charges; that this exemption continues for five years after the sale of any particular tract; and that land, being the principal source of the revenue of those States, an undue share of the burden of sustaining the expenses of the State governments falls upon the resident population. To all these complaints it may be answered that, by voluntary compacts between the new States, respectively, and the general government, five per cent. of the net proceeds of all the sales of the public lands included within their limits are appropriated for internal improvements leading to or within those States; that a section of land in each township, or one thirty-sixth part of the whole of the public lands embraced within their respective boundaries, has been reserved for purposes of education; and that the policy of the general government has been uniformly marked by great liberality toward the new States, in making various, and some very extensive grants of the public lands for local purposes. But, in accordance with the same spirit of liberality, the committee would recommend an appropriation to each of the seven States referred to of a further sum of ten per cent. on the net proceeds of the sales of that part of the public land which lies within it, for objects of internal improvement in their respective limits. The tendency of such an appropriation will be not only to benefit those States, but to enhance the value of the public lands remaining to be sold.

II. The committee have now to proceed to the other branch of the inquiry which they were required to make, that of the expediency of ceding the public lands to the several States in which they are situated, on reasonable terms. The inquiry comprehends, in its consequences, a cession of the whole public domain of the United States, whether lying within or beyond the limits of the present States and Territories. For, although in the terms of the inquiry it is limited to the new States, cessions to them would certainly be followed by similar cessions to other new States, as they may, from time to time, be admitted into the Union. Three of the present Territories have nearly attained the requisite population entitling them to be received as members of the confederacy, and they shortly will be admitted. Congress could not consistently avoid ceding to them the public lands within their limits, after having made such cessions to the other States. The compact with the State of Ohio formed the model of compacts with all the other new States, as they were successively admitted.

Whether the question of a transfer of the public lands be considered in the limited, or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements, founded on official reports, made in the preceding part of this report, it has been seen that the quantity of unsold and unappropriated lands lying within the limits of the new States and Territories, is 340,871,753 acres, and the quantity beyond those limits is 750,000,000, presenting an aggregate of 1,090,871,753 acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of $1,363,589,691. If it be said that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market, and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on the average, one half of the minimum price, they would still present the immense sum of $681,794,845. The least favorable view which can be taken of them, is that of considering them a capital yielding at present an income of three millions of dollars annually. Assuming the ordinary rate of six per cent. interest per annum, as the standard to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the last six years has been at the rate of twenty-three per cent. per annum. Supposing it to continue in the same ratio—at the end of a little more than four years the income would be double,

and make the capital one hundred millions of dollars. While the population of the United States increases only three per cent. per annum, the increase of the demand for the public lands is at the rate of twenty-three per cent., furnishing another evidence that the progress of emigration, and the activity of sales, have not been checked by the price demanded by government.

In whatever light, therefore, this great subject is viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or given more general satisfaction, than that of the administration of the public lands.

If the proposed cession to the new States were to be made at a fair price, such as the general government could obtain from individual purchasers under the present system, there would be no motive for it unless the new States are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with the view to the acquisition of funds to enable it to fulfil its engagements to the general government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting, but delusive projects; and the history of legislation, in some of the States of the Union, admonishes us that a too ready ear is sometimes given by a majority, in a legislative assembly, to such projects.

A decisive objection to such a transfer for a fair equivalent, is, that it would establish a new and dangerous relation between the general government and the new States. In abolishing the credit which had been allowed to purchasers of the public lands, prior to the year 1820, Congress was principally governed by the consideration of the expediency and hazard of accumulating a large amount of debt in the new States, all bordering on each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payment from delinquents. The project which the committee are now considering, is, to sell to the States, in their sovereign character, and, consequently, to render them public debtors to the general government to an immense amount. This would inevitably create between the debtor States a common feeling, and a common interest, distinct from the rest of the Union. These States are all in the western and southwestern quarter of the Union, remotest from the centre of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength, and power, and durability of our happy Union; and the attachment and warm affection of every member of the confederacy cannot be doubted: but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

In the State of Illinois, with a population, at the last census, of 157,445, there are 31,395,669 acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to $19,622,480. How would that State be able to pay such an enormous debt? How could it pay even the annual interest upon it?

Supposing the debtor States fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice, and the regard for character which prevail among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of delinquency on the part of the debtor States. The relations between the general government and the members of the confederacy, are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the judiciary coerce the debtor States? On what could their process operate? Could the property of innocent citizens, residing within the limits of those States, be justly seized by the general government, and held responsible for debts contracted by the States themselves in their sovereign character? If a mortgage upon the lands ceded were retained, that mortgage would prevent or retard subsequent sales by the States; and if individuals bought, subject to the encumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

Delinquency on the part of the debtor States would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to sponge the debt; or, if Congress attempted to enforce its payment, another and a worse alternative would be embraced.

If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive States to Congress, and contrary to the obligations which the general government stands under to the whole people of these United States, arising out of the fact that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old States. And its inequality among the new States would be as marked as its injustice to the old would be indefensible. Thus, Missouri, with a population of 140,455, would acquire 38,292,151 acres; and the State of Ohio, with a population of 935,884, would obtain only 5,586,834 acres. Supposing a division of the land among the citizens of those two States respectively, the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upwards of two hundred and seventy-two acres as his proportion.

Upon full and thorough consideration, the committee have come to the conclusion that it is inexpedient either to reduce the price of the public lands, or to cede them to the new States. They believe, on the contrary,

that sound policy coincides with the duty which has devolved on the general government to the whole of the States, and the whole of the people of the Union, and enjoins the preservation of the existing system as having been tried and approved after long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United States enjoy, the question merits examination, whether, while the general government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sales of the public lands, no longer needed to meet the ordinary expenses of government, may not be beneficially appropriated to some other objects for a limited time?

Governments, no more than individuals, should be seduced or intoxicated by prosperity, however flattering or great it may be. The country now happily enjoys it in a most unexampled degree. We have abundant reason to be grateful for the blessings of peace and plenty, and freedom from debt. But we must be forgetful of all history and experience if we indulge the delusive hope that we shall always be exempt from calamity and reverses. Seasons of national adversity, of suffering, and of war, will assuredly come. A wise government should expect, and provide for them. Instead of wasting or squandering its resources in a period of general prosperity, it should husband and cherish them for those times of trial and difficulty which, in the dispensations of Providence, may be certainly anticipated. Entertaining these views, and, as the proceeds of the sales of the public lands are not wanted for ordinary revenue, which will be abundantly supplied from the imposts, the committee respectfully recommend that an appropriation of them be made to some other purpose, for a limited time, subject to be resumed in the contingency of war. Should such an event unfortunately occur, the fund may be withdrawn from its peaceful destination, and applied in aid of other means, to the vigorous prosecution of the war, and, afterward, to the payment of any debt which may be contracted in consequence of its existence. And, when peace shall be again restored, and the debt of the new war shall have been extinguished, the fund may be again appropriated to some fit object other than that of the ordinary expenses of government. Thus may this great resurce be preserved, and rendered subservient, in peace and in war, to the common benefit of all the States composing the Union.

The inquiry remains, what ought to be the specific application of the fund under the restriction stated? After deducting the ten per cent. proposed to be set apart for the new States, a portion of the committee would have preferred that the residue should be applied to the objects of internal improvement, and colonizing the free blacks, under the direction of the general government. But a majority of the committee believe it better, as an alternative for the scheme of cession to the new States, and as being most likely to give general satisfaction, that the residue be divided among the twenty-four States, according to their federal representative population, to be applied to education, internal improvement, or colonization, or to the redemption of any existing debt contracted for internal improvements, as each State, judging for itself, shall deem most conformable with its own interests and policy. Assuming the annual product of the sales of the public lands to be three millions of dollars, the table hereto annexed, marked C, shows what each State would be entitled to receive, according to the principle of division which has been stated. In order that the propriety of the proposed appropriation should again, at a day not very far distant, be brought under the review of Congress, the committee would recommend that it be limited to a period of five years, subject to the condition of war not breaking out in the mean time. By an appropriation so restricted as to time, each State will be enabled to estimate the probable extent of its proportion, and to adapt its measures of education, improvement, or colonization, or extinction of existing debt accordingly.

In conformity with the views and principles which the committee have now submitted, they beg leave to report the accompanying bill, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States."

A.

Letter from the Secretary of the Treasury, transmitting reports as to the quantity of public lands unsold; the quantity granted for internal improvements, education, and to charitable institutions; the amount paid for title to public lands; the expenses incurred in the sale of the public lands, and in settling titles of claimants, and the amount received for lands sold.

(For this letter, see vol. 6, No. 1053, page 448.)

(*a.*)

Statement rendered in pursuance of a resolution of the House of Representatives of 25th January, 1832.

(For this table, see vol. 6., No. 1053, page 448.)

(*b.*)

Statement of the amount of money which has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties; the compact with Georgia; the settlement with the Yazoo claimants; the contracts with the several Indian tribes; and the expenditures for compensation to commissioners, clerks, surveyors, and other officers, employed by the United States for the management and sale of the Western domain; also, the gross amount of money received at the public Treasury, as the proceeds of sales of public lands, stated in pursuance of the resolution of the House of Representatives of the 25th of January, 1832.

(For this statement, see vol. 6, No. 1053, p. 449.)

B.

A statement exhibiting various comparative views of the progress of the population of the United States, and in different States, derived from the census of 1820, *and the census of* 1830.

(For this table, &c., see vol. 6, No. 1053, pp. 449–50.)

GENERAL LAND OFFICE, *January* 28, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d inst., propounding various inquiries as to the practical operation of the pre-emption laws: whether any frauds have been practised upon the government under the color of those laws, and, if so, of what nature, and to what extent; whether, in my opinion, it is practicable to guard against their repetition, if those laws continue in force, &c., and have to state that, in the midst of my accumu'ated duties, I cannot probably better answer those inquiries than by transmitting the enclosed copy of a letter of this date to the Secretary of the Treasury, on a call from the Committee on Public Lands in the House of Representatives.

As all the documents which it is intended to send with that report cannot be copied to-day, I have concluded to send the enclosed without delay, and the copies hereafter.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman of the Committee on Public Lands, Senate.*

GENERAL LAND OFFICE, *January* 28, 1836.

SIR: You have been pleased to refer to me a letter from the Hon. A. G. Harrison, accompanied by a resolution of the Committee on Public Lands: the letter advising you that a bill granting pre-emption to actual settlers, then before the committee, had been drawn with an eye particularly directed to the frauds alleged to have been committed, and expressing that the great desire of the committee to adopt such provisions as will prevent the future possibility of such frauds, had led to the communication, believing that you may have it in your power to give additional light on the subject; the resolution of the committee aforesaid being in these words: "*Resolved*, That the resolution of the House, instructing the committee 'to inquire into the expediency of modifying the different acts of Congress granting pre-emption rights to settlers on the public lands, so as to protect the rights of settlers and prevent frauds against the United States,' be referred to the Secretary of the Treasury, and that he be requested to furnish the committee with the best plan which occurs to him, of securing the right of pre-emption to actual settlers, and of preventing said frauds." I have attentively considered the said letter and resolution, and have the honor to report:

The Committee on Public Lands apply to you, sir, for "all the information in your department concerning the alleged frauds."

Most of the knowledge possessed by the General Land Office concerning frauds practised in relation to pre-emptions, of which I am now able to speak, consists of uncontradicted general reports, in general currency and credit; of oral communications to me, and letters to me and others, from persons in high standing; most of the writers, either requesting that their names may not be published, or not giving authority for such publication. The terms of these communications are rarely sufficiently specific and tangible to fix particular instances, except in the cases of interested correspondents, some of whose representations have been verified, others not; while want of time and opportunity have delayed an investigation of the greater part of this last class.

The requisition of the committee above-mentioned, is sufficiently comprehensive in terms to include every case and its circumstances, as well as the general representations that have reached this office. I must take the liberty to observe that a literal compliance with the requisition cannot be speedily yielded. It would render the report very voluminous, and require to search the files of an immense correspondence, and the investigation of many tens of thousands of pre-emption cases reported, which we have not yet been able to take up for examination. To particularize every exceptionable case, even of those that have attracted attention since the act of 1834 has been in operation, would require more time in the revision and narration than would seem to comport with the desire of the committee to act soon upon the bill alluded to by Mr. Harrison; and, therefore, with your permission, I will confine myself, on this occasion, to the imputations, currently believed, and general heads of impositions attempted and practised, which have been detected in some of the contested cases examined, or which common fame has represented as having been but too common, in some quarters; and without comment on the conspicuous cases of the military reservations at Chicago, and the missionary stations in Mississippi, I proceed to remark that the loudest and most numerous complaints, arising from the pre-emption policy, that have reached the General Land Office, have been against the alleged abuse of the privilege commonly called floating claims. Some who claim to be bonafide cultivators and occupiers under the act of 1834, complain of being vexed and disturbed by these "floats." A more numerous class, not comprised in the provisions of the act, are said not to be the less clamorous because the floats have beeen *lawfully* located on their chosen spots; but chiefly the virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury is asserted to have been carried in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed. These representations are made by individuals in highly respectable standing, besides our own officers. And it is said, on creditable authority, that preparations appear to be making, in hopes of a pre-emption act at this session of Congress, to acquire, by such means, at minimum cost, a great part of the precious lands on Red river. No particular instance of these practices has been indicated to me, but the opinion is prevalent that they are transacted. It is believed that the number of bonafide pre-emptions in Louisiana is comparatively small, as information derived from persons distinguished by public confidence in that State, represents a belief that a claim to pre-emption was not often heard of on the island of New Orleans, nor west of the Mississippi, before this multiplication of "floats" was devised to be laid on the finest vacant lands.

This iniquitous scheme appears to be of late date in that region, as the first intelligence of it seems to have been communicated to the General Land Office some time after it was placed in my charge. Agreeably to your direction, sir, circumspection and vigilance were recommended to the land officers in Louisiana, in order to guard against imposition; and I ventured to direct the surveyor general to retain the plats in his hands which were destined for the land offices, until further orders. Other steps have recently been taken at this office, to put in train a rigorous scrutiny into the legitimacy of the floating pretensions in that State. Letters and copies of letters on this subject, Nos. — to —, are herewith transmitted. Contrivances have been brought to light in other places, showing where a family occupying the same tenement, where father and son, and mother and son, dwelling together, have set up the pretence of separate cultivation and occupancy, to divide a quarter-section, and obtain a float for each half.

Claimants of another reprehensible description are they whose pretensions are founded on depositions in general terms, or wearing the appearance of being artfully worded, admitting a subterfuge in the attempt to give

a legal coloring to their proceedings, by construing the statute to suit their purposes. The law, as its title imports, is in favor of *settlers;* but pretensions have been set up by persons dwelling in town with their families, and there following mercantile or other pursuits, while they caused a little show of improvement, that scarce deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop, on the place on the following 19th of June, have been assumed as fulfilling the required conditions.

Among the pretences to cultivation there have been disclosures as follows, viz.: where the cutting and burning a small patch of cane; where an enclosure, not entitled to be called a fence, around a space only large enough for a very small garden, and the planting a few culinary vegetables; and where scattering an undefined quantity of turnip or grass seeds; and, in one case, planting a few turnips or onions—have been claimed as cultivation, to meet this condition. Further remarks upon constructive possession may be dispensed with.

The registers and receivers are made judges of the credibility and sufficiency of the proofs, except in contested cases, which are required to be sent to the Commissioner for decision.

My predecessor ordered the evidence in every case to be forwarded; but during near five months of my superintendence, it has been quite impossible to scrutinize the proof in about sixteen hundred of the former class, without neglecting duties that appeared more pressing and imperative. In those examined, contradictions, prevarications, and other circumstances, have occasionally placed parties and witnesses in no favorable point of view.

In the contested class, the land offices must be presumed, *prima facie*, to have acted correctly. If honest, they would not knowingly pass a fraudulent claim; if conniving, they will hardly be expected to expose themselves voluntarily. The necessary quantum of evidence can hardly be prescribed, the same proof being more or less convincing to the different persons.

The bill mentioned by Mr. Harrison as having for its subject the granting of pre-emptions to actual settlers, and to prevent the future possibility of such frauds as are alleged to have been committed, forms no part of your reference; and it would, perhaps, be improper to allude to it in this place, if the letter did not seem to indicate an intention on the part of the writer, and of the committee to which he belongs, to extend the grants of pre-emption to others than those who come within the provisions of the act of 1834. Believing such a disposition to be implied, and that a new law to that effect will go far to form the pre-emption policy into a durable system, involving considerations of great importance to the Treasury, and materially affecting the land establishment under my particular charge, I hope it will not be considered officious or impertinent to submit a few remarks, though not expressly called for, upon the hypothesis that such an extension of the pre-emption privilege is contemplated.

The pre-emption laws originated and bestowed rights, but recognized none in the settlers as previously existing. I conceive they have no other rights in this respect than what the law confers; and that the pre-emption privilege may be considered little else than a mere benevolence, enabling the adventurer to appropriate to himself the choicest lands, most valuable mill-sites, and localities for towns, at a vast cost to the public; or, in other words, preventing the receipt of vast sums into the Treasury. It is confidently believed that these privileges, covering at least four millions of acres of land, joined with outrageous combinations to intimidate purchasers, and other unjustifiable confederacies, have diminished the receipts for public lands, in the year 1835, full three millions of dollars, at a moderate estimate, below what they would have brought in fair competition. If frauds in pre-emptions were unknown; if no one obtained a pre-emption but upon a faithful compliance with the conditions prescribed; still, the selections of the most valuable lands and most desirable situations, at the minimum price, would produce an effect upon the revenue too considerable to be overlooked by the financier. I should step out of my province as commissioner by arguing officially the questions, whether other considerations of public policy counterbalance this cost, or whether the settlers have extraordinary merits transcending this calculation, and accordingly abstain from the discussion.

If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter-section of land. An allowance of half that quantity of the very best land is surely munificent; and if presumed poverty be one of the considerations for the grant, it may be observed that many a good farm in the West contains no more than an eighth of a section.

The committee request you, sir, to furnish them with the best plan which occurs to you, of securing the right of pre-emption to actual settlers, and of preventing said frauds, viz.: against the United States.

In relation to the first branch of this request, I have to observe, that the act of 1834, and the precautions already taken by the Commissioner, with the advice and approbation of the Secretary of the Treasury, appear to have provided sufficiently for the fair claimants under the present law.

The resolution is silent respecting the nature and extent of any future grants of this kind that may be contemplated, and the difficulty of devising a plan for their protection, under such circumstances, must be apparent.

The second part of the request presents a difficulty extraordinary. The temptation to abuse the charity of the legislature is so radically intermixed, and so inextricably interwoven with the operation of the pre-emption laws, that I should despair of laying before you a plan altogether effectual for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments, that shall silence perjury and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of an immense gain attending their success. The conscientious will resort to no dishonest tricks, but the contagion of speculation is proverbial; and when an expectation may be entertained of obtaining, by indirection, for the lowest price, land worth from five to forty dollars per acre in the market, the inducement to perjury and fraudulent shifts will be too strong to be resisted by many of weaker morality. A scheme of extreme liberality toward the settlers might diminish the number of fraudulent cases, by partially removing the motive to such practices; but I do not imagine any project to defeat them altogether, so long as there remain legal restrictions upon the invasion of the public property by unlicensed intruders, who, by a statute unrepealed, are considered as trespassers, liable to be prosecuted as such, and to be forcibly removed, at the discretion of the President, as has heretofore been done. It will be seen in the preceding remarks, that protection of the rights bestowed by the pre-emption act of 1834, is considered to be well provided for by that act, and by the liberal construction it has received, in instructions that have emanated under your sanction; and that similar provisions will suffice for similar cases, in future concessions of the pre-emption privilege.

The practices by which the United States have been most defrauded in claims of this nature, are believed to consist, principally, of the misstatements or improper coloring of acts, and the evasions and prevarications of parties and witnesses. To obviate such iniquitous proceedings, it will be proper to provide a mode of subjecting the deponents to the test of a rigorous interrogation and cross-examination. I ask leave, however, to suggest that the interest of the Treasury seems to demand a guard against force as well as fraud. I allude to that system

of terror that threatens the competitor for the purchase of public land with the vengeance of the settler with whose usurpation he may interfere. In some quarters, this state of things is become formidable; probably finding its origin, in a great measure, in the pre-emption laws, whose repeated enactment may have led the settlers to the erroneous persuasion that they have acquired rights not given by law. Be this as it may, experience has shown that by mutual support and open menace, they have succeeded in deterring others from bidding against them at the public sales; and it is evident that the prospect for the future is not less threatening. The injurious effect of the continuance of such acts upon the Treasury will be obvious to you.

Respectfully submitted.

E. A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 1.

A table showing the amount received for the sales of public lands in each State and Territory, to the 30th September, 1835.

Year.	Ohio.	Indiana.	Illinois.	Missouri.	Alabama.	Mississippi.	Louisiana.	Michigan.	Arkansas.	Florida.	Total in each year.
From 1796 to 1800 inclusive	$100,783 59	.....	.....	.....	.....	.....	.....	.....	.....	.....	$100,783 59
1801	103,125 01	.....	.....	.....	.....	.....	.....	.....	.....	.....	103,125 01
1802	188,628 02	.....	.....	.....	.....	.....	.....	.....	.....	.....	188,628 02
1803	165,675 69	.....	.....	.....	.....	.....	.....	.....	.....	.....	165,675 69
1804	487,526 79	.....	.....	.....	.....	.....	.....	.....	.....	.....	487,526 79
1805	540,193 80	.....	.....	.....	.....	.....	.....	.....	.....	.....	540,193 80
1806	765,245 73	.....	.....	.....	.....	.....	.....	.....	.....	.....	765,245 73
1807	493,839 47	$13,000 50	.....	.....	.....	$19,323 80	.....	.....	.....	.....	466,163 27
1808	594,400 84	32,830 51	.....	.....	$620 00	20,087 71	.....	.....	.....	.....	647,939 06
1809	395,451 19	41,491 57	.....	.....	320 00	5,049 57	.....	.....	.....	.....	442,252 33
1810	569,964 80	51,448 59	.....	.....	36,087 12	39,048 31	.....	.....	.....	.....	696,548 82
1811	836,821 21	75,794 99	.....	.....	46,388 24	81,333 09	.....	.....	.....	.....	1,040,237 53
1812	552,900 51	92,973 49	.....	.....	54,247 75	10,306 03	.....	.....	.....	.....	710,427 78
1813	691,324 13	70,533 40	.....	.....	42,359 61	31,438 00	.....	.....	.....	.....	835,655 14
1814	895,209 30	153,308 27	.....	.....	74,847 07	17,546 45	.....	.....	.....	.....	1,135,971 09
1815	974,396 75	172,426 80	$35,000 00	.....	32,540 30	73,595 43	.....	.....	.....	.....	1,287,959 28
1816	993,313 07	341,487 34	55,105 96	.....	162,520 66	165,558 00	.....	.....	.....	.....	1,717,985 03
1817	1,080,428 54	672,326 98	95,244 44	.....	51,617 59	91,608 51	.....	.....	.....	.....	1,991,226 06
1818	902,311 88	538,318 98	363,038 80	$57,524 87	573,761 41	95,500 00	.....	$71,108 88	.....	.....	2,606,564 77
1819	552,986 20	507,997 42	299,461 58	635,721 64	1,167,957 62	74,660 20	.....	35,638 03	.....	.....	3,274,422 78
1820	398,260 62	400,423 42	134,355 15	148,645 50	431,025 65	116,104 31	.....	7,056 96	.....	.....	1,635,871 61
1821	267,195 17	342,144 04	75,595 19	99,327 18	306,097 79	63,379 70	$46,783 20	7,494 19	.....	.....	1,212,966 46
1822	472,075 87	444,359 35	61,216 82	139,603 10	520,505 65	74,215 34	78,000 00	10,786 41	$2,819 00	.....	1,803,581 54
1823	203,098 16	222,256 66	47,600 34	55,307 14	225,585 79	13,957 36	16,380 11	88,797 95	23,529 59	.....	916,523 10
1824	234,380 01	203,082 11	74,669 37	126,318 02	204,312 36	88,477 94	3,000 00	50,026 01	202 33	.....	984,418 15
1825	234,895 75	199,599 57	50,784 49	87,853 92	215,016 68	188,204 66	14,295 01	138,376 76	5,079 42	$80,724 80	1,216,000 56
1826	184,548 92	256,187 19	108,341 14	66,882 59	443,219 96	148,535 06	23,812 10	122,250 51	10,908 00	20,099 62	1,398,785 09
1827	306,105 34	343,887 08	50,717 52	183,341 52	127,232 36	88,995 16	120,543 08	59,200 70	5,226 00	205,596 50	1,495,845 26
1828	161,609 92	318,418 06	88,161 80	156,723 83	104,803 83	101,611 55	15,876 34	29,829 17	1,000 00	40,209 25	1,018,303 75
1829	187,909 53	348,959 52	198,609 72	235,013 29	259,606 31	116,048 87	28,000 00	70,275 74	1,238 00	70,914 15	1,517,175 13
1830	144,510 84	627,181 75	396,204 31	224,009 03	475,471 71	148,254 07	76,780 50	178,516 65	1,833 53	56,043 75	2,329,356 14
1831	201,386 22	572,654 12	375,260 27	341,994 05	925,028 26	173,780 93	83,870 93	388,848 07	3,955 50	40,997 13	3,210,815 48
1832	360,641 14	527,366 48	228,292 69	305,024 72	451,886 36	307,900 51	100,455 00	317,635 42	13,538 05	10,040 66	2,623,381 03
1833	475,812 82	459,839 82	374,188 51	334,860 02	531,722 54	1,153,054 83	108,018 09	501,272 79	18,114 27	10,847 86	3,967,681 55
1834	471,894 50	769,584 32	402,470 68	244,947 63	1,003,156 56	1,189,228 92	106,315 58	578,652 66	88,664 86	8,184 98	4,857,000 69
To 30th September, 1835	443,815 62	705,359 93	1,836,343 21	436,916 50	1,553,513 50	2,185,306 14	177,057 53	1,359,129 68	460,493 78	3,625 00	9,166,590 89
	16,780,177 04	9,510,491 71	5,355,611 99	3,836,224 55	10,097,347 68	6,837,770 45	999,087 47	3,953,896 58	696,642 33	556,283 20	58,619,523 00

Table No. 1—Continued.

Amount paid into the Treasury on account of the sales of the public land, from the earliest period to the 30th September, 1835		$58,619,523 00
There was also paid during the same period, for the public land, viz.:		
Certificate of public debt and army land warrants	$984,189 91	
Mississippi stock	2,448,789 44	
United States stock	257,660 73	
Forfeited land stock and military scrip	1,719,333 53	
		5,409,973 61
		64,029,496 61

No. 2.

A table showing the quantity of land surveyed in each State and Territory, the amount sold in each, &c.

States and Territories.	Estimated superficial contents of each State and Territory.	Estimated quantity of land to which the Indian title has been extinguished by the United States, 30th of September, 1835.	Quantity of land surveyed and offered for sale in each State and Territory, on the 30th of Sept., 1835.	Quantity of land remaining unsold and liable to private entry, on the 30th of September, 1835.	Quantity of land sold in each State and Territory, 30th of September, 1835.	Estimated quantity of land surveyed, but not offered for sale, 30th Sept., 1835.	Estimated quantity of land in the States and Territories not ceded to the United States, 30th Sept., 1835.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	24,923,899	24,777,683	14,703,163.10	4,100,492.18	*a.* 10,602,670.92	6,438	146,216
Indiana	22,032,469	21,020,167	18,690,447.53	10,299,608.62	8,390,838.91	299,520	1,012,302
Illinois	32,321,947	32,321,947	21,574,495.45	17,234,014.25	4,340,481.10	.....	.....
Missouri	39,119,018	39,119,018	20,392,249.14	17,443,429.90	2,948,819.24	.....	.....
Alabama	32,174,640	30,654,000	29,915,088.56	22,586,058.56	7,329,030.00	158,621	1,520,640
Mississippi	27,487,200	27,487,200	*b.* 17,525,818.82	11,924,301.48	5,601,517.34	1,382,400	.....
Louisiana	31,463,040	.....	6,450,942.05	5,683,526.98	767,415.07	4,055,040	400,000
Arkansas	37,555,200	36,955,200	13,891,538.31	13,223,175.80	668,362.51	929,440	600,000
Michigan, peninsula	24,209,567	17,189,407	12,211,519.37	9,003,697.49	3,207,821.88	.....	7,020,160
Michigan, west of lake	77,251,840	8,824,320	4,674,690.71	4,524,935.96	149,754.75	599,040	68,427,520
Florida	35,286,760	30,000,000	6,867,129.87	6,374,220.71	492,909.16	2,442,240	.....
Totals	383,825,580	268,348,942	166,897,462.03	122,397,462.03	44,499,620.88	9,772,739	79,126,838

Estimated quantity of land *within the limits of the United States*, west of the Mississippi river, and west of the organized limits of States and Territories—715,000,000 acres.

a. This quantity includes the lands sold at New-York and Pittsburg, and the special sales to John Cleves Symmes and the Ohio Company, prior to the organization of the district land offices.

b. The lands ceded to the United States by the Chickasaw Indians, lying within the limits of the States of Mississippi and Alabama, by the treaty of 1832, and estimated to contain 6,422,400 acres, are not included in the lands "surveyed and offered for sale" in those States.

GENERAL LAND OFFICE, *January* 13, 1836.

ETHAN A BROWN, *Commissioner.*

No. 3.

Exhibit of the net quantity of public lands sold, and the amount paid by purchasers, from the earliest period of sales to the 30th of September, 1835.

Date.	Quantity sold.	Amount paid by purchasers.
	Acres.	*Dollars.*
From the year 1796 to June 30, 1820	*13,649,641.10	27,663,964 60
From July 1 to December 31, 1820	303,404.09	424,962 26
In the year 1821	781,213.32	1,169,224 98
In the year 1822	801,226.18	1,023,267 83
In the year 1823	653,319.52	850,136 26
In the year 1824	749,323.04	953,799 03
In the year 1825	893,461.69	1,205,068 37
In the year 1826	848,082.26	1,128,617 27
In the year 1827	926,727.76	1,318,105 36
In the year 1828	965,600.36	1,221,357 99
In the year 1829	1,244,860.01	1,572,863 54
In the year 1830	1,929,733.79	2,433,432 94
In the year 1831	2,777,856.88	3,557,023 76
In the year 1832	2,462,342.16	3,115,376 09
In the year 1833	3,856,227.56	4,972,284 84
In the year 1834	4,658,218.71	6,099,981 04
1st, 2d, and 3d quarters of 1835	†6,999,378.12	8,869,483 57
Aggregate to September 30, 1835	44,500,616.55	67,578,949 73

* The sales and payments made by purchasers are stated in the aggregate for the whole period of the credit system which terminated on the 30th June, 1820, in order to exhibit the net amount of sales under that system, after deducting all lands which reverted to the United States by reason of the non-compliance of purchasers with the terms of contract; and, also, those which were relinquished by purchasers under the provisions of the various relief laws, which commenced in the year 1821.

† These aggregates include the special sales made prior to the organization of the land districts; also the amount of forfeited land stock, Mississippi stock, United States stock, and military land scrip.

A.

Statement showing the quantity of land unsold, and liable to private entry in each of the districts of the State of Ohio, on the 1st of January, 1835.

In what year offered for sale.	Acres.	Acres.
Marietta, prior to 1800	9,480.00	
in 1805	285,995.87	
		295,475.87
Steubenville, 1800	....	10,697.77
Chillicothe, prior to 1808*	....	827,660.00
Zanesville, 1803	....	338,797.41
Cincinnati, in 1801, except the reserved sections, which were not offered at the minimum price of $1 25 per acre till 1824	....	165,235.00
Wooster, 1808	....	23,216.09
Bucyrus, 1817	23,175.18	
1820	235,903.32	
1821	229,991.76	
1822	207,370.04	
1832	1,556.46	
		697,996.76
Lima, 1820, 1821, and 1822	....	1,951,288.00
Total	....	4,310,366.90

B.

Statement showing the quantity of land unsold and liable to private entry, in each of the districts of the State of Indiana, on the 1st of January, 1835.

In what year offered for sale.	Acres.	Acres.
Cincinnati, 1801†	53,528	
1811	174,976	
		228,504
Jeffersonville, 1807	142,280.43	
1808	496,671.54	
1807 and 1808	58,148.42	
1808 and 1816	70,520.45	
1808, 1816, and 1820	4,841.26	
1808 and 1820	115,661 66	
1816	122,700.31	
1816 and 1820	144,576.90	
1820	178,078.71	
		1,333,479.68
Vincennes, 1807	1,717,102.97	
1807 and 1816	147,119.91	
1816	1,107,019.04	
1816 and 1821	33,234.52	
1821	164,626.42	
		3,169,102.86
Indianapolis, 1820	108,939.38	
1821	213,953.77	
1822	391,313.30	
		714,206.45
Crawfordsville, 1820, 1822, 1824, 1827, 1829, and 1830	....	1,240,723.07
Fort Wayne, offered in 1823	1,074,418.04	
1825	325,445.24	
1830	217,107.90	
1831	325,995.99	
1832	540,994.25	
		2,483,961.42
Laporte, 1830	195,646.65	
1831	134,974.26	
1832	80,002.53	
		410,623.44
Total	....	9,580,600.92

* With few exceptions. † The reserved sections were not offered for sale at the minimum price of $1 25 per acre till 1824.

24TH CONGRESS.] No. 1404. [1ST SESSION

ON A CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE SENATE, JANUARY 27, 1836.

Mr. RUGGLES, from the Committee on Private Land Claims, to whom was referred the petition of Arthur Bronson, respectfully reported:

That, by the treaty between the United States and the Ottawa, Chippewa, and Pottawatamie tribes of Indians, of the 29th of August, 1821, and ratified on the 25th of March, 1822, there was reserved to Charles Beaubien and to Medart Beaubien, sons of Man-na-ben-a-qua, each one half-section of land, at or near the village of Ke-wi-go-shkeem, on the Washtenaw or Grand river, in Michigan Territory. It appears that at the sales of public lands in the vicinity of said village, in 1832, fractional sections numbers 27 and 34, of township No. 7, north, of range No. 10, west, containing in the whole 660.82 acres, (being the nearest approximation to the number of acres in an entire section, attainable by the combination of fractions,) were reserved from sale by the register and receiver, and set apart for the said Charles and Medart Beaubien, under the treaty. The petitioner sets forth that he was informed by those officers, in August, 1833, of the fact and purpose of the reservation, and that, not doubting that the government would sanction their acts, he purchased those fractional sections of the Beaubiens, and paid therefor $1,200, which was deemed an adequate consideration, and received deeds of conveyance. But it appears that when those deeds were submitted to the President, on the 24th of August last, for his approval, he confined and restricted the location of their reservations, under a general rule of the Land Office, within the limits of fractional section No. 34, containing 559.22 acres. The petitioner has, therefore, failed to obtain an approval and confirmation of his title to fractional section No. 27, containing 101.66 acres, which he alleges to be the best part of the reservation purchased by him, without which the remainder was scarcely worth possessing, and on which he has recently made and is still prosecuting valuable improvements on the faith of his purchase.

He presents, also, what he alleges to be the original map drawn by the register, identifying within colored lines the lands reserved from sale for the Beaubiens, which he states was handed to him by the register at the time and before he negotiated for the purchase.

On these facts the petitioner prays a confirmation to him of fractional section No. 27; or, if that shall not be granted, that he may have secured to him the right of pre-emption to the same, by paying therefor $1 25 per acre.

The committee have not undertaken to decide how far the general rule of the Land Office, that fractional sections shall be received in lieu of entire sections, is justly applicable to the case of the two Beaubiens, who did not themselves make the selection, the two sections having been reserved and set apart for them by the officers of the Land Office. Had they been left to make their own selection and location, and had taken a fractional section when they might have taken an entire section, they would be held to abide by the rule. But the committee consider the act of the register and receiver unauthorized, though it may have been, as giving to the petitioner, Bronson, who purchased and paid for both sections on the faith he reposed in their doings, a just claim, if not to a grant or confirmation of title, yet at least to the right of pre-emption of fractional section No. 27, at the usual minimum price of $1 25, especially as that section embraces some of the valuable improvements he has been prosecuting.

The committee therefore present a bill in accordance with this opinion.

24TH CONGRESS.] No. 1405. [1ST SESSION.

ON A CLAIM TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 27, 1836.

Mr. DUNLAP, from the Committee on the Public lands to whom was referred the petition of Mary Tucker, made the following report:

The petitioner sets forth in her petition, and proves the facts to be true by several citizens, that, in the year 1822, her husband, William Tucker, settled on the west bank of the Mississippi river, in the county of Philips, and Territory of Arkansas. He continued to reside thereon, and made considerable improvements, until his death, the 16th of July, 1834; that, when her husband first settled on said land, it was not surveyed, and when the country was surveyed, the improvement aforesaid was on the 16th section of the township.

The petitioner prays that she may be permitted to enter the land she resides on as a preëmption right under the different acts of Congress, securing to the settlers on public lands a preference of entering their improvements, &c. The petitioner refers to several cases where Congress has extended the like privilege to other citizens.

The committee fully acknowledge the principle, that *whosoever soweth should be permitted to reap;* but they deny the principle, that if Congress has once erred, that it is right to continue in error. The committee, in examining into the grants of the United States, of the sixteenth section in each township of the public lands, have come to the following conclusion: That all said grants of the sixteenth section are given to the township for common schools for the instruction of children forever.

Your committee believe there is a vested right in the township for a particular specified purpose, and that neither Congress, the State or Territory in which the land lies, nor the citizens of the township, can appropriate said sixteenth section to any other purpose than that specified in the grant.

Your committee believe that it would be but justice to the petitioner and her children, to permit her to enter a quarter-section of other land in lieu of the land she resides on; and therefore report a bill.

24TH CONGRESS.] No. 1406. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 27, 1836.

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

That the petitioner represents, that, in the year 1830, not long before the day on which lands sold under the credit system and not paid for became forfeited, by the act of Congress provided in such cases, he purchased from one Dixon Stanback, as the administrator of Stephen Heard, deceased, a certificate of further credit, for the northwest quarter of section twenty-eight, township six, range two, west, of the lands sold at the Huntsville land district, in Alabama; that he paid to said administrator a full consideration in cash for said certificate, and said administrator duly assigned it over. Petitioner states further, that after said assignment, he applied to the register and receiver of said land office, to pay the balance due by the terms of purchase for said land, but that said register and receiver refused to receive it, on the grounds that the transfer had not been made to petitioner in conformity with the provisions of the law of Alabama, regulating the sale of real estate of deceased persons; that the purchase of this certificate was made so lately before the day of forfeiture, that the time was not sufficient to observe the forms required to effect a legal transfer. Petitioner also states, that the land became forfeited, and was afterward sold by the government. He also asserts, that the full consideration paid by him to said administrator, was accounted for by him in his settlement of the estate of Heard; and that the widow and heirs of Heard have all removed out of the United States. Petitioner also sets forth, that he applied at the land office at Huntsville after said land became forfeited and was sold, to procure scrip, to the amount actually paid on the said tract of land, under the provisions of the act of Congress in such cases provided; but that this was also refused on the same grounds.

Under this state of facts, of the truth of which your committee are sufficiently satisfied, they believe the petitioner was prevented, without any fault of his own, from availing himself, not only of the benefits of the original contract for the said land, but also of the advantages granted to the legal holders of forfeited certificates, to the amount paid thereon; that he comes within the reason and spirit of the law, and has been only deprived of the benefits by a want of some formalities in the transfer of the certificate. They therefore report a bill for his relief.

24TH CONGRESS.] No. 1407. [1ST SESSION.

ON THE ESTABLISHMENT OF A LAND OFFICE IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 27, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of a number of citizens of the western land district, in Louisiana, praying for the establishment of another land district, so as to include the parishes of Natchitoches, Rapides, and Claiborne, and for the location of such land office at the town of Natchitoches, reported:

That, from an examination of the subject, aided by information received from the Hon. Commissioner of the General Land Office, contained in his letter of the 18th inst., they are urged to the conclusion, that the public interests, as well as the convenience of the citizens in that part of the country, require, that the prayer of the petitioners should be granted, and report a bill accordingly.

GENERAL LAND OFFICE, *January* 18, 1836.

SIR: Having attentively considered the subject of the memorial of certain inhabitants of the western land district in Louisiana, praying for the establishment of a new land district in that State, which may include the parishes of Natchitoches, Rapides, and Claiborne, the seat of the land office to be at Natchitoches, and which you were pleased to refer to this office by letter dated 31st ultimo, by authority of the Committee on the Public Lands, for such views, as to the policy of the measure, as my means of information might justify and render proper, I now have the honor to report, that the creation of a new land district in the northwestern section of Louisiana, is believed by this office to be loudly called for by the present exingency; and it is also believed that Natchitoches would be the proper site for such district.

I beg leave to submit herewith a diagram, prepared from such sources of information as are within my reach, exhibiting the relative positions and boundaries of the three parishes above named; and to suggest that (as far as my means of information will justify an opinion) the following boundaries for a new district would probably afford a greater amount of public accommodation than any others that now suggest themselves:

Beginning at a point on the Sabine river, where the 31st degree of latitude, being the base line of the public surveys, strikes said river; thence up said river to the Mexican line; thence with the Mexican line to the north boundary of the State; thence east with the northern boundary *to the dividing line between ranges five and six, west of the meridian: (viz. from A to O in the diagram) to the southwest corner of township fourteen of range five west; thence east with the dividing line between township thirteen and fourteen to the meridian; then south with the meridian to the base line, or 31st degree of latitude; thence with the said line west to the beginning.

If, however, the committee should be of opinion that the line B O, in the diagram, would be a better boundary, then the description would be as follows: following the word boundary as above: *to the dividing line between ranges three and four west of the meridian, (viz., from B to O as in the diagram,) to the southwest corner of township fourteen, of range three west; thence as above.

As it would appear to be more convenient for the settlers east of the line A O, to travel to Ouachita, I should think it preferable to restrict the district to that line. As thus arranged, the western district, and the district north of the Red river could readily be subdivided, to suit future exingencies, by an east or west line. The memorial is herewith returned.

With great respect, your obedient servant, ETHAN A. BROWN, *Commissioncr.*

Hon. R. CHAPMAN, *House of Representatives.*

24TH CONGRESS.] No. 1408. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of John Eloy Rachal, reported:

That the petitioner resided on, and cultivated a certain tract of land, situated on the right or southwest bank of Red river, in the parish of Natchitoches, State of Louisiana, about twenty-three miles above the town of Natchitoches, being the —— quarter of section sixteen, in township four, of range nine, containing one hundred and sixty acres; that he was entitled to a pre-emption under the act of Congress passed the 29th day of May, 1830; that about one half the quarter-section, embracing a part of his farm and buildings, is included within the sixteenth section, reserved by law for the use of schools.

The committee are of opinion that, as the applicant could not have known, when he made his settlement, the place which he had selected would be included within the sixteenth section, the lands not then having been surveyed, he is entitled to the right of pre-emption, and have reported a bill for his relief; and, also, the selection of another quarter-section in the same township for the use of schools.

24TH CONGRESS.] No. 1409. [1ST SESSION.

ON PERMISSION TO SURRENDER A PENSION AND ENTER LAND IN LIEU THEREOF.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1836.

Mr. SLADE, from the Committee on the Public Lands, to whom was referred the petition of William Gann, reported:

That, on the 4th of September, 1814, the petitioner lost his right arm by a shot from the enemy, while engaged in an attack on the enemy's pickets before Fort Erie; that the petitioner was a private soldier in the fifteenth regiment of the United States army, at the time he received the aforesaid wound; that he was placed on the pension roll at eight dollars per month. The petitioner is about forty-two years of age, and alleges that he is poor, and has a wife and nine children dependent on him for support. He prays that he may be permitted to surrender his pension, and that the United States give to him land in lieu thereof, to enable him to raise his family. Your committee believe the prayer of the petitioner ought not to be granted, and report the following resolution:

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

24TH CONGRESS.] No. 1410. [1ST SESSION.

ON PERMISSION TO CHANGE THE LOCATION OF A BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1836.

Mr. LEWIS WILLIAMS, from the Committee on the Public Lands, to whom was referred the petition of Simon Wright, of New York, reported:

The petitioner represents that by his services during the late war he became entitled to bounty land in Arkansas; that, in consequence of having lived in a Northern climate, he cannot move to and settle on the land he has obtained from government, and he therefore prays Congress to allow him the same quantity of land in the State of Illinois.

The committee are of opinion that it would not be expedient to grant the request of the petitioner, and therefore submit the following resolution:

Resolved, That the petition of Simon Wright ought to be rejected.

24TH CONGRESS.] No. 1411. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1836.

Mr. LAWLER, from the Committee on Private Land Claims, to whom was referred the petition of Bernard Rogan, reported:

The petitioner states that he was by law entitled to six hundred and forty acres of land in the then county of St. Genevieve and Territory of Louisiana, but now county of Washington, in the State of Missouri. It appears that the said Rogan applied for 137.22 acres only, which was granted to him. In the fourth section of the act of the 3d March, 1813, it is provided, "That in no case shall the grant be for more land than was claimed by the party in his notice of claim." The committee are of opinion that the relief prayed for should not be granted.

24TH CONGRESS.] No. 1412. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1836.

Mr. HUNTSMAN, from the Committee on Public Claims, to whom were referred the petition and the accompanying documents of the heirs of Lewis Durett, deceased, reported:

That it appears from documents, depositions, &c., that Lewis Durett, the immediate ancestor of the petitioners, as well as the petitioners themselves, are free persons of color. That antecedent to the time the British government took possession of the Floridas, under the treaty of 1763, the said Lewis Durett was, and had been, in the peaceable possession and actual cultivation of a small lot of land, containing about sixty arpens, adjoining the town of Mobile, the metes and bounds of which are described to lay below where the town of Mobile then stood, on a bayou or creek called Bayou Duran, which is not far from the south boundary of said land, the same being bounded, in part, by a line extending westwardly from a point at which a street is now laid out at right angles with the river Mobile, called Madison street, and on the south by a line extending westwardly from a point not far south of said Bayou Duran, on the said river Mobile, and adjoining which is called the *Tavre tract*, extending westwardly and northwardly by a uniform width, forming an area, containing about sixty arpens, more or less. That the said Lewis Durett died seized and possessed of the lands, upward of fifty years ago. That the widow of Durett, and children, kept possession until the death of said widow, upward of forty years ago. That houses and out-houses were built by said Durett, in his lifetime, and a quantity of the ground put into cultivation for the support of his family. The petitioners, after the death of their parent, continued in the habitation and cultivation of the premises until after the 15th of April, 1813, and until after the government of the United States took possession of the country; and that the whole time that they and their ancestors had it in possession was seventy-five years. It is alleged that their ancestor first took possession under a permit, &c. It is furthermore represented that they have sold this piece of land many years ago for $2,000. It is furthermore alleged that they were uneducated, and did not understand the English language, and never understood that it was necessary, for a considerable time, to lay this claim before the board of commissioners, appointed to settle and adjudicate those claims; but, at length, when they ascertained the necessity thereof, they employed another person (being incapable themselves) who neglected it, and that it was not acted upon, or did not pass for confirmation, until the time expired for the commissioners to act. That they, and their ancestor, and those to whom they have sold, always have had, and continues yet to have, the full possession of the premises. It is furthermore alleged, that a certain man, by the name of Eslaver, by some pretended claim or permits, obtained by fraud or perjury, and which was laid before the commissioners, and promptly rejected by them, tried to defraud them of their ancient title. Said Eslaver then tried to appropriate the same by a description of claim called a float, to effect his object in another way.

The prayer of the petitioners is, that Congress will relinquish the title of the United States to them, without any responsiblity on the part of the government, and let them and others contest the claim.

The proof is not only full but conclusive, that the petitioners and their ancestor were the peaceable occupants and cultivators of this piece of land for three-fourths of a century. That the United States is not to be benefited by their eviction from it, as another claim, spurious or otherwise, is attempted to be set up for the appropriation of it; and that a relinquishment, on the part of the government, to either of those parties, cannot involve the government in any future difficulty in regard to it, and from the proof submitted to the committee, they are of opinion that the prayer of the petitioners is reasonable and should be granted, and beg leave to report a bill accordingly.

24TH CONGRESS.] No. 1413. [1ST SESSION.

ON RECLAIMING LANDS LYING SOUTH AND WEST OF THE ARKANSAS AND MISSISSIPPI RIVERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1836.

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

Your petitioners, Benjamin Taylor, Walter Dunn, Henry C. Paine, Robert J. Ward, Horace B. Hill, William French, Henry Johnston, of the State of Kentucky; John J. Bowie, William Strong, Thomas J. Lacy, Joel Johnson, De La F. Roysdon, Frederick Notrèbe, of Arkansas Territory; William McD. Pettit, of Arkansas; James Woods, of the State of Tennessee; Isaac Thomas, of the State of Louisiana; Daniel W. Wright, H. G. Runnels, Passmore Hoopes, Alfred C. Downs, and James B. Robinson, of the State of Mississippi, beg leave to represent to your honorable bodies, that a large body of country, lying south of the Arkansas, and west of the Mississippi river, is subject to annual inundation; that from the best estimate that can be made by your petitioners, more than eight millions of acres of the best cotton land are more or less affected by the overflows of these two rivers lying between the Pine Bluffs, on the Arkansas, the mouth of the Arkansas, the Mississippi, the mouth of Red river, and the Ouachita river; that a large quantity of land within the region mentioned, has already been returned by the surveyor of the general government, as drowned land, and unfit for survey; that, in the opinion of your petitioners, much the larger portion of the country above mentioned will not, indeed, and cannot, be sold or settled, until the south bank of the Arkansas river, beginning at the first lowlands below the Pine Bluffs, shall be leveed to the mouth: for although the banks of the Mississippi river may, and will in a few years, be leveed, by the several individual owners of the lands on its margin, still much the larger quantity of the lands above described, will be left in their present useless condition, on account of the overflows of the Arkansas river. Your petitioners would further represent to your honorable bodies, that a levee of sufficient height, commencing at the termination of the hills on the south side of the Arkansas, below the Pine Bluffs, and continuing to the mouth of said river, would, when the bank of the Mississippi shall be leveed, reclaim all the lands mentioned in the above region. Your petitioners would further represent to your honorable bodies, that the south bank of the Arkansas will not, in all probability, on account of the height to which the levee must be thrown, the great length thereof, and the now entire uselessness of the lands, be leveed in the next century by individual enterprise.

The premises considered, your petitioners propose to your honorable bodies, that, if you will pass an act of Congress, granting to your petitioners a pre-emption right to one million of acres of land, to be selected in quantities of not less than one section, out of any of the unappropriated lands, at the time of the passage of the act, lying in the area of country, between the Pine Bluffs on the Arkansas river, the mouth of the Arkansas river, the Mississippi to the mouth of Red river, and the mouth of the Ouachita river, that they will, in four years from the passage of the act, levee the south bank of the Arkansas river, from the commencement of the first lowlands, below the Pine Bluffs, to the mouth of the Arkansas, and that the levee so to be made by them, shall be of sufficient height and strength, to prevent the overflow of the Arkansas at all seasons of the year; and your petitioners here offer to give such bond and security for the performance of their contract, as your honorable bodies shall require by the act

Your petitioners, therefore, pray the passage of an act, in conformity with the above proposition, and, in duty bound, will ever pray, &c.

DE LA F. ROYSDON,
WM. FRENCH,
JOHN J. BOWIE,
WALTER DUNN,
THOS. J. LACY,
JOEL JOHNSON,
JAMES B. ROBINSON,
ALFRED C. DOWNS,
BENJAMIN TAYLOR,
HENRY JOHNSTON.

24TH CONGRESS.] No. 1414. [1ST SESSION.

ADVERSE TO THE LOCATION OF THE RESERVATIONS OF THE CHOCTAW INDIANS IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1836.

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

The undersigned citizens of the State of Mississippi, and of other States, now attending the land sales with a view of purchasing from the government, respectfully represent:

That by the provisions of the 14th article of the treaty of Dancing Rabbit creek, there was "granted" to each Choctaw head of a family one section of land, and to all children over ten years one half-section of land, and to those under ten years of age one quarter-section of land; to carry which article into effect, by securing on the one hand, the rights of the Indians, who truly desired to become citizens of the State, and on the other, to protect the government from fraud and imposture, the President of the United States, at a very early period,

ordered the Indian agent, Colonel William Ward, to enrol in a proper register the names of the heads of families and their children, who should signify their intention to avail themselves of the benefits held forth by said article.

At a later period, but before the commencement of the first land sales, the executive appointed George W. Martin, esq., special locating agent, with instructions to locate all Indian claims, following for his guide the provisions of the fourteenth article of the treaty, and the register of the said William Ward. While in the discharge of his duties, a number of applications were made to Mr. Martin, the locating agent, for reservations which he felt bound to reject, for the reason that their names were not to be found on the said register. Some of the applicants thus rejected, applied to the Department of War for relief, enclosing testimony of a compliance so far as depended on their own acts, with the several conditions of the grant offered by said 14th article; and praying that other lands might be reserved from sale; and where sold, that other lands might be set apart for them, so as to save them from the delay, vexation, and expense, so inseparable from a trial of their rights to the particular tracts in a court of law, and which they were so illy prepared to encounter.

On mature consideration of the evidence submitted, the President thought proper to issue an order to the proper departments, directing instructions to be given to the locating agent, and the registers of the land offices, to reserve from sale lands of similar value, and equal quality, subject to the future action of Congress, in the name of each Indian claimant, who could adduce satisfactory evidence of being the head of a Choctaw family; 2d, of application to the agent for registration within six months after the ratification of the treaty; 3d, failure or refusal by the Indian agent to record, or of loss of the record when registered. These instructions were general in their terms, though predicated on the particular cases above referred to.

A few active, enterprising, and intelligent speculators, discovering the opening which was thus presented for the acquisition of large fortunes, have, by agents beyond the Mississippi, and at home, produced documents purporting to be powers of attorney from Indians to select lands, and transfer their rights to lands selected and supported by exparte testimony on the above-named points, suggested in the President's order, and the instructions from the Departments of the Treasury and of War, and by those papers have caused to be set apart for them the choicest lands in the country; sweeping over large districts inhabited and cultivated by persons who settled the public lands on the faith of the policy of the government, indicated by the passage and renewal of pre-emption laws at almost every session of Congress, that their homes would be given them at a reasonable price, unexposed to the heartless grasp of the voracious speculator. To the alarm of your memorialists, these claims have now amounted, as they are informed. to upward of three thousand, which, at an average of 1,280 acres each, amount to the enormous aggregate of three millions eight hundred and forty thousand acres; and the said speculators, availing themselves of the panic which these operations have produced, are now selling out, receiving a portion of the price in ready money, which they refuse to become bound to refund, in the event that the title is not confirmed, thus securing to themselves large fortunes, without having advanced to the Indians one cent, so far as your memorialists are informed and believe.

Your memorialists are persuaded that not more than one out of twenty claims are founded in justice and equity, and if scrutinized by a tribunal sitting in the vicinity of the land offices, with competent powers to reject or confirm, and to compel the attendance of witnesses, those honestly claiming would be secured in their rights, and a most stupendous system of fraud on the government would be exposed and defeated; the settlers relieved from the embarrassments thus brought on them; and Congress saved from the teasing and vexatious applications of false claimants for a series of years to come. A compliance with the above suggestion, by the passage of a proper law, your memorialists most respectfully solicit. They also pray, in behalf of actual settlers, an extension of the privileges of the pre-emption law.

James R. Marsh,
William R. Taylor, *Woodville, Mississippi*,
John Colbert,
Allen Jenkins,
John W. Nelson,
Robert Dorn,
Andrew Lee, jr.,
Samuel Nelson,
Alfred M. Small,
Reddin Womble,
Albert Sneed,
William Fanning,
Alexander Laughlin,
Griffin Ross,
John M. Hardeman,
Richard Sneed, *North Carolina*,
Samuel Gwin,
R. H. Stirling,
J. M. Porter,
R. C. Ticer,
William J. Womble,
J. G. Stone,
Edward M. Long,
David P. Brown,
Thomas W. Denby,
Cullen McMullen,
Kinchen Mayrs,
William H. Wilkins,
A. Neill,
Alfred Tribble,
Thomas McCracken,
J. Lusk,
J. H. Mahon,
James Steele,
W. A. Brown,
David Brown,
Moses Newman,
Joseph R. Brown,
Henderson Kirk,
James Alford,
John M. Wilkins,
William Sutton,
Abraham Peterson,
James C. Baird,
James A. Houston,
William R. Connor,
Benjamin Carson,
Samuel F. Herron,
Granville Sherman,
George Crofford,
H. W. Moss,
H. P. Womble,
Jesse Lane,
A. M. Carothers,
James Herron,
William Dyer,
Stephen Smith,
Pennel Keel,
James K. Orr,
James Henderson,
John Porter,
William L. Porter,
James Garrett,
Samuel M. Carothers,
O. S. Carothers,
John A. Hurd,
Joshua Jones,
James Bailey,
James Gunton,
Samuel Swearingen,
Andrew Herron,
J. L. Watkins,
P. N. Marr.
R. Merriwether,
C. H. P. Marr,
John A. Tanner,
Alanson Herron,
William Shearer,
Thomas Ticer,
S. B. Choate,
Joseph Carson,
D. Y. Sawyear,
Hudson Alford,
A. J. McDanol,
John Murphy,
William P. O'Neal,
William Owen,
Nathaniel W. Daniel,
Ansel H. Ferguson,
Edmund Jenkins,
A. L. Humphrey.

24TH CONGRESS.] No. 1415. [1ST SESSION.

APPLICATION FOR INDEMNITY, FOR BEING DEPRIVED BY SETTLERS OF RESERVATIONS OF THE CHOCTAW INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1836.

To the Senate and House of Representatives of the United States:

Your memorialists, Moontubbee Annouchi, Hopah-cha-nubbee, Halah-ah-shiletah, Levi Jones, Tobias Ward, Robert Cole, Parbebbee, Joseph Perry, Little Leader, Red Post Oak, Toby Chubbee, for themselves and other citizens of the States, and late members of the tribe of the Choctaw nation, beg leave most respectfully to represent to you, that, by virtue of the treaty made at Dancing Rabbit creek, on the 27th day of September, in the year of our Lord one thousand eight hundred and thirty, between the United States of one part, and the Choctaw tribe of Indians of the other part, it was, by the 14th article of said treaty, agreed and stipulated that "each Choctaw head of a family desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his or her intention to the agent within six months after the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of 640 acres of land, to be bounded by sectional lines of survey; and in like manner shall be entitled to one half that quantity for each unmarried child living with him over ten years of age, and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parent, if they reside upon such lands, intending to become citizens of the United States, for the space of five years after the ratification of said treaty; in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article not to lose the privilege of a Choctaw citizen; but if they ever remove, lose all claim to the Choctaw annuity."

Your memorialists further state, that a certain William Ward was the agent of the government for the Choctaws, and was instructed to receive the declaration of such Choctaw heads of families as wished to become citizens of the United States, to record such declarations, and to transmit a list of the names of such Indians as should make such declarations, or might be entitled to reservations under the 14th article of said treaty, to the Secretary of War.

These instructions were given to the said agent, that the said reservations might be marked upon the maps of survey to prevent their sale at the sale of public lands, that the government might in good faith comply with the said treaty, do justice to the Indians, avoid collisions with her own citizens, and prevent disquiet and contentions between the Indians and the purchasers at the land sales.

Your memorialists further state, that, prompted by a desire to remain in the land of their forefathers, and feeling the necessity of obtaining the said reservations, they lost no time in doing all that was required to secure to themselves all the benefits provided for them in said treaty. That your honorable body may be fully satisfied that your memorialists have not forfeited any just claims stipulated by the said treaty through negligence, or by a waiver of their rights, they beg leave to state that, on one occasion, within six months after the ratification of the said treaty, a number of your memorialists living on the Suckinatche, went forward to the said agent at the Old Factory, to signify their intention to become citizens of the United States, and did duly and formally have their names entered in the agent's book kept for that purpose; yet few, if any, of the names so entered in said book have been reported to the War Department by said agent.

Your memorialists further state, that there are many instances where individuals of the nation had caused their names to be entered in the book of registration, and yet their names were afterward erased or blotted out by (possibly) those who had free access to the books of the agent. These erasions and obliterations were made most certainly without your memorialists' knowledge or consent, and without the consent of any other person entitled to the benefit of said entries.

Your memorialists further state, that, in the month of June, 1831, being within six months after the ratification of said treaty, a large body of Choctaw Indians attended at the council house to have their names registered for the purpose of obtaining citizenship, and securing the reservations, according to the custom of the Indians. Unacquainted with the English language, they presented to the agent a number of sticks of various lengths, indicating how many were present, and the quantities of land to which they were severally entitled; but the agent threw down the sticks. They then selected two or three head men to speak for them, and these headmen, by means of an interpreter, told the agent their number, ages, and names, and demanded registration; but the agent would not register them, and told them that there were too many—that they must or should go beyond the Mississippi. Many of these Indians, ignorantly despairing of the justice of the United States, have reluctantly removed beyond the Mississippi; they are not now among the applicants for reservations, but your memorialists think it right to furnish your honorable body with this information, that you may provide such relief as may be worthy of a great nation.

Your memorialists state that a number of Indians appeared at Ben Leflore's, within six months after the ratification of said treaty, (when the Choctaw Indians intending to remove west met to receive their annuities,) with their names written on scraps of paper, according to the advice of the said Ward, and presented the same to him, that their names might be registered, a part of which he received, and a part of which he refused to receive, and of those which he received, many names were registered, which registration has never been returned to the War Department.

Your memorialists further state, that about the 1st of June, 1831, a number of Indians at the house of one John Perry, collected at a council for registering their names, made out a list of the heads of families and the numbers thereof; they delegated one Garret Nelson to have their names placed upon the agent's book, and that the said Garret Nelson did give the said list to the said Ward, and that the said Ward did register a part or all of said names; but the names of these Indians are not upon the register as returned to the War Department by the said agent.

Your memorialists further state, that individuals singly and in small bodies of the Choctaw nation have repeatedly applied for registration and failed; or, if their names were registered, the agent has not made a return thereof to the War Department.

Your memorialists further state, that when their lands were surveyed, hearing for the first time that they were not secured to them, they applied to the locating agent to have them secured; but the locating agent in-

formed them that the Secretary of War had instructed him to reserve from sale the lands of those Indians only, whose names were on the register returned to the War Department, and that in consequence of this instruction, the lands of many of your memorialists have been wrongfully sold at the public sales, and the lands of others hereafter liable to be sold.

Your memorialists further state, that they have remained in the ancient territory of the Choctaws ever since the ratification of the said treaty, and there expect to remain, and in consequence thereof, have forfeited their rights to the Choctaw annuity, which accrued to those who moved west of the Mississippi.

Your memorialists further state, that, in consequence of the grievances herein set forth, a considerable portion of the lands intended to be set apart for the Indians who wish to remain on the east side of the Mississippi, has been sold by the government; and that many of your memorialists have been forcibly driven out of their houses and dispossessed of their lands, by the settlers in the Choctaw country, and the purchasers at the public sales; and many of your memorialists, but for the timely and humane interposition of the Secretary of War, must have met the like fate; and if Congress should not, without delay, interpose in their behalf, your memorialists are doomed to sudden and inevitable ruin.

Your memorialists further state, that, as the object of the United States, in making the treaty of Dancing Rabbit, was to acquire the complete sovereignty of the Choctaw country for commercial and social purposes, your memorialists do not cherish a suspicion that the government, in acquiring their country, were influenced by the sordid motive of speculating in their soil; they therefore confidently trust, that no obstacle can present itself to their obtaining justice.

Your memorialists further state, that, although they would infinitely prefer having their original homes, as secured by the treaty, yet, as many of these homes can only be obtained by a tedious and expensive judicial proceeding, which would be ruinous to your memorialists, it is respectfully proposed to take unappropriated lands of equal value in the Choctaw nation, in lieu of those of which they have been wrongfully deprived, and that Congress will confirm the title of such reservations as have been made under instructions from the War Department, and grant such other and further relief as may be consistent with justice, and, as in duty bound, shall and will ever pray, &c.

ANDREW HAYS, *Agent for the Memorialists.*

24TH CONGRESS.] No. 1416. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE SENATE, FEBRUARY 1, 1836.

Mr. KING, of Georgia, from the Committee on Private Land Claims, to whom was referred a bill for the relief of Duncan L. Clinch, praying for the confirmation of certain land in the Territory of Florida, reported:

That it appears by the petition, deed, record, and judgment of the Supreme Court, that, on the 6th of April, 1816, Don Jose Coppinger, the governor of East Florida, granted to Don George J. F. Clarke sixteen thousand acres of land in that province, to be surveyed at a place called White spring, above Black creek, on the west side of the St. John's river.

Before the ratification of the treaty with Spain, and while Florida was still the undisputed property, and under the dominion of Spain, viz., on the 25th of February, 1819, Clarke set forth in a petition to the governor that, having examined the lands at White spring and finding their extension back in nowise adequate to his expectations, or the purposes for which they were granted to him, prayed permission to locate parts of the grant on other vacant land. An order in writing, allowing him to do so, was given by the governor the same day.

Accordingly, Clarke's grant for sixteen thousand acres was ultimately thus located:

Eight thousand acres at the mouth of Buckley's creek, below White spring, west of the St. John's river; surveyed on the 24th February, 1819. Five thousand acres at a place called Largo hummock; surveyed the 10th of March, 1819. The remaining three thousand acres at a place called Cones' hummock.

It further appears that the petitioner, Clinch, and John H. McIntosh, purchased of Clarke, and settled and improved, relying on the validity of the grant, which bore date, as already stated, in 1816. The grant has, in fact, been adjudged by the Supreme Court a good and valid grant under the treaty, being made by competent authority, and before the 24th January, 1818. But, though the original grant of 1816 is valid, the surveys of 1819, made by the governor's order, which may be considered in the nature of a removed warrant, are affected by the retrospective or *ex-post-facto* provision of the treaty; and the court, doubting their power to confirm a survey made after the 24th of January, 1818, decreed in favor of the grant, but ordered the land to be surveyed in the place originally designated. The right of the petitioner to the *quantity* of land he claims is, therefore, undoubted. The question is between assigning it to him in the one place or the other. Inasmuch as an actual settlement has been made under a valid grant, and a survey took place before the ratification of the treaty, and is affected only by relation back to the date fixed therein, and the land actually settled is still unsold, the committee would not consider it a departure from the spirit of the treaty to place the petitioner in the same condition that he would have been in had Spain retained possession of the country. The eighth article confirms the titles of the inhabitants to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. Had Spain continued in possession, the validity of the surveys of 1819 would never have been doubted. The committee, under the circumstances, consider the case a very strong one for relief; and as the most simple mode of relief, and one with which they believe the petitioner would be content, they report the bill referred to them, with an amendment, giving a right of pre-emption to the three-thousand-acre tract actually settled.

24TH CONGRESS.] No. 1417. [1ST SESSION.

APPLICATION OF INDIANA FOR PERMISSION TO PURCHASE CERTAIN LANDS.

COMMUNICATED TO THE SENATE, FEBRUARY 5, 1836.

A MEMORIAL and JOINT RESOLUTION on the subject of a purchase of a tract of land of the United States, for the purpose of constructing a canal from Fort Wayne to Munceytown.

The memorial of the general assembly of the State of Indiana respectfully represents, That a large portion of public land which lies between Munceytown, Delaware county, and Fort Wayne, Allen county, has been in market for twelve years, and remains unsold, and of little value to the United States, and most of it so remote from navigable streams that it would enable the agriculturist to convey his produce to market, that there is but little inducement for emigrants to settle in this region of country; and, as it is the interest and correct policy of this State to encourage the settlement of her whole territory with an industrious and enterprising agricultural people, that it would be a great inducement to the immediate settlement of the country, and afford great facilities to the citizens of this State to construct a railroad from where the Whitewater canal crosses the national road, by way of Newcastle, in Henry county, and Munceytown, in Delaware county, to Fort Wayne; and, as by the construction of said road, it would at once enhance the value of the lands through which said road would pass, and those lying contiguous thereto, to an amount, it is believed, sufficient to defray the expenses of constructing said road, and would be alike advantageous to the United States and the State; therefore,

Resolved, That our senators in Congress be instructed, and our representatives requested to use their exertions to procure the passage of a law giving Indiana the right to purchase, by an agent she may appoint for that purpose, of the Commissioner of the General Land Office, on a credit of not less than five years, at such reduced and reasonable price as Congress may fix, having due regard to the large quantity of unsaleable land in the purchase, a strip of land equal to ten sections for each mile of said road, the proceeds of the sale of said lands, after paying the costs, to be applied to the construction of a railroad on said route: *Provided*, That the general assembly of Indiana shall hereafter ratify such purchase, thereby reserving to her the right to do so, or to dissent therefrom.

Resolved, That the President of the United States be requested to suspend from sale a strip of land ten miles in width on a line from Munceytown to Fort Wayne.

Resolved, That the governor transmit, &c.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, January 23, 1836.

N. NOBLE.

By order of the governor, transmitted.

J. L. KETCHAM.

24TH CONGRESS.] No. 1418. [1ST SESSION.

REMONSTRANCE OF ALABAMA AGAINST THE DISTRIBUTION OF THE PROCEEDS OF THE PUBLIC LANDS, AND IN FAVOR OF THE EXTENSION OF THE PRE-EMPTION LAWS.

COMMUNICATED TO THE SENATE, FEBRUARY 5, 1836.

JOINT MEMORIAL to the Congress of the United States.

The memorial of the senate and house of representatives of the State of Alabama respectfully represents to your honorable body, That, in addressing your honorable body on the subject of the present memorial, they are inspired with a confidence in the justice of the cause which they design to advocate, and, therefore, respectfully present their claims for consideration. At a past session of Congress "a bill to appropriate for a limited time the proceeds of the sales of the public lands of the United States, and for granting lands to certain States," passed both Houses, and would have become a law, had not the President of the United States, with that fearless course and clear-sighted policy for which his whole life has been marked with such peculiar distinction, refused it his sanction. Your memorialists look forward with almost an absolute certainty, that other attempts will be made by the friends of this measure to force upon the country a system, so serious to the citizens of the new States, and so destitute of interest to the general government. The advocates of this measure contend that no reduction ought to be made in the price of the public lands, and that the moneys hereafter to be received for them should be distributed among the States for the purpose of education, internal improvement, and colonization of free persons of color upon the western coast of Africa. Your memorialists will not discuss the power of the general government to grant to the States the proceeds of the public lands; but it is obvious, if the moneys of the United States, arising from the sales of the public lands, can be granted to the States for the purposes of internal improvement and colonization of free persons of color, they can be granted for any other purpose, or to effect any other object; hence, the most dangerous powers would be given by construction to the general government—a construction, against which the republicans have contended from the first formation of the Constitution of the United States; and which, if sanctioned, will destroy the rights of the States, and will make the United States one great consolidated government. The States in which the lands lie, are to reserve ten per-centum, upon the amount of sales, and the balance is to be distributed among the several States, in the ratio of their federal representative population. Your memorialists believe that this system is founded in error and injustice. Should a policy be

adopted, which gives the proceeds of the public lands to the different States, the *prices* will never be *reduced*, and it will be the interest of the States, as they are to receive the proceeds, to wring from the persevering and meritorious emigrant the last dollar, without the prospect of relief.

The public domain of the United States was acquired from two sources, donation by patriotic States and by purchase from foreign powers. They are all equally the property of the United States, and subject to the disposition of Congress. The lands belonging to the general government cost about $50,000,000; from which we may deduct the sum of $45,000,000, for proceeds of land sold, leaving a balance of $5,000,000 yet due the government on this account. Your memorialists further represent to your honorable body, that they are opposed to the whole plan of keeping accounts between the government of the United States and the federal domain. The government of the United States assumes the lofty attitude of being the guardian over the people, and she ought not, she will not descend from the elevated and dignified station which she occupies, to the grade of a speculator in lands. Our citizens are children of a country which they love and cherish; when danger surrounds our country, and we are threatened by a public enemy, they are ready to surrender up life and property for the protection of the country. All good governments will set down to the credit of their citizens the full value of their generous devotion to their country; and they will endeavor to increase the number of their people, ameliorate their condition, extend the means of their happiness, and excite their love of country. The inhabitants of a government, the proceeds of their labor, and the taxes which they pay, all stand against the value of the lands which they cultivate. The citizens of a State, their wealth, love of country, intellectual and moral worth, constitute the price of lands—a price which no pecuniary consideration can in any manner equal. How insignificant is the money which has been paid for the lands, compared with the population residing upon them; their value in the political and social system, their power in the field, the taxes they pay to their country, and the long line of posterity which is to succeed them! Lands are not suitable property to be owned by the United States; they are better adapted to the people; in the hands of the general government they are useless; in the possession and occupation of the citizen, they constitute the principal wealth of the State. The inutility of the sales of the public lands, and the fallacy of large calculations, are manifested by the history of the public lands of the United States. When they were first acquired, it was calculated that their proceeds would pay off the public debt immediately, supply the revenue of the general government, and that large sums would be distributed among the several States. A thousand millions of dollars was considered less than their value, and the Secretary of the Treasury was considered as having abandoned the interest of his country, for the views contained in his report on this subject in 1791, in which those exorbitant calculations are exposed, and the value of the lands stated to be no more than twenty cents per acre. Fifty years' experience in the sales of the public lands have shown, conclusively, that there is nothing to be made by the system, and the proceeds of their cultivation have furnished wealth to the country, paid for the lands themselves, and produced a treasury which has supported the government in a style of expenditure never anticipated by the economists who founded it. Since the foundation of our government the lands have produced about $45,000,000, while the revenue of the country, arising from the industry of its citizens, amounts to $150,000,000, which arises from the cultivation of the soil in the hands of the agriculturists. Goods are imported upon which the government of the United States receives duties which constitute revenues; exports are given in exchange for the goods, and exports are the products of the farms. But this is not all: the cultivation of the soil affords immense exports, upon which the commerce and navigation of our country are founded, supplying all trades and professions connected with these branches of industry. Selling the land produces very little—it aids no useful employment, and it cripples the young States by draining them of money. There is a vast difference between the *sales* and the *cultivation* of the soil. The *sale* takes place but once, while the revenue arising from cultivation is perpetually increasing with population, and resuscitation and amelioration of soils, by improvements in the science of agriculture. Your memorialists further represent, that our citizens who reside upon the public lands in the States, are a poor, but meritorious class of people. They cut down the forest, make roads, and furnish accommodations for those who come after them; their poverty prevents them from purchasing lands at the present prices, and having no settled residence which they can call their own, they cannot improve the land and accumulate property as they could were they the owners of the soil. By reducing the price of the public lands according to their intrinsic value, and granting pre-emptions to actual settlers, population in the new States would rapidly increase, and thousands in the northern, middle, and eastern States would remove and find homes in a rich and plentiful country, and greatly increase the wealth and strength of the Union, by cultivating the soil, paying taxes, and increasing numbers. Your memorialists therefore pray your honorable body to prevent the passage of any bill having for its object the distribution of the proceeds of the public lands among the several States, and to reduce the price of said lands according to their intrinsic value, and to grant pre-emptions to actual settlers; and where lands have been offered for sale for the term of five years, and have not been sold, your memorialists respectfully represent that each person who may settle upon the same may be permitted to enter, at the proper land office, one quarter section free of charge.

Your memorialists would respectfully call the attention of Congress to a class of citizens who, although entitled to pre-emption rights in that part of the Choctaw nation within the limits of Alabama, the Indian title to which was extinguished by the last treaty with that tribe, have been deprived of the benefits secured to them by the pre-emption law, in consequence of the land, on which they reside, having been taken by Indian floats or reservations; they pray that a law may be passed giving all persons who were entitled to pre-emption rights within the limits of the said Choctaw nation, and whose lands were taken by floats or reservations, a right to enter other lands, within any land district within this State or the State of Mississippi. There is within the limits of Alabama, a small portion of the Chickasaw lands, which has been settled with an industrious population; they are likely to become a prey to the rapacity of land speculators, who, invited by the provisions of the Chickasaw treaty, have embarked in land speculation on a scale and with a capital sufficient to swallow up the whole of the Chickasaw nation. The citizens of Alabama, living on the Chickasaw lands, are willing to give for their homes more than the Indians will get from the great land speculators; and your memorialists would represent them as worthy of the protection of Congress, and in a condition that requires and demands of Congress, and the executive, protection from a class of men that have acquired great wealth by speculating in Indian lands; and who, by the provisions of the late Indian treaties, are likely to become the owners and sellers of all the lands within the limits of the Indian territory.

Resolved, therefore, That our senators be instructed, and our representatives requested, to use their best exertions to procure the relief requested by the foregoing memorial.

And be it further resolved, That his excellency, the governor, be requested to forward a copy of this memorial to each of our senators and representatives in Congress.

J. W. McCLUNG, *Speaker of the House of Representatives.*
SAM. B. MOORE, *President of the Senate.*

Approved, January 9, 1836. C. C. CLAY.

THE STATE OF ALABAMA:

I, EDMOND A. WEBSTER, secretary of state for the State aforesaid, hereby certify the foregoing pages contain a true and perfect transcript of the memorial which it purports to be, as taken from the original roll now in file in my office.

Given under my hand, and seal of the State, at the capitol, in the city of Tuscaloosa, this 21st day of Janu-
[L. S.] ary, in the year of our Lord, 1836, and of the independence of the United States of America the sixtieth.

E. A. WEBSTER, *Secretary of State.*

24TH CONGRESS.] No. 1419. [1st SESSION.

ON A CLAIM TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1836.

Mr. DUNLAP, from the Committee on the Public Lands, to whom was referred the petition of Green Pryor, reported:

The petitioner states that in July, 1818, he purchased for himself and Peter Pryor, now deceased, a certain tract of land in the State of Mississippi. Claiborne county, fractional section 2, township 14, range 5, east, which was said to contain four hundred and forty acres, from Mr. Isham Arthur, who had entered the same at two dollars per acre, and had paid one fourth of the purchase money when the petitioner purchased Arthur's right at an advance of one thousand two hundred dollars. In 1822, he completed the payment to the government for four hundred and forty acres, and now prays that a patent be issued to him and the heirs of Peter Pryor, for said fractional section 2, township 14, range 5, east, be the quantity more or less. The document marked E, accompanying this report, shows the payment as alleged in the petition. The extract of a letter from Mr. Wailes, late surveyor of public lands south of Tennessee, to the Commissioner of the General Land Office, dated 19th July, 1823, marked A, and a diagram of part of township 14, range 5, east, marked B, shows that the deputy surveyor made a false return of the quantity of land contained in said township, and of the fractional sections 1 and 2. Mr. Wailes, in said letter, says: "So far as I have had an opportunity of investigatiug the first surveys made in this State, they have been found to be very incorrect, or rather falsely returned. The enclosed township map, (referring to document marked B,) exhibits an extraordinary departure from accuracy, which can only have resulted from a dereliction of duty on the part of the deputy surveyor who made the false return." And, in the concluding part of his letter, he says: "This, though an extreme case, is by no means a solitary one."

The documents A and B, show that a resurvey was made after the purchase money was all paid for the four hundred and forty acres, and that there is six hundred and eighty-nine and a half acres in section 2, instead of four hundred and forty, as represented by the original survey.

The document marked C, shows the great anxiety of the Commissioner of the General Land Office to ascertain whether the purchasers of sections 1 and 2 expected to get more land than that mentioned in the original survey. The petitioner in his petition states, that he was on the land before he purchased it, and knew the survey contained more than four hundred and forty arcres, and that was the inducement to give Mr. Arthur the high price of one thousand two hundred dollars for his bargain, never having known or heard of the government having its lands resurveyed after they were sold according to the original survey.

The only question presented for the consideration of the committee in this case is, how far the acts of the public officers are obligatory on the government. There is no doubt but the deputy surveyor, from incapacity, or some other cause, made a false and incorrect return of the true quantity of land contained in said fractional section No. 2, and it is equally clear, from document A, that similar errors have been committed in almost all the first surveys made in the State of Mississippi. The committee are of opinion that it is the duty of the government to employ men honest and well qualified to survey her public lands, and if she does not, the government should be the loser, and not the citizen who purchases under the false surveys; to establish a different principle, would almost amount to a suspension of the sales of all her lands, for no one would purchase until he had first had the land resurveyed; otherwise he would not know at what time the government might order a resurvey, and he be turned out of possession or compelled to pay for any surplus that may be in the section which he has purchased. It should be the object of all governments to quiet the title of her citizens to their lands, and if the principle is once established that the government has the right to resurvey the lands she has sold and received pay for, where is the inducement any citizen has to improve his land? The government may send the second time an incompetent surveyor, who would make as great a mistake against the citizen as was made against the government. The courts in North Carolina, Tennessee, Kentucky, and the Supreme Court of the United States, have uniformly decided that a grant must hold to its metes and bounds, although it may contain ten times the amount called for on its face. The same courts, and particularly the Supreme Court of the United States, have decided that you must depart from course and distance to get the land intended to be granted, and that intention to be ascertained by the plat of survey annexed to the grant.

The committee believe that the government should act upon the legal maxim of *caveat emptor* in relation to her purchasers; if a different principle is established, your tables will be loaded with petitions from purchasers asking money to be refunded for the deficit in the lands purchased by them according to the original surveys.

The committee report a bill granting the relief prayed for.

WEST MONTICELLO, *December* 27, 1827.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress convened:

GENTLEMEN: Your memorialist, Green Pryor, a citizen and farmer of the State of Tennessee, Hardeman county, having, in July, A. D. 1818, purchased for himself and Peter Pryor, now deceased, a certain tract of land in the State of Mississippi, Claiborne county, viz.: fractional section 2, township 14, range 5, east, which was said to contain 440 acres, from a Mr. Isham Arthur, who had entered the same under the laws of his country at two dollars per acre, and had paid one fourth of the money when I purchased his claim. Believing at the time I made the purchase that government was bound to make a title to the whole of said land, I gave Mr. Arthur a considerable advance for his claim to it, viz., $1,200; relying on the faith of that government under which I have been raised, and which I have aided to support, in the year 1822, March 22, I caused to be paid the whole amount demanded by the receiver of public moneys at Washington, Mississippi. My friend directed to have a patent sent on in the usual way, as soon as practicable. I waited some years; not knowing the cause why the patent was not issued, requested the Hon. A. R. Alexander, at the last session of Congress, to inquire into the cause of the delay of the title of said land; have received information from Geo. Graham, esq., per letter directed to the Hon. A. R. Alexander and Isham Arthur, associated with the United States, (which I submit to the examination of your honorable body,) which shows the said fraction contains too much. Your memorialist was an innocent purchaser, and confidently relied on the faith of government to issue a patent to him and the heirs of Peter Pryor, deceased; which, from Mr. Graham's report, will not be done unless a part is relinquished, or the overplus paid for. But your humble memorialist, now relying on the goodness, wisdom, and justice of your honorable body, prayeth that you would take the premises into consideration, and cause a patent to be issued to your memorialist and the heirs of Peter Pryor, deceased, for the whole of the above-mentioned fraction of land, containing 440 acres, more or less: for which your memorialist ever prayeth.

GREEN PRYOR.

GENERAL LAND OFFICE, *February* 26, 1827.

SIR: Enclosed is a statement from the books of this office, showing a balance due on fractional section 2, township 14, of range 5, east, of $499, which can be discharged, under the provisions of the act of May last, by the payment of $311 87½, in cash, including the discount, or the purchaser may relinquish a part, and a patent will issue for the residue.

The letter of Green Pryor is returned.

I am, respectfully, your obedient servant,

GEO. GRAHAM.

Hon. A. R. ALEXANDER, *House of Representatives.*

DR. *Isham Arthur, of Claiborne county, in account with the United States.* CR.

1816.			1816.		
October 16	To fractional section 2, in township 14, of range 5 east, containing 440 acres, at $2 per acre, as per register's return, No. 125 .	$880 09	Octob. 16	By deposite..... 44	
			Nov. 22	By resid- { Stock. $175 } 176 uary.. { Cash.. 1 } ——	$220 00
			1821.		
			Septem. 4	By amount from fractional section 7, township 14, range 5 east.....	264 00
1822.					
March 21	Interest.....	1 88			
	To deficiency of land charged above of 249½ acres at $2 per acre, as per surveyor's return.....	499 00	1822. March 22	By cash, $248 68; discount 37½ per cent., $149 20...	397 88
				By balance due the United States.....	499 00
		1,380 88			1,380 88

VINTAGE HILL, NEAR BOLIVAR, TENNESSEE, *January* 26, 1832.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress convened:

GENTLEMEN: I deem it my duty, yes, an incumbent duty, I owe to myself, family, and the representatives of my deceased brother, again to call your attention to the consideration of our claim on the government of the United States. In justification of this, my second importunity, I beg leave to quote a sentence from the President's last message:

"In my message at the opening of the last session of Congress, I expressed a confident hope that the *justice* of our claims upon France, urged as they were with *perseverance* and signal ability by our minister there, would finally be acknowledged.

"This hope has been realized." May I, as an individual, hope? Yes, sirs, I do hope that my petition, bearing date December 27, 1827, or *this*, will be granted by your honorable body. Therefore, I lay it again before you in substance, viz.: Your memorialist, Green Pryor, a citizen and planter in the State of Tennessee, having, in July, 1818, purchased for himself and Peter Pryor, now deceased, a certain fractional section of land in the State of Mississippi, Claiborne county, viz.: fractional section 2, township 14, range 5 east, which was said to contain four hundred and forty acres, in a bend of the Big Black river, from a Mr. Isham Arthur, who had entered the same under the laws of his country, at $2 per acre, and had paid one fourth of the money when I purchased his claim; believing, at the time I made the purchase, that the government was bound to make a title to the whole of said fraction when paid for, I, your memorialist, gave Mr. Arthur twelve hundred dollars for his claim to said fractional section of land, containing four hundred and forty acres. Relying on the fidelity of that government under which I have been raised and protected, and which I have in peace and war aided to support,

in the year 1822, March 22, I caused to be paid the full amount demanded by the receiver of public moneys, at Washington, Mississippi, for the said fraction of land. My friend directed a patent to issue in the usual way, which was not done, but which your memorialists believes, in good conscience, ought to have been done, and humbly prayeth may yet be ordered to be executed to your petitioner, and the heirs of Peter Pryor, deceased, as soon as practicable. Your petitioner here begs leave to state to you the actual amount of moneys he has paid an individual and the government on said fraction of land:

July, 1818, paid to Isham Arthur	$1,200 00
Thirteen years' interest on $1,200, at 6 per cent., is	936 00
1821, paid to the public receiver, at Washington, Mississippi, and in March, 1822, principal and interest to this date, 1822	661 88
Ten years' interest on $661 88, at 6 per cent., is	397 12
Which, after leaving out nearly one year's interest on the first sum paid, make an aggregate of principal and interest, of	$3,195 00

In the purchase of the above-mentioned tract of land, your memorialists is an innocent purchaser, as said fraction had been surveyed by a governmental officer, and was entered as being a correct survey, authorized by Congress.

Your memorialist's place of residence, in 1818, was in the State of Tennessee, but was on and examined the land petitioned for before he purchased it, and confidently believed that a patent would issue as soon as government was paid. He was also apprised or believed the said fraction contained more acres than was represented by the surveyor, otherwise he would not have given such an *enormous* price for it, believing the survey would stand good which was then made by a legal constituted *officer*. Your memorialist had never known or heard of any of the public lands, after having been surveyed and disposed of, to again be re-surveyed and ordered to be disposed of, as has been done in this case, which *fact* you may ascertain by reference to the report of the land committee, made December 29, 1830; the 2d clause thereof, and relevant to the fraction above named, reads thus: "By a survey of said township, made by order of the department several years after said purchase, it was ascertained that the original plot of survey was incorrect, and perhaps fraudulently made," &c.

Now your memorialist insists and alleges that he had nothing to do in the matter previous to the time of his purchase from Mr. Arthur.

I, as an innocent purchaser for myself and brother, who is since dead, believe *we* ought in good faith get a title to said fraction of land, or the full amount of the moneys which we have expended for the same, with legal interest from the date of the several payments up to the present date. Therefore your humble petitioner, relying on the goodness, liberality, wisdom, and justice of your honorable body, prayeth that you would take the premises into consideration, and cause a patent to issue to Green Pryor and the heirs of Peter Pryor, deceased, for the full fraction of four hundred and forty acres, more or less; or, if consistent with law and equity, to cause the full amount of money which we have expended, with legal interest on the same, from the dates of the payments thereof to the present date, to be refunded to us. For which your memorialists ever prayeth, and which is respectfully submitted by

GREEN PRYOR.

GENERAL LAND OFFICE, *January* 29, 1833.

SIR: I have to acknowledge the receipt of your communication of the 25th instant, and in reference to the subject thereof have the honor to transmit herewith a copy of a communication, dated 18th January, 1830, from this office to the Honorable J. Hunt, with copies of the papers marked A and B, therein alluded to, which, it is believed, fully present the facts in relation to the purchase of fractional section 2, township 14, range 5, E, in the Washington district, by Isham Arthur. I have, however, to state, that it appears from certain documents in this office, that the right of Mr. Arthur to the above-mentioned tract has been assigned to Peter and Green Pryor.

I am, sir, with great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. C. JOHNSON, *C. Committee of P. L. Claims, House of Representatives.*

GENERAL LAND OFFICE, *January* 18, 1830.

SIR: In reply to your letter of the 13th instant, I have the honor to state, that the books of this office show that Isham Arthur, on the 16th of October, 1816, became the purchaser of fractional section 2, 14, 5 east, situate in the land district west of Pearl river, in Mississippi, and which, agreeably to a plat of survey, which has been discovered to be *false and fraudulent*, purported to contain 440 acres, for which payment has been made. The issuing of a patent has been suspended on the ground that the survey is false and frauduleut, as the enclosed extract from the correspondence between this office and the surveyor of public lands will show; paper marked A.

It appears from the true survey of the fractional township, which was made by orders from this office, that the correct quantity of the fractional section, alluded to, is 689.50 acres, 249.50 of which remain to be paid for.

The accompanying diagram, paper marked B, will serve to explain the mode in which the falsity of the survey consisted.

The Big Black river, laid down by the line shaded *yellow*, is the true traverse of that stream, whereas, the line shaded *red* denotes the false traverse, as it was exhibited in the original fraudulent survey.

You will readily perceive, that both the fractional sections, No. 1 and No. 2, are greatly increased in quantity by the correct survey, and that if the calls of those fractional sections were to abut on the river, they would be so far extended from the position indicated by the original survey as to contain at least *three* times the quantity of land for which they were sold under the fraudulent survey.

Under these circumstances I was desirous (as will be perceived from the correspondence) of obtaining information as to what were the views of the purchasers of the fractions, Nos. 1 and 2, when they made their entries.

Did they expect they were purchasing land bounded by the Big Black river on the *north*, and what did they

understand to be the southern boundary of their purchases? No information on these points has, however, been received.

If their intention were to purchase fractions bounded by the river on the north, then the fractions Nos. 1 and 2, in the original false survey, would be fractions Nos. 10 and 12, respectively, on the true survey, which would give to Mr. Arthur a tract of land containing 455.75 acres, being 15.55 acres more than he has paid for.

But if their intention in purchasing had reference to the lands south of them, then it would seem proper to restrict them to the quantity of land for which they have paid, and grant them patents therefor, or require each party to pay the surplus.

It appears to me, that proof of Mr. Arthur's intention at the time of purchase, is an all-important prerequisite to any legislative interference in his behalf.

As no field notes of the township alluded to have been found on the files of the surveyor's office at Washington, Mississippi, it is possible that what appears to be the original plat of survey was merely a *sketch* of the country, left in the office of the present deputy surveyor, or Mr. Briggs, by one of his deputies; and that his successor, mistaking the same for a genuine survey, without due examination, returned a certified copy of it, as such, to the register at Washington, to regulate the sales.

I am, &c., &c., &c.

GEORGE GRAHAM.

Hon. JONATHAN HUNT, *House of Representatives.*

A.

Extract of a letter from Levin Wailes, Esq., (late) Surveyor of Public Lands south of Tennessee, to the Commissioner of the General Land Office.

July 19, 1823.

"So far as I have had an opportunity of investigating the first surveys made in this State, they have been found to be very incorrect, or rather falsely returned.

"The enclosed township map exhibits an extraordinary departure from accuracy, which can only have resulted from a dereliction of duty on the part of the deputy surveyor, who made the false return. In this case the register has been selling by the lines shaded with red, as comprising the whole of the fractional township No. 14, in range No. 5, east, in the old work; whereas, from survey made of the residue of the township falling within the Choctaw district, and the traverse of Big Black river, by a deputy surveyor, in whose accuracy and integrity I have full confidence, it is established that the fractional township 14, in range 5, ought to have included all the lands represented on this map, by the lines shaded with yellow. This, though an extreme case, is by no means a solitary one."

Extract from the Commissioner's reply to the foregoing, dated August 15, 1823.

"Fraction No. 2, containing 440 acres, was sold to Isham Arthur, on the 16th October, 1816, and has been completely paid for under the provisions of the act of 2d March, 1821. No patent has, however, yet been issued. As there has evidently been a fraud committed on the government by the deputy surveyor, who surveyed the township originally, and the purchasers of the two fractions, created by the *supposed* course of the Big Black river, may set up a pretended claim to the land contained in what will now be the fractions, agreeably to the resurvey extended by the river, I am desirous, if possible, of ascertaining what were the views of the purchasers as to the boundaries of the fractions on the south side, at the time of purchase. Were they aware that the Big Black river was considerably north of the position as laid down in the original false survey, and did they suppose, from this circumstance, that the purchase of what was represented to be the quantities contained in these fractions, would give them any title to all the land, as represented by the actual survey?

If you can conveniently have access to the purchasers, I will thank you to make some inquiry into these particulars, and to explain to Mr. Grayson, the register, who will probaby be enabled to aid you. There is evidently something strangely wrong in this business, and the truth should be thoroughly inquired into."

From Mr. Wailes, in reply to the foregoing extract, October 22, 1823.

"I have had the honor to receive your letter of the 15th of August, on the subject of the false survey of township No. 14, range No. 5, east, in the district west of Pearl river; and in consequence of the authority which you have given me, I have instructed William Davis, a deputy surveyor, in whom I have great confidence, to make a resurvey of that township. I have also requested him to endeavor to procure the information which you desire, in relation to the views of the purchasers of the fractional sections Nos. 1 and 2 in said township.

"Two persons, by the names of Scarlet and Downs, were associated under Mr. Briggs, in surveying the land in the northern part of this district. The township in question was surveyed by one of them, but I cannot ascertain by which, as neither of them have signed it, and I can find no field notes from which I can ascertain. Both of these persons are dead, and it is said they have both died insolvent."

VINTAGE HILL, NEAR BOLIVAR, TENN., *November* 12, 1833.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress convened:

GENTLEMEN: Once more under the protection, and I trust under the *guidance* of a kind Providence, I am permitted and have set down, for the purpose of memorializing your honorable body, to grant to myself and the heirs of my deceased brother Peter Pryor, that, sirs, which is justly due unto us, and which was, in my humble conception, your *incumbent* and *bounden* duty to have granted long since.

Yes, sirs, I am an individual belonging to your government; I have a claim on *you* as the guardians of the people of these United States. That which I have asked you to administer to myself, and the heirs of my

deceased brother, is in all good conscience due us. Having, under the laws of our country, purchased and paid for a certain fractional section of land, viz.: fractional section 2, township 14, range 5 east, lying in Claiborne county, State of Mississippi, we request you to have said fractional section of land patented to us.

The purchase of and payment for the abovementioned land, (as I conceive,) is acknowledged by report of the land committee, made December 29, 1830. Which report I wish you to examine, and also refer you to my petitions, bearing date December 27, 1827, and also the one of January 26, 1832.

Gentlemen, with due respect to the committee who made the report mentioned above, I would hope—yea, I do yet hope—that your honorable body will correct their error, and dissolve their unjust resolve, though made in the honesty of their hearts. (For, sirs, the best of men do err.) That they have committed an error, I have no doubt you will discover, by examining their report, made December 29, 1830, for in the first clause they acknowledge the purchase.

2d. They acknowledge a resurvey of the fractional section of land, several years after the purchase was made. (Is not this *ex-post-facto* proceeding?)

3d clause. They acknowledge that "the petitioner has paid for 440 acres. (Which was the full amount reported by the surveyor.)

4th. They refer to statement of facts, to papers marked A, B, C, and D. (I know not what these papers are.)

5th. (They) *Resolved*, That the prayer of the petitioner ought not to be granted. (Is this just?)

Thereby, gentlemen, unless you reconsider the matter, and grant us a patent to the lands we have purchased and paid full value, we are resolved out of what we have honestly purchased and long since made payment in full.

Gentlemen, the committee might have gone farther in their report, and (if I be not mistaken) should have said "several years after the purchase (and payment) was made, it was ascertained," &c.

You, I trust, will indulge me a little, if I intrude on your time and patience. I feel I am contending for my rights; I believe my cause a good one, and ought to prevail. I here beg leave to state a case to illustrate my claim, viz.: two gentlemen, citizens of the State of Alabama, Messrs. C. and J., purchased a fractional section of land, (from the general government,) lying on the Tennessee river, and paid for it according to contract. It has been several years since this transaction took place, and Mr. C. is also since dead.

Now, gentlemen, if the report of the land committee, above spoken of, be a correct one, and founded on justice, and "the department" has the right to order a resurvey of the fractional section of land, purchased by Messrs. C. and J., it is now high time for "the department," to order a resurvey; and if it is found "incorrect," and contains more acres than was reported by the surveyor, (first authorized to survey it,) government should withhold the patent from the heirs of Mr. C., and also from Mr. J., until they pay for the overplus ascertained, "under the second and correct survey."

I trust, gentlemen, you will join with me in pronouncing such proceeding of "the department" unjust and oppressive, and calculated to injure, if not destroy, the property of many of the good citizens of these United States.

Viewing our claim a just one, therefore, your humble petitioner, relying on the goodness, liberality and wisdom of your honorable body, prayeth that you would take the premises into consideration, and cause a patent to issue to Green Pryor, and the heirs of Peter Pryor, deceased, for the full fraction of 440 acres, more or less, for which your memorialist ever prayeth, and which is respectfully submitted.

GREEN PRYOR.

24TH CONGRESS.] No. 1420. [1ST SESSION.

ON A CORRECTION OF AN ERROR IN A LAND ENTRY IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of Samuel Dickerson, praying the passage of a law authorizing him to change an erroneous land entry, reported:

The petitioner sets forth, that on the 20th day of April, 1831, he entered, at the land office at Springfield, Illinois, by mistake, the east half of the northwest quarter of section eighteen, township sixteen north, range one west, when it was his intention to have entered the west half of the southwest quarter of section nineteen, township sixteen north, range one west.

The petitioner states that at the time of making the entry, he had not the means of ascertaining correctly the tract of land he desired to purchase, as the original marks of the surveyor, made upon the corner trees, had become so much obliterated by time, that it was impossible for him to distinguish the numbers. That under these circumstances, he was induced to make his entry by the entries of others, previously made; and knowing that the land he wished to have entered was bounded on the north by an entry of Simeon Strickland, he made his application accordingly. He thinks, that in the hurry of the moment, the clerk in the land office mistook the name of *Simeon* Strickland for *Clement* Strickland, and was governed by the entry of the said Clement Strickland. He discovered the error in a few days, and lost no time in endeavoring to have it corrected, but failed. He prays Congress to pass a law authorizing him to surrender to the government the tract entered by mistake, and that he be permitted to enter a like quantity of land elsewhere in the State of Illinois.

The facts being proved to the satisfaction of the committee, and the case in their opinion requiring it, they report a bill.

24TH CONGRESS.] No. 1421. [1ST SESSION.

FRAUDS PRACTISED IN RELATION TO PRE-EMPTION CLAIMS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1836.

TREASURY DEPARTMENT, *January* 29, 1836.

SIR: I have the honor to enclose a communication from the Commissioner of the General Land Office, on the subject to which your letter of the 16th instant relates; and to inform you that the documents referred to in the Commissioner's letter will be transmitted as soon as they are prepared.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. A. G. HARRISON, *of the Committee on Public Lands, House of Representatives.*

GENERAL LAND OFFICE, *January* 28, 1836.

SIR: You have been pleased to refer to me a letter from the Hon. A. G. Harrison, accompanied by a resolution of the Committee on Public Lands; the letter advising you that a bill granting pre-emption to actual settlers, then before the committee, had been drawn with an eye particularly directed to the frauds alleged to have been committed, and expressing that the great desire of the committee, to adopt such provisions as will prevent the future possibility of such frauds, had led to the communication, believing that you may have it in your power to give additional light on the subject. The resolution of the committee aforesaid being in these words: "*Resolved*, That the resolution of the House, instructing the committee 'to inquire into the expediency of modifying the different acts of Congress, granting pre-emption rights to settlers on the public lands, so as to protect the rights of settlers, and prevent frauds against the United States,' be referred to the Secretary of the Treasury; and that he be requested to furnish the committee with the best plan which occurs to him, of securing the right of pre-emption to actual settlers, and of preventing said frauds." I have attentively considered the said letter and resolution, and have the honor to report:

The Committee on Public Lands apply to you, sir, for "all the information in your department, concerning the alleged frauds."

Most of the knowledge possessed by the General Land Office, concerning frauds practised in relation to pre-emptions, of which I am now able to speak, consists of uncontradicted reports, in general currency and credit; of oral communications to me, and letters to me and others, from persons in high standing; most of the writers either requesting that their names may not be published, or not giving authority for such publication. The terms of these communications are rarely sufficiently specific and tangible to fix peculiar instances, except in the cases of interested correspondents; some of whose representations have been verified, others not; while want of time and opportunity have delayed an investigation of the greater part of this last class.

The requisition of the committee, above mentioned, is sufficiently comprehensive in terms to include every case and its circumstances, as well as the general representations that have reached this office. I must take the liberty to observe, that a literal compliance with the requisition cannot be speedily yielded. It would render the report very voluminous, and require to search the files of an immense correspondence, and the investigation of many tens of thousands of pre-emption cases reported, which we have not yet been able to take up for examination. To particularize every exceptionable case, even of those that have attracted attention since the act of 1834 has been in operation, would require more time in the revision and narration, than would seem to comport with the desire of the committee, to act soon upon the bill alluded to by Mr. Harrison: and therefore, with your permission, I will confine myself, on this occasion, to the imputations currently believed, and general heads of impositions attempted and practised, which have been detected in some of the contested cases examined, or which common fame has represented as having been but too common in some quarters; and without comment on the conspicuous cases of the military reservation at Chicago, and the missionary stations in Mississippi, I proceed to remark that the loudest and most numerous complaints arising from the pre-emption policy, that have reached the General Land Office, have been against the alleged abuse of the privilege commonly called floating claims. Some who claim to be the bonafide cultivators and occupiers under the act of 1834, complain of being vexed and disturbed by these "floats." A more numerous class, not comprised in the provisions of the act, are said not to be the less clamorous, because the floats have been *lawfully* located on their chosen spots; but chiefly the virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury are asserted to have been carried, in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed. These representations are made by individuals in highly respectable standing, besides our own officers; and it is said, on credible authority, that preparations appear to be making, in hopes of a pre-emption act at this session of Congress, to acquire at a minimum cost a great part of the precious lands on Red river. No particular instance of these practices has been indicated to me, but the opinion is prevalent that they are transacted. It is believed that the number of bonafide pre-emptions in Louisiana is comparatively small, as information derived from persons distinguished by public confidence in that State, represents a belief that a claim to pre-emption was not often heard of on the island of New Orleans, nor west of the Mississippi, before this multiplication of "floats" was devised to be laid on the finest vacant lands.

This iniquitous scheme appears to be of late date in that region, as the first intelligence of it seems to have been communicated to the General Land Office, some time after it was placed in my charge. Agreeably to your direction, sir, circumspection and vigilance were recommended to the land officers in Louisiana, in order to guard against impositions; and I ventured to direct the surveyor general to retain the plats in his hands, which were destined for the land offices, until further orders. Other steps have recently been taken at this office, to put in train a rigorous scrutiny into the legitimacy of the floating pretensions in that State. Letters and copies of letters on this subject, Nos. — to —, are herewith transmitted. Contrivances have been brought to light in other places, showing where a family occupying the same tenement, where father and son, and mother and son dwelling together, have set up the pretence of separate cultivation and occupancy, to divide a quarter-section and obtain a float for each half.

Claimants of another reprehensible description are they whose pretensions are founded on depositions in general terms, or wearing the appearance of being artfully worded, admitting a subterfuge in the attempt to give a legal coloring to their proceedings, by construing the statute to suit their purposes. The law, as its title imports, is in favor of *settlers;* but pretensions have been set up by persons dwelling in town with their families, and there following mercantile or other pursuits, while they caused a little show of improvement, that scarce deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop on the place on the following 19th of June, have been assumed as fulfilling the required conditions.

Among the pretences to cultivation, there have been disclosures as follows, viz.: where the cutting and burning a small patch of cane—where an inclosure, not entitled to be called a fence, around a space only large enough for a very small garden, and the planting of a few culinary vegetables—and where scattering an undefined quantity of turnip or grass seeds—and in one case, planting a few turnips or onions—have been claimed as cultivation, to meet this condition. Further remark upon constructive possession may be dispensed with.

The registers and receivers are made judges of the credibility and sufficiency of the proof, except in contested cases, which are required to be sent to the commissioner for decision. My predecessor ordered the evidence in every case to be forwarded; but during near five months of my superintendence, it has been quite impossible to scrutinize the proof in about sixteen hundred of the former class, without neglecting duties that appeared more pressing and imperative. In those examined, contradictions, prevarications, and other circumstances, have occasionally placed parties and witnesses in no favorable point of view. In the contested class, the land officers must be presumed, *prima facie*, to have acted correctly. If honest, they would not knowingly pass a fraudulent claim; if conniving, they will hardly be expected to expose themselves voluntarily. The necessary *quantum* of evidence can hardly be prescribed, the same proof being more or less convincing to different persons.

The bill mentioned by Mr. Harrison as having for subject the granting of pre-emptions to actual settlers, and to prevent the future possibility of such frauds as are alleged to have been committed,forms no part of your reference; and it would perhaps be improper to allude to it in this place, if the letter did not seem to indicate an intention on the part of the writer, and of the committee to which he belongs, to extend the grants of pre-emption to others than those who come within the provisions of the act of 1834. Believing such a disposition to be implied, and that a new law to that effect will go far to form the pre-emption policy into a durable system, involving considerations of great importance to the Treasury, and materially affecting the land establishment under my particular charge, I hope it will not be considered officious or impertinent to submit a few remarks, though not expressly called for, upon the hypothesis that such an extension of the pre-emption privilege is contemplated.

The pre-emption laws originated and bestowed rights, but recognised none in the settlers as previously existing. I conceive they have no other rights, in this respect, than what the law confers; and that the pre-emption privilege may be considered little else than a mere benevolence, enabling the adventurer to appropriate to himself the choicest lands, most valuable mill-sites, and localities for towns, at a vast cost to the public; or in other words, preventing the receipts of vast sums into the Treasury. It is confidently believed that these privileges, covering at least four millions of acres of land, joined with outrageous combinations to intimidate purchasers, and other unjustifiable confederacies, have diminished the receipts for public lands, in the year 1835, full three millions of dollars, at a moderate estimate, below what they would have brought in fair competition. If frauds in pre-emptions were unknown; if no one obtained a pre-emption but upon a faithful compliance with the conditions prescribed; still the selections of the most valuable lands, and most desirable situations, at the minimum price, would produce an effect upon the revenue too considerable to be overlooked by the financier. I should step out of my province, as Commissioner, by arguing officially the questions, whether other considerations of public policy counterbalance this cost, or whether the settlers have extraordinary merits transcending this calculation, and accordingly abstain from the discussion.

If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter-section of land. An allowance of half that quantity of the very best land is surely munificent, and if presumed poverty be one of the considerations for the grant, it may be observed that many a good farm in the West contains no more than an eighth of a section.

The committee request you, sir, to furnish them with the best plan which occurs to you, of securing the right of pre-emption to actual settlers, and of preventing said frauds, viz.: against the United States.

In relation to the first branch of this request, I have to observe that the act of 1834, and the precautions already taken by the Commissioner, with the advice of the Secretary of the Treasury, appear to have provided sufficiently for the fair claimants under the present law. The resolution is silent respecting the nature and extent of any future grants of this kind that may be contemplated; and the difficulty of devising a plan for their protection under such circumstances must be apparent.

The second part of the request presents a difficulty extraordinary. The temptation to abuse the charity of the legislature is so radically intermixed and so inextricably interwoven with the operation of the pre-emption laws, that I should despair of laying before you a plan altogether effectual for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments that shall silence perjury and defeat the vices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of an immense gain attending their success. The conscientious will resort to no dishonest tricks, but the contagion of speculation is proverbial; and when an expectation may be entertained of obtaining, by indirection, for the lowest price, land worth from five to forty dollars per acre in the market, the inducement to perjury and fraudulent shifts will be too strong to be resisted, by many of weaker morality. A scheme of extreme liberality toward the settlers might diminish the number of fraudulent cases by partially removing the motive to such practices; but I do not imagine any project to defeat them altogether, so long as there remain legal restrictions upon the invasion of the public property by unlicensed intruders, who, by a statute unrepealed, are considered as trespassers—liable to be prosecuted as such, and to be forcibly removed at the discretion of the President, as has heretofore been done.

It will be seen in the preceding remarks, that protection of the rights bestowed by the pre-emption act of 1834, is considered to be well provided for by that act, and by the liberal construction it has received in instructions that have emanated under your sanction; and that similar provisions will suffice for similar cases, in future concessions of the pre-emption privilege.

The practices by which the United States have been most defrauded in claims of this nature, are believed to consist principally of the misstatements or improper coloring of facts, and the evasions and prevarications of parties and witnesses. To obviate such iniquitous proceedings, it will be proper to provide a mode of subjecting the deponents to the test of a rigorous interrogation and cross-examination. I ask leave, however, to suggest that the

interest of the Treasury seems to demand a guard against force as well as fraud. I allude to that system of terror that threatens the competitor for the purchase of public land with the vengeance of the settler with whose usurpation he may interfere. In some quarters, this state of things is become formidable; probably finding its origin, in a great measure, in the pre-emption laws, whose repeated enactment may have led the settlers to the erroneous persuasion, that they have acquired rights not given by law. Be this as it may, experience has shown, that by mutual support and open menace, they have succeeded in deterring others from bidding against them at the public sales, and it is evident that the prospect for the future is not less threatening. The injurious effect of the continuance of such acts upon the Treasury will be obvious to you.

Respectfully submitted.

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *February* 4, 1836.

SIR: I enclose a letter from the Commissioner of the General Land Office, with certain documents referred to in his letter of the 28th ultimo, in answer to the inquiries made in your letter of the 14th ultimo.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. A. G. HARRISON, *of the Committee on Public Lands, House of Representatives.*

GENERAL LAND OFFICE, *February* 3, 1836.

SIR: I have the honor to transmit herewith copies of certain documents, numbered 1 to 13, inclusive, on the subject of frauds and embarrassments consequent on the pre-emption law of the 19th June, 1834, which could not be prepared in time to accompany my report to you of the 28th ultimo, and I request that you will have the goodness to regard them as connected with such report, and to dispose of them accordingly.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

WASHINGTON CITY, *August* 25, 1835.

To ANDREW JACKSON, *President of the United States:*

By an act of Congress, dated 29th of May, 1830, giving to actual settlers and occupants on the public domain, the right of pre-emption, according to the requisites stated in said act, and by subsequent acts continuing in force the act of 1830, a new era was introduced on the subject of land claims, to the citizens of Western Louisiana, although the legislation of Congress, on the subject of public lands, is as mild and beneficent as any system on earth, since the government tolerates, in the first instance, a trespass in the citizen, which subsequently perfects a title in himself, yet amidst this mild and merciful legislation, persons are found perverting the designs of these acts to selfish and corrupt purposes. I will call your attention to a part of these acts, in order more fully to understand my subsequent statement. By the act of Congress of 1830, where two persons live on the same quarter-section, cultivate and improve it, the register and receiver are required, upon due proof exhibited to their satisfaction, to divide the quarter-section between the occupants. Independent of this, the law accords to each of them, what is called a pre-emption float of eighty acres each, to be located on any unappropriated lands of the government. It will be supposed for a moment, that two pre-emption floats are located, as required by law. The rights of the occupants on the first quarter-section, according to the construction of the law which prevailed at the land office at Opelousas, Louisiana, have not yet ceased. The moment they make the location of their pre-emption floats, they are entitled to what is called a back concession, which is the same quantity of lands as the pre-emption float itself; these two occupants of a quarter-section have that quarter-section divided equally between them; they acquire, by the accident of occupancy, a right to 320 acres each; in addition to this view of the question, if men were strictly honest, it would present no avenues for imposition, frauds, or perjuries.

I regret to say, because I religiously believe, that the most shameful frauds, impositions, and perjuries, have been practised upon the land office at Opelousas, Louisiana. I make no imputation upon the official conduct of Mr. King, the late register at Opelousas, nor upon the present receiver. But from my statement it will appear that they must have been most grossly imposed upon, and should have put them more completely upon their guard, so as to have guarded themselves against the wiles of notorious land speculators. I will here mention a construction of the law which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction. Two persons living on a quarter-section, or who pretend that they do, on lands not worth a cent an acre, men who can neither read nor write, men who have never seen a survey made, and know nothing about sections or quarter-sections of land, and who, in point of fact, live five, ten, and in many instances twenty miles apart, go before a justice of the peace as ignorant as themselves, and swear to all the facts required by law, to make their entry; this, too, in a section of country never surveyed by the authority of the government, nor any competent officer thereof. Would it be believed that any officer of the government would admit an entry, under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned by higher authority? Can it be possible that an entry of that kind can be in conformity either with law, justice, or right? I state of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states positively he knows many of them to be founded upon the same corrupt perjury; persons swearing that they lived on the same quarter-section, when in truth and in fact they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole western district of Louisiana; and yet, since the first of January, 1835, up to the 27th of May, there have passed at the land office at Opelousas, at least 350. And who are the owners of these floats principally? To one and not more than three speculators, since the first of January, of this year, up to the 27th of May, day after day, week after week, I might say months after months, a notorious speculator, and who must have been known as such to the officers of the land office at Opelousas, was seen occupying that office to the almost total exclusion of everybody else; no other person appeared to understand how to get pre-emption floats through, and

no one did succeed until an event which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society, in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them, before some justice of the peace in some remote part of the country. These claims, to an immense extent, are presented and allowed, and upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry. And would it be believed, that the lands where these quarter-sections purported to be located, from the affidavit of the applicants, had never been surveyed by the government, nor any competent officer thereof, nor approved nor returned surveyed? I further state that there was not even a private survey made. These facts I know; I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above. This state of things had gone on from the first of January until about the middle of April or first of May, of the present year, when it was suddenly announced a more rigid rule would thereafter be adopted, which was this: that a sworn deputy surveyor of the United States should in all cases make the survey, in order to ascertain if the parties were on the same quarter-section, and to testify before the register that such was the fact. Besides this, they required the applicants to produce very satisfactory evidence from their neighbors that they had cultivated and improved, as stated in their notice. Pre-emption floats, when tested by this rule, were found to be very few indeed. Governments, like corporations, are considered without souls, and according to the code of some people's morality, should be swindled and cheated on every occasion. Whether such a distinction can be reconciled to either morality or law, one thing is certain, that equal protection and advantages are not afforded to all. I would further suggest to your excellency to withhold your signature from all patents when entries have been made, and consequent pre-emption floats have resulted, since the first of June, 1834, to the first of July, 1835; that James Ray, lately appointed register of the land office at Opelousas, Louisiana, and some other competent person, be appointed a board of commissioners to examine all the entries from which pre-emption floats have resulted during the above period; that the said board of commissioners have the power to administer an oath to all persons who may appear before them desiring to make entries of land; that some qualified attorney be appointed to appear before the said commissioners to represent the interest of the government, to put cross-interrogatories to elicit the facts, whether true or false, in regard to the validity or illegality of said claims; that this said board of commissioners shall, under the supervision of said attorney, take down the evidence in each entry, with its consequent pre-emption floats, shall file the same with them, shall give their opinions upon each respectively in writing, with reference to the evidence and law, and shall forward the same to the Commissioner of the General Land Office; that if the said board, upon the examination of any pre-emption claims or floats which hitherto have been allowed, are satisfied that they were passed upon the affidavit of the parties alone, without other and corroborating evidence, and if they are further satisfied that the land proposed to be entered has not been surveyed by a competent officer of the government, approved, and returned to the Land Office, they shall unconditionally reject the said claims, with their consequent pre-emption floats. These suggestions are made, not with the belief that they may be adopted in the investigation that may be ordered, but simply with a hope that they might afford some aid in laying down the rules of that investigation. It may not prove so extensive a fraud, and show such gross impositions upon the officers of the government, and such glaring perjury, as did the Arkansas land speculation; yet the investigation will show enough of each to entitle this administration to the lasting gratitude and approbation of its friends in Western Louisiana, as well as the majority of its political opponents.

I am with great respect, sir, your obedient humble servant,

BENJ. F. LINTON, *District Attorney, Western District of Louisiana.*

GENERAL LAND OFFICE, *September* 29, 1835.

SIR: I enclose you a copy of a communication addressed to the President of the United States by B. F. Linton, esq., upon the subject of the pre-emption claims heretofore awarded at the land office at Opelousas. In consequence of that communication, all patents for pre-emption claims in your district will be suspended until the merits of the claim have been re-examined and fully investigated. This examination will be made in the first instance by yourself, in conjunction with the receiver; and I have to request that you will, immediately upon the receipt of this, give public notice, and proceed anew to the examination of the claimants themselves, and of such witnesses in support of the claims as may present themselves before you for that purpose. Those claims which may be sustained by you will also be re-examined here, and those heretofore admitted which shall not be sustained upon your revision, will be regarded as definitely rejected. I enclose you a form of interrogatories calculated to elicit the truth in relation to the validity of each claim, which you will propound, together with such other questions as may be suggested to you by the peculiar circumstances developed in the examination of each particular case. As soon as the examination shall have been completed, I will thank you to forward a report, together with all the testimony, to this office, and have to request that in the admission of new cases the utmost caution may be observed, and the instructions with which you have been furnished strictly adhered to. While upon this subject, I deem it important to call your particular attention to one of the allegations of Mr. Linton, viz.: that in addition to the pre-emption granted by the act itself, the claimants have been permitted to enter a back pre-emption equal in quantity to the tract first granted: the act of 19th June, 1834, and that of 29th May, 1830, which restrict the quantity of land to be acquired under their provisions to 160 acres, would of themselves preclude any such construction, and I am at a loss to conceive how the land officers could so far have misconceived the terms of the act of 15th June, 1832, granting these back pre-emptions, as to have given to that act a prospective effect, when its provisions are specially restricted to those individuals who were then in possession under one of the descriptions of title stipulated by the act itself.

I am, &c.

E. A. BROWN, *Commissioner.*

Interrogatories to be propounded to the pre-emption claimants, and, with the necessary modifications, to the witnesses produced by them in support of their claims:

1. What is the description of the tract claimed by you?
2. Did you cultivate the tract described in 1833? If not, state what tract was cultivated by you in that year.
3. State the nature, extent, and manner of such cultivation.

4. Were you in possession of the tract claimed, on the 19th June, 1834?
5. Had you a dwelling-house upon the tract claimed, and were you residing therein on the 19th June, 1834? If not, state whether you resided upon public land, and describe the tract upon which you resided.
6. If you were not residing upon the tract claimed, in what did your possession consist?
7. Did any other person cultivate the tract claimed in 1833?
8. Was any other person in possession of the same on the 19th June, 1834?
9. To what extent did he cultivate, and what was the manner of his possession?

The REGISTER *at Opelousas.*

Extract of a Letter from —— Morgan to Henry H. Johnson, Esq. dated October 6, 1835.

"It is stated, and very generally believed, and the receiver's books of public lands will show that the fact of the case, if it is one, that spurious claims have covered all the *Atchafalaya railroad;* all the lands on the Granfete bayou, Marceigin, Fordouche, Achafilia, Latanache bayous, something like 154 miles in front, with one half mile deep, have been located within ninety days by different companies, and different men. It may be that the law warrants such locations. There are many things that make me think there is something wrong. As to improvements, none was ever made. On not over 15, are all the 150 or 160 miles front; and only a few surveyors and bears ever passed over them. If you believe the information worth the attention of the *Patent* or Land Office, you are at liberty to communicate the fact: the books, names, and surveys, can easily be examined. If the companies and individuals are acting correctly, this information can do them no harm; if incorrectly, they ought to be stopped at once. I write you this information, as there are big fish engaged in this traffic, though little ones do the business. How it is done, as yet I have not been able to learn, except by law construing and foul swearing.

"There are yet many small claims, been investigated for twenty years, not approved of, and the claimants entitled to them, while a set of speculators are getting titles by proving pre-emptions, by hundreds, where it never was. If it is law, it is unjust."

GENERAL LAND OFFICE, *December* 17, 1835.

GENTLEMEN: It has been represented to the department that associations of men are engaged in speculating in the purchase of floating rights, under the late pre-emption law; and by means of facilities afforded by deputy surveyors, acting as agents in their location, much valuable land in Louisiana is thus engrossed; and that these rights are multiplied by the recognition of separate pre-emption rights, in the parents, children, and hired men of each family, and fictitious persons.

The Secretary of the Treasury has directed that the most prompt and energetic measures be taken to detect and arrest frauds of the character alluded to; and, with this view, I have to require of you to enter into the most rigid scrutiny of all pre-emption claims and floats alleged in your district; and resort to such means and sources of information within your reach, as will lead to a faithful and satisfactory result in the ascertainment of whatever may be the facts.

Your immediate attention to this important matter, with a view to a report on the subject at the earliest possible date, is strictly required. To guard against imposition, the closest adherence, on your part, is required to the principles of the law, and those laid down in the printed letters of instruction, bearing date 22d July and 23d October, 1834.

I am, &c. ETHAN A. BROWN.

P. S. You are required by the Secretary of the Treasury to institute, forthwith, such inquiries as will enable you to report an opinion on the subject of the rumors and representations which have been the occasion of this communication, so as to enable the department to form something of a definite and adequate idea as to the extent to which the evils exist in the premises.

In case your inquiries should lead you to suspect the existence of frauds, the Secretary requires that, without loss of time in writing for further orders after your report herein to the department, you will forthwith proceed to take such testimony in support of the facts in the alleged abuses which you shall have ascertained; and should you find yourself at any loss in the progress of the investigation, the Secretary directs that you will promptly call to your aid the advice of the district attorney, whom you are to address on the subject.

I am, &c.

E. A. BROWN.

The REGISTER and RECEIVER *at New Orleans, Opelousas, Ouachita, and St. Helena, La.*

GENERAL LAND OFFICE, *December* 19, 1835.

SIR: I herewith enclose to you a copy of a letter addressed to the registers and receivers of the United States, on the subject of fraudulent practices alleged to exist in the proving of pre-emption rights, and obtaining what are called "floats" under the act of 19th June, 1834.

You are hereby directed to furnish to the district land officers no more plats of surveys, until you shall have received further directions. You are requested, however, to transmit the plats to this office as fast as they can be prepared.

I am, &c. ETHAN A. BROWN, *Commissioner.*

H. T. WILLIAMS, Esq., *Surveyor General, Donaldsonville, Louisiana.*

GENERAL LAND OFFICE, *December* 21, 1835.

GENTLEMEN: In relation to the subject of pre-emption rights, concerning which I addressed you on the 17th instant, you are particularly required to keep in view the following general principles, in fulfilment of the meaning and intent of the act of the 19th June, 1834, and of the instructions heretofore issued by the department:

1st. In cases where two or more persons are settled on the same quarter-section, the *first two actual settlers,* (and they only,) who cultivated in 1833, and had possession on the 19th June, 1834, are entitled to the right of

pre-emption. If an equal division of such quarter, by a north and south, or east and west line, will not secure to each party his improvements, they must become joint purchasers or patentees of the entire quarter-section; if otherwise, it will be divided so as to secure to the parties respectively their improvements; in either case the said *first two* actual settlers, who obtain the right of pre-emption to the quarter-section, and none others, are entitled each to a pre-emption of eighty acres elsewhere in the same land district, to be located so as not to interfere with other settlers having a right to pre-emption. This right to locate eighty acres elsewhere, usually called a floating right, must be located and determined at the time the quarter-section is paid for on which the right accrues.

2d. Only one pre-emption, to the maximum quantity of one hundred and sixty acres, is allowed to a family when cultivation is in common, or for common benefit; and no floating right is allowable under such circumstances.

3d. No one employed by another as a laborer on his improvements, can be admitted to a pre-emption right.

By a careful attention to the act and the instructions, you will save to yourselves, as well as the department, much trouble and embarrassment in finally determining rights accruing under the law.

I am, &c.

ETHAN A. BROWN, *Commissioner.*

The REGISTER and RECEIVER *at New Orleans, Opelousas, Ouachita, and St. Helena, Louisiana.*

QUINCY, MONROE CO., MISSISSIPPI, *December* 28, 1835.

DEAR SIR: I hope you will excuse me for the liberty I have taken, and should not have troubled you with this communication but for an injury done myself, and a fraud practised on the government, which I hope I have proved to the satisfaction of the department: I speak with regard to a pre-emption and float that was obtained at the land office, in Columbus, by John and William Purser. I have forwarded an affidavit to Major William Dowsing, register of the land office at Columbus, showing that said Pursers had no shadow of a claim to the land on which they got a pre-emption and float until after the 16th of October, 1834, and also proving that I bought the improvement of John Purser in August, 1835. John Purser was residing on the land since he first purchased the land, but William Purser has never resided on the land, and never had any kind of claim to the same. I have sent the affidavit to Major Dowsing for the purpose of having it sent to the General Land Office; I have got several of my neighbors' names to the affidavit, and can give any recommendation in this county; and although I am not personally acquainted with Major Dowsing, I can refer you to him for my character. It is probable that the persons that have bought the floats may try to make some exertions in behalf of the Pursers; but I am certain that they cannot get a witness of respectability to strengthen their claim. I have omitted to give the numbers of the land above: they are as follows: southeast quarter of section nineteen, in township twelve, range sixteen, west.

You will have the goodness to inform me if I have taken the proper course to defeat said claimants, and whether or not they can have a pre-emption under the above circumstances.

Very respectfully, your obedient servant,

JEREMIAH RIGGINS.

Hon. E. HAYWARD, *Commissioner of the General Land Office.*

AUBURN, HINDS CO., MISSISSIPPI, *December* 7, 1835.

DEAR SIR: Permit me, as one of your constituents, to call your attention to a case in the General Land Office, in which I am immediately concerned. On the 30th of June last, I purchased at the land office, Mount Salus, (Clinton,) in this State, the northeast quarter of section twenty-seven, township four, of range four, west, for which I had a receipt in these words, to wit:

"No. 22,184. "RECEIVER'S OFFICE, *Mount Salus, Miss., June* 30, 1835.

"Received of Reuben Collins, of Hinds county, Mississippi, the sum of one hundred and ninety-nine dollars, fifty-six cents, being in full for the northeast quarter of section twenty-seven, township number four, of range number four, west, containing 159.65 acres, at the rate of $1 25 per acre.

"$199 56. "S. W. DICKSON, *Receiver.*"

I now understand that one Uriah H. McManis, and his brother, Archibald McManis, have set up a claim, and, that they, having failed to establish any color of claim by a pre-emption in the land office here, have petitioned the General Land Office, or the department thereof, for said land. Of this I knew nothing until a few days since, and on Saturday last I applied to the land office to know if such were the facts, and was informed by the register that they had petitioned both for a pre-emption, and that Archibald McManis had sworn that he had paid the money into the land office some two years since for the land which Uriah now wishes to claim by *pre-emption.* Well, sir, if the department of the General Land Office thinks their claim has any color of law or equity, I only ask to be informed of the same, and I fear not the result if I can be allowed to confront them with testimony. The fact is this: U. H. McManis, in the year 1822, bargained with one Cooper for his claim or improvement on the west half of the quarter-section above-mentioned, and shortly afterward reported that he had paid for the quarter-section. As one William Spinks, a poor but industrious man, with a large family, was improving the east half of the said quarter-section; Spinks removed, and McManis rented the land to Cooper, from whom he had purchased the claim, and got rent for it of him (Cooper) in 1833. In 1834, Mark Snow, by his negroes and overseer, one Matthews, cultivated the land, and paid McManis rent; and this year, 1835, Richard J. Mallet raised a cotton crop, and has promised rent. In the meantime, Uriah and Archibald McManis were merchandising, one in the town of Raymond, the other in Clinton; neither of them ever occupied the land, and how they can expect to come in under the pre-emption law I know not; and as to having paid for the land long since, is to my mind strange, when they can neither produce a receipt, nor make a showing of the records to that effect. In the absence of all this, is it possible that they can have any legal claim? I stand ready to prove the statements which I have made. I can prove, by unimpeachable testimony, that Archibald McManis has said, since I paid for the land, that he applied to pay for the land, and that he was told that there was a pre-emption upon it. How does this look beside his oath that he has actually paid for the land? No, sir; he never paid for

the land; it is true that the map was marked, with a pencil, with the letter S, the usual mark for sold, and when I paid for some of my lands, two years ago, it was marked S. Now, the question is, who marked it? Why, I will tell you what I think: it was some one interested, that it should not be known that it was unsold. It is a well-known fact, that while Mr. Gwinn was register, the map was frequently marked S, and the land was still unsold; and many accused him and his particular friends of corruption and speculation; but I am inclined to the belief that others marked the map, by getting permission to examine it while the register was otherwise engaged, and had no idea that such was the design of those who practised the fraud.

In conclusion, let me ask you to be so kind as to lay this letter before the department of the General Land Office, and request for me a hearing, if, as I have before remarked, the case presented shall seem to require it.

I remain, your obedient servant,

REUBEN COLLINS.

Hon. JOHN BLACK.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, January* 9, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th ultimo, enclosing a copy of one directed to the register and receiver of the different land offices in Louisiana.

I assure you it was a great relief to me, as the demand for speedy returns had become almost intolerable; and my aversion to a compliance was produced by the fear that many frauds were practised under the late pre-emption law.

So far as relates to the deputy surveyors, I have uniformly discountenanced any participation in the speculation, and when they have been known to be concerned, I have suspended their functions; but the sacrifice they make is so inconsiderable, that while the temptation exists there seems to be but little prospect of correcting the evil. I am pleased, however, to say that I have not heard of one unlawful claim that has passed through the hands of a deputy, and that, excepting one or two cases, of a disposition manifested to locate them, so as to interfere with the rights of other persons, (which has been counteracted,) they are free from censure, nor am I in any other respect entitled to the compliment gratuitously conferred on me in some of the newspapers.

I have no doubt but the wealth and influence of this country are embarked in this immense tide of speculation, but I fear that but little can be done to arrest it, unless it should be in the power of Congress to repeal the act of the 14th July, 1832, supplemental to the act granting the right of pre-emption, etc., or to limit the operation of the law, so that the settler would be required to take the vacant land next adjacent to the settlement; beyond this, the only remaining hope is to bring the public land into market as expeditiously as possible.

I am decidedly of opinion that there are not more than three or four private, unlocated claims in the townships included in the list enclosed in my letter of the 6th of November, and the enclosed list may now be added to the number.

I do not think it would be proper to have a sale in this State between the middle of May and the 1st of November, but it is earnestly urged by the inhabitants; and if it could be effected before May, I think it would be advantageous to the government.

With great respect, sir, your obedient servant,

H. T. WILLIAMS, *Surveyor General, Louisiana.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

LAND OFFICE, *New Orleans, January* 9, 1836.

SIR: In reply to your letter of 17th December last, we beg to state that all applications that have been made to us for entries of lands in this district, were accepted by us, after having been found in conformity with law and your letters of instruction of the 22d July and 23d October, 1834. But, inasmuch as it could be possible that among those that have been presented from the different parishes, (for the law permits the settlers, who cannot bring forward their witnesses to this office, to make affidavit, supported by the corroborative testimony of two persons, in presence of one of the judges of the parish wherein he resides,) there might be some not altogether legal; yet, we would observe, that however great the fraud might have been represented to you, we nevertheless think that the mischief is not so great as you seem to suppose.

In order, however, to remedy, as far as in our power lies, the evils which may have crept into the present system, we have deemed it our duty to enter into the following arrangements with the surveyor general, which will have a tendency to lessen frauds, if not to stop them altogether:

That every time an application will appear suspicious to us, a copy of the same shall be sent to him, and he will forthwith send a qualified person on the premises in order to ascertain the validity of the claim.

We request of you, sir, to bear in mind that we shall do all in our power to deserve a continuance of confidence from the government, and that if we discover any frauds we shall immediately communicate the same to you, and have the offender prosecuted by the district attorney.

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

B. Z. CANONGE, *Register.*
MAURICE CANNON, *Receiver.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

24TH CONGRESS.] No. 1422. [1ST SESSION.

ON THE ESTABLISHMENT OF A NEW LAND OFFICE IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of Missouri asking for an additional land office, and also the petitions of sundry citizens, praying for the establishment of the said additional land office at the city of Jefferson, the seat of government for the State of Missouri, reported:

The memorialists, as well as the petitioners, who pray for an additional land office at the city of Jefferson, the seat of government for the State of Missouri, represent that much inconvenience is felt by a great number of citizens for the want of an additional land office, as the present offices are so remotely situated from each other, that the purchasers have to undergo considerable expense and trouble in entering land. And the petitioners further represent, that from the city of Jefferson, by the ordinary route, to the nearest land office southwardly, is about one hundred and seventy miles; to the nearest one northwardly, about one hundred and ten miles; to the nearest one eastwardly, one hundred and twenty miles; and to the nearest one westwardly, about sixty miles; that the expenses of a special journey to a distant land office frequently costs nearly half as much as the land, where the purchases are in small parcels, thus bearing peculiarly hard upon this class of purchasers.

Your committee are of opinion that the general government should adopt such a course in the disposal of its public lands, as will best suit the convenience of the people, without, at the same time, injuring its own interests. Where land districts are large, the people are necessarily compelled to travel a long distance to enter their lands. The expenses incurred in making the journey operate as a tax upon purchasers, and as a very grievous one upon such as make small entries. Where land offices are convenient to the people, a greater proportion of land will be entered, than where the people have to travel a long distance to get to them. This deters them from doing so. Besides, the States in which the public lands lie are increasing in population with such rapidity, that a land district which but a year or two ago had only a small population, may in a short time afterward have a large one. And it seems to your committee that nothing is more proper than that legislation should be such as to suit the circumstances and condition of the country. The State of Missouri contains a much larger extent of territory than any of the States in which the public lands are situated, and yet she has but six land offices, while others have from eight to ten.

Your committee, without entering more into detail, are induced, from the above considerations, to concur with the petitioners in the propriety of establishing an additional land office in the State of Missouri, and have accordingly reported the following bill.

24TH CONGRESS.] No. 1423. [1ST SESSION.

ON GRANTING PRE-EMPTION RIGHTS TO ACTUAL SETTLERS ON THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of the State of Missouri, on the subject of the right of pre-emption to the public lands, reported:

The memorialists "present for the consideration of Congress, the propriety of further extending the laws relative to pre-emption rights, so as to include all persons who have settled, or may hereafter settle, on any unappropriated lands of the United States; and they further pray, that such settlers be allowed the indulgence of five years, from and after the time of making such settlements on the public lands, to enter the same, in any quantity not exceeding one quarter section each, upon the condition that if, in that time, such person should not enter the same, that the lands so settled upon, together with the improvements which may have been made, shall be liable to entry as other public lands."

Your committee have bestowed upon the subject that careful attention which is always due as well to the subject-matter submitted for consideratiou, as to the source whence it emanates. The latter proposition, embraced in the memorial, your committee conceive, cannot be regarded, at this time, as a measure of even doubtful expediency. Experience has shown that the credit system is liable to be attended with injurious effects, both to those to whom it may be extended, and to the government itself, as it creates the necessity for vexatious legislation in extending further time to make the stipulated payments. Prompt payments lead to prompt and efficient measures on the part of the indebted, and at once cuts off the hope, so apt to be cherished, that further indulgence will be given, where the parties are not prepared to meet the engagements they have entered into. As the tendency of this system, therefore, is to create an indifference to that punctuality which is so necessary in all transactions, and to bring on a long course of detached and irregular legislation upon petitions praying for further indulgence, your committee are compelled, from these considerations, to report against this part of the memorial as inexpedient.

As regards the other branch of the subject-matter contained in the memorial, which prays that a further extension of the laws relative to pre-emptions may be made, so as to include all persons who have settled, or may

have settled, on any of the unappropriated public lands, your committee concur with the memorialists in the justice of such a measure. Considerations, as they believe, of justice to the inhabitants of the new States, and of a liberal, comprehensive, and enlightened policy in relation to the public lands, demand its adoption. It is a measure of such becoming propriety, so suitable to the genius of our republican institutions, and compatible with the principle upon which they are established; so comprehensive in its range, and beneficial in its effects; and comporting so well with all the interests, both proximate and remote, of the country and the people, whether it be looked at in detail as a means of special benefit to the people, or viewed in its general results as embodying in the government a self-preserving principle of virtue and independence, that your committee cannot conceive how it is possible there should be, in a country like this, one dissenting voice on the subject. The happy and practical illustration which our government affords of the operation of the principle that the people are the rightful source of power, fully competent to the task of self-government, and that governments are instituted solely for their benefit, and are only a means by which the greatest amount of happiness to all may be attained, gives to the subject under consideration a latitude of thought, and presses itself upon our attention with such a cogency of argument, that the question of expediency becomes at once resolved into a measure of absolute propriety. While doubtful expedients are ordinarily resorted to in other countries, to meliorate the condition of man, here, in our own, we have the ample and certain means of not only improving the condition of the people, but of elevating them to that standard of dignity and respect which, as members of the political body, they are entitled to occupy. The condition of a freeholder has a two-fold influence which is dispensed upon the community in which he lives. It not only makes him independent, and affords him the means of bringing up his children in the walks of virtue and propriety, but reflects upon society the benign influence of the virtues he cultivates, and the precepts of morality which he is led to practise, from the station he occupies. Another consideration, too, of vast importance, attends the subject under investigation. It has a direct tendency to equalize the condition of the people, by smoothing down those inequalities in society, so baneful to the principles of republican institutions, which are apt to grow up from great wealth and extreme poverty; and, in this way, to implant into the bosom a proud and independent feeling that raises him, at once, from the consciousness of self-abasement, to the conviction of his own importance. Although the history of all ages and countries forces upon our minds the truth that there has been, and perhaps will be, in all communities, as great inequality in the circumstances of the people as there is, probably, in the minds of men, arising from causes which operate slowly, but certainly, in their effects, yet the duty which devolves upon the statesman to provide against such tendencies, and preserve a just balance, is not the less imperious on that account. And more particularly should we be governed by such considerations of duty in this country, where, from the structure of the government, each individual occupies a position of such essential importance; and we cannot imagine that a better plan can be devised to accomplish this end, than to allow, upon favorable terms, the settlers upon the public and unappropriated lands the right of pre-emption.

Congress has sanctioned for such a length of time the principle of granting pre-emptions, and the numerous laws passed upon the subject have so grown and ripened into a system, as to induce the people to regard it not only as an act of necessary consequence, but has invited them to look upon it as a measure of settled policy with the government. Many, no doubt, have been led to settle upon the public lands from considerations of this character, and also, as the memorialists very justly say, from a belief that they were embraced in the provisions of former pre-emption laws. Governed by these views, many have made valuable and lasting improvements upon the public lands, which they could not lose without its being almost a total loss of their labor and means of subsistence, and to secure which, it is but necessary for Congress to extend to them the right of pre-emption. Nor are these the only reasons which have induced people to settle upon the public lands. The proportion of the surveyed to the unsurveyed lands is so great, and those that have been surveyed have been so often culled and picked, leaving none but of a poor and inferior quality untouched, that persons have been obliged to settle upon those of a more choice and inviting character. Influenced by these facts, your committee do not hesitate to recommend the passage of a law conformably to the prayer of your memorialists; for they cannot perceive the necessity of a change in the policy which has, in many instances, been heretofore adopted, nor can they admit the propriety of a rigid proprietorship over the public lands on the part of the general government, when so many inducements exist to provide the people of this great republic with independent homes, and so many arguments combined to give the new States that unrestricted sovereignty over the soil which is the justly proud inheritance of the older members of the confederacy.

Your committee are aware, that objections, probably just, exist against laws granting the right of pre-emption. It is alleged that great abuses have grown out of such laws, and that the liberal intentions of Congress have been grossly perverted to purposes of fraud and corruption, by reckless speculation. Admitting this to be the fact, the argument goes too far, if it be intended to prove that the abuse of a good, is a sufficient reason for dispensing with it altogether. How few of the many blessings which surround us should we have the privilege of enjoying, if this principle were to be applied to all the relations of life! When such difficulties encompass us, or beset a good undertaking, we should gather lessons of wisdom from the fruits of the past, and provide against the possibility of their recurrence. Your committee do not for a moment doubt, that a well-guarded law, securing to the actual and *bonafide* settler the right of pre-emption, may be passed, which will obviate such objections, and protect both the settler and the government from future impositions. Fully impressed with the justice of these views, the committee beg leave to report the accompanying bill.

24TH CONGRESS.] No. 1424. [1ST SESSION.

QUANTITY OF LEAD MADE AT THE MINES IN MISSOURI, FROM 1821 TO 1831.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 8, 1836.

WAR DEPARTMENT, *February* 6, 1836.

SIR: In compliance with the resolution of the House of Representatives of the 18th ultimo, I have the honor to transmit a report of the colonel of ordnance, in relation to the mineral lands in the State of Missouri.

Very respectfully, your obedient servant,

LEWIS CASS.

Hon. JAMES K. POLK, *Speaker of the House of Representatives.*

ORDNANCE OFFICE, *Washington, February* 4, 1836.

SIR: In compliance with that part of the resolution of the House of Representatives of the 18th ultimo, which relates to the lead mines in Missouri, I have to state, that the whole amount of lead made at these mines from the year 1821, when their superintendence was transferred from the Treasury to the War Department, to September, 1831, when their operations ceased, was..... 5,151,252 lbs.

The amount accruing to the United States as rent lead for that period, was..... 423,329 lbs.

The expenses incurred in conducting the operations at the mines, for the same period, as appears by a statement from the second auditor's office, amounted to..... $14,184 26

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

GEORGE BOMFORD, *Colonel of Ordnance.*

Hon. LEWIS CASS, *Secretary of War.*

24TH CONGRESS.] No. 1425. [1ST SESSION.

APPLICATION OF ALABAMA FOR THE EXTENSION OF PRE-EMPTION RIGHTS, AND GRANTING OF FLOATING CLAIMS TO SETTLERS WHO HAVE BEEN DEPRIVED OF LANDS BY INDIAN RESERVATIONS.

COMMUNICATED TO THE SENATE, FEBRUARY 8, 1836.

JOINT MEMORIAL of the general assembly of the State of Alabama, to the Congress of the United States.

Your memorialists represent to your honorable body, that, by an act to revive an act entitled "An act to grant pre-emption rights to settlers on public lands," approved May 29, 1830, passed by the Congress of the United States, and approved, June 29, 1834, every settler or occupant of the public lands, prior to the passage of the said act, who was then in possession, and cultivated any part thereof, in the year 1833, and held possession of the same in the year 1834, should be entitled to all the benefits and privileges provided by the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved, May 29, 1830. Your memorialists further represent, that many of the settlers upon the Creek lands, purchased by the treaty of the 24th March, 1832, who were in possession, and cultivated the same, in the year 1833, were prevented from receiving any advantages from the laws, as they had settled and occupied lands which were taken by Indian reservations, under the authority of the treaty aforesaid: Wherefore, your memorialists pray your honorable body to grant to all such settlers, who have been prevented receiving pre-emptions, as above stated, the right of a floating claim of one quarter-section each, which they may locate upon any other public lands of the United States, not sold or otherwise disposed of, or give them such other relief as may be found proper.

Therefore, be it resolved, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law to forward the object of this memorial.

Resolved, further, That the executive of this State cause a copy of this memorial and resolutions to be forwarded to each of our senators and representatives in Congress.

J. W. McCLUNG, *Speaker of the House of Representatives.*

SAM. B. MOORE, *President of the Senate.*

Approved, December 15, 1835.

C. C. CLAY.

24TH CONGRESS.] No. 1426. [1ST SESSION.

APPLICATION OF ALABAMA FOR THE EXCHANGE OF THE SIXTEENTH SECTIONS WHEN VALUELESS, OR TAKEN UP BY INDIAN RESERVATIONS, FOR OTHER LANDS.

COMMUNICATED TO THE SENATE, FEBRUARY 8, 1836.

JOINT MEMORIAL to the Congress of the United States, requesting a grant of land for each township wherein the sixteenth sections have proved valueless, or been taken up by Indian reservations.

The memorial of the legislature of the State of Alabama to the Congress of the United States, respectfully represents to your honorable body, that there is a large portion of the citizens of their state entirely deprived of the benefits of an act of Congress granting the sixteenth section of each township to the use of the inhabitants of the same for literary purposes, in consequence of the sixteenth section proving entirely valueless, and that, generally, in the poorer parts of the State, where the inhabitants stand most in need of donation. And, whereas, also, in that portion of territory recently, by treaties with the Creek and Choctaw Indians, many of the sixteenth sections thus appropriated, have been taken by reservations allotted to the Indians by the said treaty, and thus many townships in the State deprived of the benefits of said act:

Your memorialists, therefore, respectfully represent to your honorable body the justice and propriety of allowing the inhabitants in each and every township in this State, where the sixteenth sections have proved valueless, or been taken by Indian reservations, to relinquish the same, and in lieu thereof, select one other section from any unappropriated lands in this State, to be applied to the specific object of literary instruction in the township for which the selection was made; and, as in duty bound, your memorialists will ever pray.

Resolved, That our senators and representatives in Congress be requested to use their best endeavors to procure the passage of a law of Congress embracing the object of the foregoing memorial.

Resolved, That the governor of this State be requested to forward a copy of this memorial and resolutions to each of our senators and representatives in Congress.

J. W. McCLUNG, *Speaker of the House of Representatives.*
SAM. B. MOORE, *President of the Senate.*

Approved, January 9, 1836.

C. C. CLAY.

24TH CONGRESS.] No. 1427. [1ST SESSION.

APPLICATION OF INDIANA FOR A GRANT OF LAND TO MARGARET NATION AND HER CHILDREN.

COMMUNICATED TO THE SENATE, FEBRUARY 8, 1836.

A JOINT RESOLUTION and MEMORIAL for the relief of Margaret Nation and others.

Whereas, it is represented to this general assembly that Margaret Nation is a very aged woman, who is encumbered with a large family of deaf and dumb children, whom she is unable to support, and who are unable, on account of the aforesaid affliction, to support themselves: Therefore,

Be it resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law by Congress, donating one quarter section of land to each of said individuals, to wit, to the said Margaret Nation and her said children, William Nation, Christopher Nation, Elias Nation, Jane Nation, Elizabeth Nation, and Anna Nation, in some section of Indiana, where the lands are yet vacant.

Be it further resolved, That the governor transmit copies, &c.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, January 30, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1428. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE, FEBRUARY 9, 1836.

Mr. PORTER, from the Committee on Private Land Claims, to whom was referred the petition of Eloy Segura and others, reported:

The petitioners state that they were placed in possession of certain portions of land in Louisiana, by the Spanish government, with privileges annexed to that possession, and that they have been deprived of the enjoyment of the latter by the United States. They pray for such compensation as to the wisdom of Congress may seem just and equitable.

This demand takes its rise in a deviation, in this instance, from the usual practice pursued by the French and Spanish governments in conceding lands in the province of Louisiana to individuals. With the exception of the ancestors of the present petitioners, and some others which will be hereafter noticed, all grants of land in the colony were evidenced by writing; if complete, by an instrument to which the seal of the governor was annexed; if perfect, or inchoate, either by an order of survey, or a request to the commandant for permission to settle on the domain of the King, accompanied by his permission to do so annexed to the *requette*.

But, from some cause or other, now not clearly ascertained, a different system was pursued in regard to bodies of colonists which were transported in considerable numbers at a time from other parts of the King of Spain's dominions, in pursuance of a policy which deemed it necessary to place in different portions of the colony Spanish settlers, as a balance against the population of French origin. Those who have traditional knowledge of the subject, attribute the settlements thus made to a jealousy then entertained by the government of the latter; and several facts attending the early history of the Spanish dominion in Louisiana confirm the truth of this suggestion.

In pursuance of this policy, it appears that, at different times, but none later than between fifty or sixty years ago, numerous Spanish settlers were brought over to Louisiana at the expense of the King's government, and placed in different parts of the colony. A very considerable number were located on *Terre à Bœuf*, some distance below New Orleans; another portion on the La Fourche, eighty miles above it; another at Galvestown; and the remainder and smallest portion near New Iberia, a town directed to be established by the Spanish authorities. All these places, as it is known by persons well acquainted with the topography of the State, are positions which might become, in case of domestic insurrection or foreign invasion, important as military positions, and there can be little doubt they were chosen in reference to that object.

From certain causes (as has been already stated) it cannot now be known why a different course was pursued in regard to these colonists in relation to the lands given to them, from that adopted toward other settlers. It may, perhaps, find something like a satisfactory explanation in the different circumstances in which they came into the country, and in the inveterate indolence of the Spanish authorities, who never moved in public matters, unless under the orders of their government, or the promptings of individual interest. Be that, however, as it may, the officers to whom the duty was intrusted of placing them on the public land, instead of resorting to the regular and somewhat tedious formalities of making grants, proceeded at once to allot them certain portions of land, and to put them in possession of the portions so allotted.

The colonists, who were generally, almost all, ignorant and uninformed of the usages and laws of Spain, never took any steps to perfect their titles. They had been brought by the government from their homes in another country, without their consent, and placed in their new position without their will being consulted. They believed, it appears, implicitly, that the same public policy or parental solicitude, which had given them a new country for a residence, would take care that they should not be disturbed in it.

And that confidence, it appears, was not ill founded, so long as the Spanish government retained possession of Louisiana. It is in evidence that they occupied and cultivated the land given to them—that it passed by sale, and direction, and inheritance, like any other of the lands regularly conceded, and all this by the consent of the government authorities in the respective districts where these transactions took place.

When Louisiana passed from the dominion of Spain, under that of the United States, the same confidence in the protecting care of the new government which had guided them in relation to that which preceded it, and ignorance of the necessity of obtaining any express recognition of their titles, prevented the colonists from taking any steps to secure them. For nearly twenty years no danger seemed to flow fom this inaction. But time, which was lengthening their possession and strengthening the inference which flows from it, was weakening the evidence by which their title could be sustained. And the value of their property exciting cupidity, they found themselves disturbed in various ways in their possessions, and their rights denied.

The validity of the title of the *La Fouche* settlers was brought before the supreme court of Louisiana, and by them recognized. A full and severe examination of the laws of Spain in the case tried, showed that writing was not indispensable to a grant from the sovereign—that in his double capacity of owner and legislator, he could parcel out the domain as he thought fit. The settlers on *Terre aux Bœuf*, who were numerous, and occupied a large section of country, applied to Congress for a confirmation, and a bill passed, by which their title was confirmed.

The petitioners, who are the descendants of the colony placed on lands near *New Iberia*, experienced no interruption in their possession, until a very recent period.

It appears in evidence that the lands assigned to them were in an open prairie, in which no wood exists, and that the lands themselves were of no value for settlement, indeed were, to a great degree, uninhabitable, unless that article, so indispensable for firewood and building material, had been granted with them. Accordingly, a small portion of wood-land, called the *Trois isles*, was given to the colonists for fire-wood; and a cypress swamp contiguous to their settlement, was specially set apart for their use, in order that they might have the means of fencing their prairie lands, and procuring timber for building their houses.

The *exclusive* enjoyment to the property during a period of forty years by the petitioners or their ancestors,

is established by the most irrefragable testimony. So much, indeed, was it respected, that it is in evidence that, during the dominion of Spain, officers high in the government of that country applied for and obtained permission of the colonists to have the liberty of cutting wood in the cypress swamp which had been assigned to them.

But, in the year 1821, certain persons who had titles to land adjoining this swamp, applied to the officers of the United States government to purchase it, under an act of Congress which gave pre-emptions to front proprietors to acquire the land immediately behind their concessions. This application was sustained, and a sale of it made. The colonists, however, acting under the belief of right and title produced by a possession of nearly half a century, continued as before to take the timber necessary for their plantations. An action at law was accordingly commenced against them, and by a decision of the supreme court of Louisiana, the sale by the United States was declared valid, and the petitioners mulcted in heavy damages for a trespass. The decision was based on two grounds: first, a defect in the *legal* proof that they had been put in possession; and second, upon a principle in the Louisiana laws, that a right, such as the petitioners claimed in this wood-land, could not be acquired by prescription.

Under these circumstances, the petitioners have applied to Congress for relief, and in the opinion of the committee, they are entitled to it. The land originally conceded to them was of little or no value without timber. Their settlement could not have been made without it, and being taken away, cannot now be maintained. The government of the United States, which succeeded to all the rights and all the advantages which Spain had in Louisiana, succeeded also to all her obligations and all her duties. If the nature of our government, and the principles which have guided her in the distribution of her public domain, prevent her from giving lands without compensation to the inhabitants, the obligation is imperative on her not to deprive them of anything which they enjoyed from the bounty or the policy of the sovereign who preceded them in the possession of the country. And, in the opinion of the committee, it makes no difference whether the benefit so conferred was in the shape of a complete title to the land, or a perpetual usufruct in it. Both invoke with equal force the protection of the principle to which allusion has just been made.

The matter to which the attention of the committee has been called, has been already before the House of Representatives, and favorably considered there, though not finally acted on. The committee beg leave to report a bill similar to that prepared by the committee which had the matter under consideration in the other house.

24TH CONGRESS.] No. 1429. [1ST SESSION.

APPLICATION OF CITIZENS OF ALABAMA FOR THE REPEAL OF THE ACT OF MARCH 2, 1829, RELATING TO LAND CLAIMS.

COMMUNICATED TO THE SENATE, FEBRUARY 9, 1836.

To the Senate and House of Representatives of the United States:

The petition of the subscribers, citizens of Mobile, in the State of Alabama, respectfully represents: That, agreeably to provisions made by Congress, a board of commission was organized, and continued in existence nearly a year, in 1814 and part of 1815, for the adjustment of private land claims in this district, held under grants from the Spanish, French, and British governments; that the commissioner so appointed, after a very able, laborious, and patient investigation, made a report to Congress, recommending great numbers of claims for confirmation as just and equitable, and rejecting others as fraudulent, antedated, or void, in consequence of non-compliance with the conditions of the grants, which report was confirmed, without any alteration or reservation, by Congress. Subsequently, say some time in 1827, the register and receiver of the land office at St. Stephen's were appointed commissioners, and examined all claims presented to them, and recommended all that were entitled to it to confirmation; and their report was likewise confirmed by act of Congress, without any reservation. Both these reports were made upon the *exparte* statements of the claimants themselves, and every facility granted to establish their claims without opposition. The remaining part of the public domain in this district was offered for sale by the United States, and much of it has been entered, or taken up under the late pre-emption laws, the purchasers of which have in good faith and believed security made improvements and rendered the land valuable, as also those have done who held under Spanish, French, and British grants that were confirmed. Your petitioners now understand that a great many claims to lands and lots, rejected as fraudulent or void, are now about to be revived under the act of 2d March, 1829, which directs the register and receiver of this district to recommend for confirmation claims heretofore rejected, where the parties can prove possession at the time of the change of government, and for ten consecutive years previous thereto, which your petitioners respectfully but earnestly represent would create innumerable difficulties, and inevitably lead to much perjury and fraud. Many of the claims now attempted to be set up will cover land already confirmed by act of Congress, and held under honest and undoubted grants made by the former governments, as also land sold by the United States, and improved by the purchasers and holders in good faith. Any subsequent confirmation by Congress of lands heretofore confirmed or sold by the United States, would either lead to much litigation, or subject the present occupants to a severe pecuniary sacrifice to avoid it. Your petitioners firmly believe that said act of 2d March, 1829, will be likely to lead to very pernicious results, and they respectfully ask its repeal, or, if that cannot be had, they earnestly entreat that your honorable body will take no action under said act, unless it be clearly shown that the parties now holding the lands, under confirmed grants or sales by the United States, shall have been timely

notified of application being made to Congress for confirmation of previously rejected claims to said lands. And your petitioners, as in duty bound, will ever pray.

MOBILE, *January* 21, 1836.

Robt. D. Jones,	G. W. McCoy,	Sanford Coluy,
Wm. Jones, jr.,	George Poe, jr.,	Charles White,
J. H. Jones,	George S. Gaines,	Jotham Clark & Co.,
James F. Roberts,	Edward Dunning,	John Wylie,
J. Bates, jr.,	William Austin,	Ja. Moreland,
Jo. B. Earle,	John Howard,	Geo. F. Cuming,
Wm. H. Robertson,	W. K. Halloh,	John P. King,
Robertson, Beal & Co.,	E. O. Jones & Co.,	John E. Cormick,
A. H. Gazzam,	Hugh H. Holston,	John Robertson,
Butler & Harris,	Joseph Hall,	John Ezell,
George Starr,	Austin & Hardy,	Jeremiah Rey,
G. H. Fry & Rrother,	G. W. Tarleton,	G. Huggins,
Peter A. Remsen,	Tarleton & Bullard,	J. Pollard,
W. W. Fry,	G. H. Ryard,	William Walton,
Fontaine & Freeman,	Levi J. Sangston,	J. W. Townsend,
Hull & Marshall,	Marsball & Cammack,	B. Seavens,
Duke Goodman,	Rugeley & Harrison,	C. Steele, jr.,
Ross, Strang & Co.,	Inyr & Ryan,	George J. S. Walker,
Henry Bright,	T. M. English,	B. Gayle,
Henry Daggett,	H. H. Cook,	William Bowen.

24TH CONGRESS.] No. 1430. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the petition of John Wiley and Jefferson Greer, reported:

The petitioners represent, each for himself, that they purchased of the government, at the land office in St. Louis, Missouri, a half quarter-section each, for which they paid the government price, and took the certificate of the receiver for the same. The said Wiley states his is the northeast quarter of section five, township forty-six north, in range ten west, containing 90.89 acres, which he entered in April, 1832. The said Greer states that his is the northeast quarter of section five, township forty-six north, range ten west, containing 80 acres, which he entered in August, 1831. The petitioners both state, that some time in the spring of 1835, they each received from the register at St. Louis a letter, informing them that the land above mentioned, which they had each purchased of the government, had been previously sold some years before, to other individuals, and that they, the petitioners, must give up their land, and take back the money which they had paid for it. The petitioners represent that the land above mentioned, when purchased, was wholly unimproved, in its rude state of nature; that from the time the purchase was made to the period of receiving the before-mentioned letters from the register, under the full persuasion that the government had sold them a good title, they had each gone on to make valuable and lasting improvements on the land, in the erection of dwelling-houses and out-houses, and clearing and enclosing ground for cultivation; they show that each had cleared and fenced about fifty acres, and erected many of the necessary buildings for a farm, designing that their purchases should be a home for life. They represent that they are poor, and unable to bear the loss which they must suffer if compelled to give up their homes and the labor of three and four years bestowed upon them, without some equivalent, which they think they are entitled to from the government, because the fault is not with them, nor can any blame be attached to them; that at the time of making the purchases, they did not know, nor was it possible for them to anticipate, that the government had no title to the land which it sold to them. The petitioners, therefore, pray for such relief as a sense of justice on the part of Congress may think them entitled to.

Your committee being perfectly satisfied that the petitioners have a just and rightful claim upon the justice of the government, have reported the following bill for their relief.

24TH CONGRESS.] No. 1431. [1ST SESSION.

ON GRANTING LAND TO THE HEIRS OF CERTAIN PERSONS KILLED BY THE SAC AND FOX INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom was referred the petition of Jane Scammakon, Susan Hazleton, and others, reported:

That they have considered the said petition, in which it is alleged that the individuals of the petitioners were killed by the Sacs and Fox Indians in the late war with those nations, and the father of Rachel Sylvia Hall was also killed in the same war by the said tribes of Indians; and it is requested by the petitioners that Congress should make to each of them the donation of a section of land in the State of Illinois.

The committee are not informed by any evidence under what circumstances the said individuals were killed, and can discover no reason to distinguish the cases of the petitioners from others who have had their husbands or parents killed in a war or otherwise by the numerous tribes of savages that dwell on our Northern and Western frontier. To extend the bounty of government by a donation of a tract of land to each of the petitioners or relatives of the deceased, who are said to have been killed in the war with those tribes of Indians, ought to be done only by a general law embracing all others who had experienced like misfortunes, the propriety or policy of such a provision the committee are not disposed to approbate. They therefore report that the petitioners are not entitled to the relief or bounty for which they have petitioned.

24TH CONGRESS.] No. 1432. [1ST SESSION.

ON A CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of Zebulon Sheets, of the county of White, and State of Indiana, reported:

That it appears from the allegations in the petition, which is supported by the accompanying proof, that on the 11th day of November, 1834, the petitioner entered 47.02 acres of land, at the land office in Crawfordsville in said State, in the northeast quarter of the northeast quarter of section number six, in township number twenty-six north, range number four west; that he was ignorant of those technicalities and forms in calling for the *sections*, *ranges*, *townships*, &c., which is requisite in making entries at the land offices; that he employed some persons whom he supposed were better skilled in such matters than himself, and that, by some mistake, they, in laying down his entry, called for the wrong range, by which his land was thrown six miles west of the land intended to be entered, and into a pond of water entirely valueless. The prayer of the petitioner is to be permitted to withdraw his entry, and to have the privilege of entering as much land elsewhere in said State which is subject to entry. The committee are of opinion, that the prayer of the petitioner is reasonable and ought to be granted, and have reported a bill accordingly.

24TH CONGRESS.] No. 1433. [1ST SESSION.

ON A CLAIM FOR SURVEYING PUBLIC LANDS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1836.

Mr. DUNLAP, from the Committee on the Public Lands, to whom was referred the petition of Wm. L. S. Dearing, reported:

The petitioner states that he was employed as deputy surveyor to survey the public lands in the State of Louisiana, and that he had surveyed his contract, amounting to about four thousand dollars, and on his return to make his return to the surveyor general, in crossing a river, his horse leaped out of the boat into the river, with the pack on him containing all his field notes, and that all exertions were made by him to save his papers, &c., but he was unable to save any of them; that he was compelled to return and resurvey all the country, at very

great expense. He asks Congress to give to him a section of land in the section of country he surveyed. The committee cannot, upon any principle of policy, believe the relief ought to be granted; there are like or worse misfortunes happening to the citizens of the United States every day; and if they were once to establish the policy of granting relief in such cases, there would be no end to the applications. The committee recommend the adoption of the following resolution:

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

24TH CONGRESS.] No. 1434. [1ST SESSION.

ON THE APPLICATION OF INDIANA TO WITHHOLD FROM SALE CERTAIN LAND IN THAT STATE.

COMMUNICATED TO THE SENATE, FEBRUARY 12, 1836.

To the Senate of the United States:

I herewith return to the Senate the resolution of the legislature of the State of Indiana, requesting the President to suspend from sale a strip of land ten miles in width, on a line from Munceytown to Fort Wayne, which resolution was referred to me on the 5th instant.

It appears from the memorial to which the resolution is subjoined, that the lands embraced therein have been in market for several years past; that the legislature of the State of Indiana have applied to Congress for the passage of a law giving that State the right to purchase at such reduced prices as Congress may fix; and that their suspension from sale is requested as auxiliary to this application.

By the acts of Congress now in force, all persons who may choose to make entries for these lands, in the manner prescribed by law, are entitled to purchase the same; and as the President possesses no dispensing power, it will be obvious to the Senate that, until authorized by law, he cannot rightfully act on the subject referred to him.

ANDREW JACKSON.

February 11, 1836.

24TH CONGRESS.] No. 1435. [1ST SESSION.

APPLICATION OF INDIANA FOR A CORRECTION OF THE ENTRIES ON THE BOOKS OF THE GENERAL LAND OFFICE OF THE MICHIGAN ROAD LANDS, AND THE ISSUE OF CERTIFICATES THEREFOR.

COMMUNICATED TO THE SENATE, FEBRUARY 15, 1836.

A JOINT RESOLUTION relating to the Michigan road lands.

Whereas it does appear to this general assembly that the proper selections of Michigan road lands do not appear on the books of the General Land Office in Washington city; and whereas many tracts of these selected lands have been sold, by authority of the State of Indiana, to individuals:

Therefore, for the perfecting of the road grant to all parties concerned,

Resolved, That our senators in Congress be instructed, and our representatives requested, to use their exertions to procure to have made on the books of the General Land Office the proper entries of all tracts of lands granted and set apart as Michigan road lands; and obtain, and cause to be forwarded to the office of Secretary of State, the proper certificate of all lands set apart in the books of the General Land Office as Michigan road lands.

Resolved, That his excellency the governor be requested to forward a copy hereof to each of our senators and representatives in Congress; also, a copy to the Commissioner of the General Land Office in Washington city.

CALEB B. SMITH, *Speaker of the House of Representatives.*

DAVID WALLACE, *President of the Senate.*

Approved, February 1, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1436. [1ST SESSION.

APPLICATION OF INDIANA FOR A GRANT OF LAND FOR A TURNPIKE ROAD FROM FORT WAYNE TO RICHMOND.

COMMUNICATED TO THE SENATE, FEBRUARY 15, 1836.

A JOINT MEMORIAL and RESOLUTION to the Congress of the United States.

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the general assembly of the State of Indiana, respectfully represent: That, between Fort Wayne, on the Wabash and Erie canal, and Richmond, in Wayne county, there is a great tract of fertile soil, intersected by no navigable stream, and without roads or other facilities of communication; that the country, for about half the distance, is but thinly inhabited, and that the lands belong chiefly to the general government, and, unless the means of intercourse are furnished, must remain unsold and unsettled for many years to come; therefore, your memorialists are of opinion that it would conduce no less to the advantage of the general government than to this State, to make to the State of Indiana a liberal donation in lands to aid in the construction of a turnpike road to connect the above-named points.

Resolved, That our senators and representatives in Congress be respectfully requested to use their exertions to obtain the object of the above memorial.

Resolved, That the governor transmit, &c.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, February 4, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1437. [1ST SESSION.

APPLICATION OF INDIANA FOR BOUNTY LAND TO THE MILITIA WHO SERVED DURING THE WAR OF 1812-'15.

COMMUNICATED TO THE SENATE, FEBRUARY 16, 1836.

A MEMORIAL and JOINT RESOLUTION of the State of Indiana to Congress, on the subject of granting a bounty in land to the organized militiamen, mounted militiamen, and rangers, of the last war.

Your memorialists, the general assembly of the State of Indiana, would respectfully represent: That justice to the organized militiamen, mounted militiamen, and rangers, who so successfully protected the frontiers of Indiana, Illinois, and Missouri, during the last war with Great Britain, demands from the general government some additional remuneration to the small pittance allowed them in the act under which they patriotically enrolled themselves. Your memorialists are aware that this subject has been brought before your honorable body during the last session of Congress by the State of Illinois. With the views expressed by that State, in her memorial, your memorialists most fully accord. We, therefore, ask for the passage of an act providing that each commissioned officer, non-commissioned officer, and soldier, of the organized militiamen, mounted militiamen, and rangers, who entered the service of the United States under the several acts of Congress, providing for the defence of the frontier during the late war with Great Britain, and who was regularly discharged, shall be allowed, under such regulations as shall be prescribed by the Secretary of the Treasury, 160 acres of land, as a bounty from the United States; the said land to be entered at the land office, and selected out of any of the unappropriated land of the United States which may be subject to sale at private entry; and providing, also, that the legal representatives of such soldier or officer, who may not be living at the passage of the law, shall be entitled to the same number of acres.

Resolved, That the governor transmit, &c.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, February 5, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1438. [1ST SESSION.

ON THE IMPROVEMENT OF THE NAVIGATION OF THE WABASH RIVER, AND IN RELATION TO THE WABASH AND ERIE CANAL.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 16, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred a joint resolution of the State of Illinois, asking an appropriation in land for the improvement of the navigation of the Great Wabash river, reported:

That, in 1823, an examination of this river was made by commissioners appointed by the States of Illinois and Indiana, and a report of that examination was made to the executives of those States. Various modes of improving the navigation were then submitted, such as opening and deepening the channel, locking and canalling around the obstructions, &c. But the estimates for the proposed improvements were considered beyond the means of the State, and no further proceedings were then had in relation to the matter.

In 1828, Congress passed an act making an appropriation for the survey of the Wabash river, and in April, 1829, Captain Smith, of the United States corps of engineers, was ordered to make the survey, and in February, 1831, a report of this survey was made by him to the engineer department. Minute surveys were made under the direction of Captain Smith, and the whole improvement believed to be necessary was estimated at sixty-five thousand and ninety-four dollars and twenty-nine cents.

The States of Illinois and Indiana having appropriated twenty thousand dollars each, the commissioners of this fund caused a survey of the obstructions to the navigation of the Wabash river to be made, with an estimate of the probable cost of the proposed improvements. In December, 1834, Edward Smith, esq., the engineer appointed by the commissioners, made his report, in which he says, "Having progressed with the survey of the obstructions to the navigation of the Wabash river, so far as to enable me to make a minute estimate of the cost of removing or overcoming such of the obstructions as were directed to be surveyed, lying below the Hanging Rock ripple, and such an approximate of the cost of those which occur above that point, as to place it within your power to judge of the expediency of letting contracts for the execution of the several jobs of work," &c. The estimated cost of removing the obstructions to the navigation of the river, in this report, is forty-two thousand nine hundred and seventy-two dollars and sixty eight cents. But it must be borne in mind that this survey was made only of the greatest obstructions to the navigation, and with a view to the expenditure of only forty thousand dollars, the sum appropriated by the two States for that purpose.

At the last session of the Indiana legislature, it is understood that they made a further appropriation for the improvement of this river; and when it is recollected that seven flourishing counties in Illinois border on this river, and that a large portion of her citizens are deeply interested in this improvement, no doubt is entertained but that she will, as far as her means will justify, make appropriations for the same object; but the means of these States are not such as to enable them to make the improvements complete. The completion of the improvement is essential to render the Wabash and Erie canal of extended and permanent utility, and it should be viewed as a continuation of the same work.

By an act of Congress, passed the 26th day of May, 1824, the State of Indiana was authorized to survey and mark, through the public lands of the United States, the route of a canal to connect at navigable points the waters of the Wabash river with those of Lake Erie. By an act of the 2d of March, 1827, there was granted to the State of Indiana, for the purpose of aiding her in opening said canal, after the line thereof had been surveyed, a quantity of land equal to one half of five sections in width, on each side of said canal, from one end thereof to the other, with a provision that the same, when completed, should be and forever remain, a public highway for the use of the government of the United States, free from any toll or other charge for property of the United States, or persons in their service, passing through the same, and a further provision that the said canal should be commenced within five, and completed within twenty years.

By a report made to the Senate of the United States on the 12th of March, 1834, from the Committee of Roads and Canals, it is shown that the Wabash and Erie canal was then in a state of rapid progress, the summit level section was nearly completed, and other sections were soon to be put under contract. This work, within the State of Indiana, and under the auspices of her legislature, it was stated, would advance with great rapidity, and it was expected to be completed in the course of the year 1836.

This canal, when completed, will unite with the navigable waters of the Wabash with Lake Erie, opening at once an inland navigation from New York to New Orleans, two of the largest and most commercial cities in the United States, through one of the richest countries of the same extent, on the globe, and by the nearest possible route in which an inland water communication can be constructed.

This canal has progressed rapidly during the last year. The union of the waters of the great lakes with those of the Gulf of Mexico has been effected; a very speedy completion of the entire canal from the Maumee bay to the mouth of the Tippecanoe river on the Wabash is now confidently expected.

From the message of the governor of Indiana, of the 8th December, 1835, it is shown that the operations on the line of this canal have been directed the past season with energy and great success; the middle division, extending from the St. Joseph dam, to the forks of the Wabash, about thirty-two miles, has been completed for about two hundred and thirty-two thousand dollars, including all repairs to that time, being something less than the estimated cost. Upon this portion of the line, the navigation was opened on the 4th day of July last, on which day the citizens of Indiana, in assembled thousands, witnessed the waters of the St. Joseph mingling with those of the Wabash, uniting the waters of the lakes in the north, with those of the gulf of Mexico in the south.

When this canal shall be entirely completed, the obstructions in the Wabash river will be the only obstructions to be found in this extensive and important navigation reaching from New York to New Orleans.

From the mouth of the Wabash to the mouth of the Tippecanoe, which is considered the head of steamboat navigation, by the river, is a distance of more than five hundred miles; no river of the west is connected with a country more generally, or more extensively fertile; indeed, in this it is believed to have the advantage over all others. Its lands are of the richest quality, the towns and villages on its banks have already become

large and prosperous, the quantity of produce borne upon its bosom to the New Orleans market, considering the newness of the country, is beyond example.

The trade of this river may be estimated from the fact, that in the year 1828, between twelve and fifteen hundred flat-boats descended it, all bound for a southern market; and the annual increase of this trade has been in an equal ratio with the increase of population in the upper Wabash country in Indiana, and that part of Illinois bordering on the Wabash river, which is astonishing and unparalleled.

Under this state of things, the legislature of Illinois have asked an appropriation in land, for the improvement of the navigation of this river.

From an estimate furnished the Committee on the Public Lands, by the Commissioner of the General Land Office, it appears that the quantity of land surveyed and offered for sale in the State of Indiana, on the 30th September, 1835, was eighteen millions six hundred and ninety thousand four hundred and forty-seven acres. The quantity that had been sold, eight millions three hundred and ninety thousand eight hundred and twenty-eight acres. The quantity remaining unsold, and at the disposal of the government, ten millions two hundred and ninety-nine thousand six hundred and eight acres.

By the same estimates, it is shown that the quantity of land surveyed and offered for sale in the State of Illinois, on the 30th day of September, 1835, was thirty-two millions three hundred and twenty-one thousand nine hundred and forty-seven acres. The quantity that had been sold, four millions three hundred and forty thousand five hundred and eighty-one acres. The quantity remaining unsold, and at the disposal of the government, seventeen millions two hundred and thirty-five thousand and fourteen acres.

There are then, in the States of Indiana and Illinois, thirty-seven millions five hundred and thirty-four thousand six hundred and twenty-two acres of public land, which have been offered at public sale, remain unsold, and is now subject to entry at private sale. Now, when it is remembered that a large portion of the lands bordering on this river belongs to the government, and that the improvement of its navigation would greatly enhance the value of those lands, it is believed that by an appropriation of a quantity sufficient to remove all the obstructions to the navigation of this river, not only the very best interests of the people of Indiana and Illinois, bordering on the river, would be greatly promoted, but that the rapid sales and enhanced value thereby given to the remaining lands belonging to the government, would more than repay, by the moneys which it would bring into the Treasury of the United States, and by the general prosperity of the country, the amount of land thus appropriated.

The committee, therefore, propose to make an appropriation to the States of Indiana and Illinois, each respectively, of twenty-five thousand and six hundred acres, or forty sections of the public lands, to be selected under the direction of the executives of the two States, and disposed of as their respective legislatures shall direct, and the avails thereof applied jointly to the improvement of the navigation of the Wabash river.

HOUSE OF REPRESENTATIVES, *February* 10, 1836.

SIR: There has been referred to the Committee on the Public Lands of the House of Representatives, a joint resolution of the legislature of Illinois, asking an appropriation in land for the improvement of the navigation of the Great Wabash river, and for the appointment of competent engineers of the United States corps to make a survey of said river, and to ascertain the probable amount that will be necessary to remove the obstructions to the navigation thereof. As this is a subject of great interest to the people in that section of the country, and an improvement that I am exceedingly anxious to see accomplished, I take the liberty of earnestly soliciting the appointment of the engineers asked for by the Illinois legislature, and that the survey be made at the earliest practicable period.

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

Z. CASEY.

Hon. LEWIS CASS, *Secretary of War.*

WAR DEPARTMENT, *February* 13, 1836.

SIR: I transmit a report from the Topographical Bureau, in reply to your letter of the 10th instant, on the subject of a survey of the Wabash river.

Very respectfully, your most obedient servant,

LEWIS CASS.

Hon. Z. CASEY, *Committee on the Public Lands, House of Representatives.*

TOPOGRAPHICAL BUREAU, *Washington, February* 12, 1836.

SIR: The letter from the honorable Mr. Casey, of the 10th instant, is an application for an engineer to superintend a survey of the river Wabash, with a view to the improvement of its navigation.

The present disorganization of the topographical engineer service, by the necessary withdrawal of the greater part of its assistants, in order to join their respective companies engaged in suppressing the disturbances in Florida, together with the rule of awaiting until it can be ascertained what duties will be required of this bureau, by resolutions and laws of Congress, render it out of my power to encourage the expectation that the engineer applied for can be obtained.

Should, however, the bill for the better organization of the corps of topographical engineers, (the leading feature of which is to attach its assistants permanently to the corps) which has passed the Senate, and is now before the House of Representatives, become a law, it is highly probable that an officer may be spared in compliance with the application now made.

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

JOHN J. ABERT, *Lieutenant Colonel of the Topographical Engineers.*

Hon. LEWIS CASS, *Secretary of War.*

24TH CONGRESS.] No. 1439. [1ST SESSION.

ON THE SELECTION AND LOCATION OF LANDS GRANTED FOR THE CONSTRUCTION OF THE WABASH AND ERIE CANAL, IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 6, 1834.

[This document not being in place to be inserted in chronological order, is now inserted to follow the preceding report upon the subject of the Wabash.]

TREASURY DEPARTMENT, *June* 4, 1834.

SIR: In obedience to the resolution of the House of Representatives of the 10th of April last, directing the Secretary of the Treasury "to communicate to the House the correspondence between his department and the executive authority of the State of Indiana, on the subject of locating and selecting Wabash and Erie canal lands, together with the correspondence relative thereto between the Commissioner of the General Land Office and the canal commissioners of said State or their authorized agents;" also, "the correspondence of any engineer or engineers appointed by the Secretary of War to survey the line of the Wabash and Erie canal;" also, "a map within five miles of either side of the Maumee river, between the line of Indiana and the termination of the canal line, at the foot of the rapids of said river; together with information of the period or periods when said lands were brought into market, and copies of the instructions to land officers under which they have been sold; also a statement of the amount of the purchase money, the names and residence of the purchasers, designating the portion of such lands which have been located for public use, as well as those which have been taken at private and public sale"—I have the honor herewith to transmit copies of the correspondence between this department and the governor of Indiana; also a report from the Commissioner of the General Land Office, with a map and sundry documents, which contain all the information called for that the files of the department enable me to furnish.

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

R. B. TANEY, *Secretary of the Treasury.*

Hon. JOHN BELL, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *May* 31, 1834.

SIR: I have the honor to state, in reply to your reference of the 15th ultimo, for a report thereon, of the resolution of the House of Representatives of the 10th ultimo, in the following words, to wit:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House the correspondence between his department and the executive authority of the State of Indiana, on the subject of locating and selecting Wabash and Erie canal lands, together with the correspondence relative thereto, between the Commissioner of the General Land Office and the canal commissioners of said State or their authorized agent;

"2d. That he communicate, if any, the correspondence of any engineer or engineers appointed by the Secretary of War to survey the line of the Wabash and Erie canal;

"3d. That he communicate, also, a map within five miles of either side of the Maumee river, between the line of Indiana and the termination of the canal line, at the foot of the rapids of said river; together with information of the period or periods when said lands were brought into market, and copies of the instructions to land officers under which they have been sold; also, a statement of the amount of the purchase money, the names and residences of the purchasers, designating the portion of such lands which have been located for public use, as well as those which have been taken at private and public sale,"—that the accompanying papers, marked No. 1 to No. 9, inclusive, contain the correspondence between this office and the executive authorities of the State of Indiana, and the canal commissioners of said State and their authorized agents.

In reference to the second clause of the resolution, I have to state that this office is not in possession of any of "the correspondence of any engineer or engineers appointed by the Secretary of War to survey the line of the Wabash and Erie canal."

In compliance with the third clause of the resolution, I enclose a map, marked A, showing the surveys within five miles of either side of the Maumee river, between the line of Indiana and the termination of the canal line, at the foot of the rapids of said river."

The paper marked B shows the periods when those lands were proclaimed for sale. No particular instructions were ever given respecting the lands designated in the proclamations issued prior to 1833. At the time when those lands were offered for sale, no circumstances connected with them rendered any special instructions necessary; but, by reference to the papers marked 10 and 11, it will be seen that, on the 17th June last, the land officers were directed to withhold from private entry all lands within five miles of the Maumee river, and the papers numbered 12, 13, 14, and 15, contain the correspondence between your department and this office, and my instructions to the land officers, directing them to withhold from sale all such lands embraced by the proclamation of the 3d September, 1833, as are situate within five miles of the Miami river.

The abstracts numbered 16, 17, 18, and 19, show the particular tracts within five miles on each side of the Miami, which have been sold by the United States; the names and residences of the purchasers, and the amount of purchase money paid for each tract. It is impracticable, from the returns, to make a more accurate discrimination between the lands purchased at public and private sale, than that afforded by the designation of the tracts which were sold at more than the minimum price per acre. I know of none of those lands having been located for public use.

By the abstracts furnished, it appears that up to the first day of April last, 70,785.62 acres have been sold within five miles on each side of the Maumee river, and that the purchase money thereof was $115,259 37; but what portion of the land thus sold may be within the alternate sections which are to be granted on account of the canal, cannot be ascertained until these sections are designated.

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

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

EXECUTIVE DEPARTMENT, *Indianapolis, Indiana, May* 18, 1833.

SIR: It is with some reluctance that I claim your attention to a subject of some importance to Indiana, knowing you have much to employ your time; but fidelity to the State, and the interest of our canal, call for an effort to prevent a diminution in the proceeds of the lands granted the State for canal purposes. You will recollect that by the act of Congress of the 2d of March, 1827, an alternate section, five miles in width, on each side of the line, was granted to Indiana for the construction of the Wabash and Erie canal. That we might avail ourselves of the benefit of the donation, and to afford time and opportunity to ascertain the intersection of the route with the section lines, to make and report the selections of the lands, application was made for a suspension of the sales on that part of the line within this State; in compliance with which, instructions were issued, withdrawing the lands from market. And, in accordance with the spirit of the act, the State is now enjoying the benefit of this grant, while the Treasury of the United States, owing to the rise of the lands, must have been enriched some thousands of dollars by the delay.

The late deliberations of the legislature of the State of Ohio, since the adjournment of the general assembly of this State, have settled the question as to the extension of the work from our dividing line to the lake; and this State is invited to make selection of the lands granted within the Territory of Ohio. The recent adjustment of the subject with that state, and the consequent removal of all doubts as to the extension of the work beyond our line to the lake, have given to these lands a new and high character; and knowing they would now be sought for with avidity, an application was made to the Commissioner of the General Land Office for a suspension of the sales on the route in Ohio, until the agents of the State can determine the intersection of the route with the section lines, make the selections of the lands granted, and report thereon. In his final answer to the request referred to, the Commissioner, by letter of the 18th of April, has refused to withdraw the lands from entry, on the ground that he knows of no law authorizing him to do so. It is admitted there is no law enjoining as a duty the suspension of sales, but we have a law of the Congress of the United States, making the grant; and why it is that we are now to be deprived of time and opportunity to have the identical lands granted, set apart as upon the former occasion, and as other States have done, I can perceive no good reason.

These lands constitute an important item in our means for the completion of the work, and if classed and disposed of as we sold those on this side of the State line, will yield us from one dollar and fifty cents per acre to four dollars; consequently, if the sales are persisted in, you will strip us of our resources, in the same proportion that those prices bear to the Congress price; while on the other hand, if you permit us to use the lands named in the grant, the value of the donation will not only remain unimpaired, but the lands falling to the United States, within the grant, if sold at public auction twelve or eighteen months hence, will bring to the Treasury from fifty to one hundred thousand dollars more than they will now command at private entry.

Satisfied that the Commissioner, in depriving us of an opportunity to secure the lands, has reversed the course of the officers of the general government upon similar occasions, and finding from his letter, that the subject has not been submitted to the President or to yourself, application is now made to you, with a request that the lands donated to the State, beyond the Ohio line, may be withdrawn from entry until the authorities and agents of this State can be permitted to take such steps as will secure the value of the grant.

With unimpaired esteem for you personally, as well as for your public character, I am, sir, your most obedient servant,

N. NOBLE.

Hon. LOUIS MCLANE.

TREASURY DEPARTMENT, *June* 14, 1833.

SIR: I have had the honor to receive your excellency's letter of the 18th ult., addressed to my predecessor, and have carefully examined the correspondence which had previously taken place between you and the Commissioner of the General Land Office, and the canal commissioners of the State and others, on the same subject. From these it appears that the route of the canal within the State of Ohio has not yet been located and agreed upon; and therefore the lands to which the State of Indiana will be entitled cannot be ascertained. It appears, however, that the probable route will be that marked out by Mr. Stanbury, one of the United States engineers, in 1829, a copy of which is represented to have been deposited in the office of the Secretary of State at Indianapolis, and in the War Department at Washington. As there is good reason to believe, that, unless the lands on the probable route be withheld from sale, the aid which Congress intended to afford the canal will not be realized; and as such arrangement was adopted on former occasions, both with respect to lands granted to Indiana and Ohio, I have requested the Commissioner of the General Land Office to instruct the officers of the land districts through which the line marked out by Mr. Stanbury would pass, to withhold from public sale and private entry the lands within five miles on each side of that line, the instruction, however, not to be understood as interfering with the pre-emption rights within that limit.

In communicating this result, allow me to express a hope that by an early location of the canal the subject may be relieved from all further difficulty. It affords me great satisfaction to be able to gratify your excellency's wishes in this matter, and I avail myself of this occasion to assure you of the respect with which I am your obedient servant,

W. J. DUANE, *Secretary of the Treasury.*

His Excellency Gov. NOBLE, *Indianapolis.*

EXECUTIVE DEPARTMENT, *Indianapolis, Indiana, October* 10, 1833.

SIR: My official situation imposes upon me the duty of again addressing the Secretary of the Treasury on a subject involving, in no small degree, the interests of this State. I allude to that part of the grant of public lands made to Indiana to enable her to construct the Wabash and Erie canal, connecting the waters of the Wabash with those of Lake Erie, situated within the territory of the State of Ohio. That State, at the last session of her legislature, pledged herself either to extend this work through her territory to the lake or suffer Indiana to do it. All doubt as to the final completion of the work being therefore removed, the public lands along the line attracted the immediate notice of speculators, and of the public generally.

From a knowledge of these facts I was induced, without delay, to call on the Commissioner of the General Land Office, to withdraw from sale the lands within the grant, as had been the practice of the government on similar occasions. The application thus made, was rejected without consulting, as was supposed, either the Secretary of the Treasury or the President, and an appeal was taken, by a reference of the subject to Mr. Secretary

McLane. About the period of the date of my letter to that gentleman, he was transferred to the State Department. His successor, Mr. Duane, upon his induction into office, took up the matter, and by his letter of June 14, directed the Commissioner to instruct the land officers in Ohio "to reserve from both public sale and private entry the lands within five miles of that line" (the Maumee river). Of his decision and of these proceedings, the governor of this State has the honor of being fully advised by the letter of Mr. Duane of June last.

After receiving the unequivocal letter, above alluded to, from Mr. Duane, it was believed that we would be permitted to enjoy the grant from the general government, without having it further shorn of its value; but the public journals have recently thrown upon us the President's proclamation of September 3, directing a sale, at the land offices at Bucyrus and Wapaukonetta, of the most valuable lands on the canal line. The reasons assigned by the land officers to our canal commissioners, for this step, are such as not to entitle them to a place in this communication, and cannot be such as induced the measure.

I have, therefore, respectfully to request that you will lay this communication before the President, and in behalf of the good people of Indiana, urge him to delay the sales of these lands, so that the legislature of this State may have an opportunity of bringing the subject before the next Congress, whose session will commence on the same day with the commencement of the sales of these lands.

It is confidently believed that, when the President shall have given to this subject that consideration to which its importance to Indiana, at least, entitles it, he cannot but see the justice of suffering the decision of Mr. Duane, in our favor, to be carried into effect.

If Indiana is not to be permitted to avail herself of the advantages which would result to her by a selection of the lands in question, immediately on the line of the canal, as contemplated by the grant, her means for the completion of the work will be greatly diminished. Already the general government has disposed of nearly eighty thousand acres within the limits of the grant, and if Indiana should ever be permitted hereafter to select other lands in lieu thereof, she must do it from the refuse lands of the United States of far less value.

Besides this view of our loss, I might also advert to the heavy expense in damages for way, stone, timber, &c., chargeable to the work, in consequence of those lands falling into the hands of individuals. I will be glad to receive, at as early a date as practicable, such intelligence as you may have to give in relation to the fate of this application.

I am, with respect, your obedient and humble servant, N. NOBLE.

Hon. R B. TANEY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *October* 29, 1833.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th inst., on the subject of the suspension from sale of the public lands bordering on the line of the proposed canal, connecting the waters of the Wabash with those of Lake Erie, and, with the approbation of the President, the Commissioner of the General Land Office has been directed to cause the lands referred to, to be withheld from sale or entry, according to the decision of my predecessor, heretofore communicated to you.

I am, very respectfully, your obedient servant,

R. B. TANEY, *Secretary of the Treasury.*

His Excellency N. NOBLE, *Governor of Indiana.*

B.

Statement, showing the periods when the lands within five miles of the Miami river were proclaimed for sale.

By the President's proclamation of the 16th May, 1822; townships 2, 3, and 4, of ranges 1 and 2—and townships 3, 4, and 5, of ranges 3 and 4, were to be offered in August, 1822; townships 3, 4, and 5, of ranges 5 and 6—and townships 4 and 5, of ranges 7 and 8 east, were to be offered in September, 1822; townships 6, of ranges 6, 7, and 8, were to be offered in October, 1822; townships 4, 5, 6, and 7, of range 9; townships 5, 6, and 7, of range 10—and township 6, of range 11, were to be offered in September, 1822.

By the President's proclamation, of the 15th of April, 1817, the lands in the reserve of twelve miles square, were to be offered in July, 1817.

By the President's proclamation, of the 3d of September, 1833, the late Ottawa reservations on the north side of the Miami were to be offered in December, 1833.

No. 1.

OFFICE OF THE BOARD OF CANAL COMMISSIONERS OF THE WABASH AND ERIE CANAL, *Fort Wayne, Ind., March* 8, 1833.

SIR: The act of Congress of March 2, 1827, granted to the State of Indiana a quantity of lands equal to one half of five miles in width, on each side of a canal route, to connect, at navigable points, the waters of the Wabash river with those of Lake Erie, under the contingencies, that the State should accept the terms of the grants, to commence the canal previous to the 2d of March, 1832, and finish the same in 1847. The acceptance of the grant was early made by the State of Indiana; which, by the provisions of its legislative acts, adopted the location of the route made by the corps of United States engineers, as the same was returned to the office of the secretary of this State. In accordance with the provisions of the same acts, and with the approbation of the Commissioner of the General Land Office and the President of the United States, the canal lands accruing to the State, for that part of the route within its limits, from near the mouth of the Tippecanoe river to the Ohio State line, were selected and set apart for the use of the State—a portion of which has been sold by its authority, and a part of the canal line been put under contract for construction, as far back as the 1st of March, 1832; so that compliance on the part of Indiana has been fully made with the conditions of the aforesaid grant of lands by the act of Congress of the 2d March, 1827.

A navigable point on the Maumee river could not be reached within the limits of Indiana, and the route of the canal was located, by the United States engineers, to the Maumee bay, a distance of seventy-eight miles, in Ohio: for this part of the canal grant no selection of the lands, accruing to the State of Indiana, has been made, owing to the courtesy which was felt due to the State of Ohio, not to locate the canal in her jurisdiction, or select the lands without her consent, although the subject has always excited a deep interest in the State of Indiana. It was with these views, and also in conformity to the 4th section of the act of Congress of May 24, 1828, entitled, "An act to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of the canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," that a commissioner was appointed, in 1829, and a compact entered into by Indiana with Ohio, for the cession of the canal lands on the Maumee to the latter State. But, in consequence of the magnitude of the works of internal improvements, which were then in an unfinished state, involving her resources to a considerable extent, Ohio did not accede to the provisions of the compact. The subject, however, has never been lost sight of, and was renewed this last winter, at the instance of the legislature of Indiana, by a correspondence from the governor of this State to the executive of Ohio, which has resulted in a joint resolution of the general assembly of Ohio, requesting the State of Indiana to have the Maumee lands selected and set apart for the use of the canal, Ohio declaring her intention, that if she should ultimately decline to receive the lands aforesaid, and undertake, either by herself, or through the agency of an incorporated company, the construction of that part of the Wabash and Erie canal, within her limits, before the time fixed by the act of Congress for the completion of the same, she will enable Indiana to avail herself of the benefits of said lands, by authorizing her to invest the proceeds of the sales thereof in the stock of a company to be incorporated for the construction of that part of the canal, and that she will give the State of Indiana notice of her determination, on or before the first day of January, 1838.

This expression of Ohio determines the question of the ultimate extension of the Wabash and Erie canal, from the Ohio State line to the Maumee bay, and will soon cause all the unsold lands in the vicinity of the Maumee river to be entered at the land offices in which they are situated, and which would be very detrimental to the interests of the canal, whether that part of the line shall be constructed by Ohio or Indiana, as may be hereafter agreed by the two States, and would in great measure defeat the intentions of Congress in making the canal grant. It is, therefore, of much importance to have the selection of the lands made as early as can be conveniently done. It is supposed that Indiana having complied with the conditions of the act of Congress of March 2, 1827, in accepting the grant, commencing the canal within the time specified—and by being bound also to complete the whole line by 1847—is vested with a clear title to the lands in question; and that, since all the objections which might have grown out of conflicting jurisdictions between the States that have had the causes removed, which might have produced them, by the late resolutions of the general assembly of Ohio invitirg Indians to select the lands, that the permission of the Commissioner of the General Land Office and the Executive of the United States, will be readily obtained for that purpose.

As it is reasonable to suppose that the Maumee lands will be entered rapidly by purchasers, which if not prevented, will be injurious to the interests of the canal, it is an object very desirable, as well, perhaps, as a matter of justice to the States of Indiana and Ohio, that the sales should be suspended for five miles in width on each side of the Maumee river, until the selection can be made; and if a law has passed Congress, allowing settlers a pre-emption right to purchase lands on which they may have made improvements, at the minimum price per acre, it is respectfully submitted whether the grant of Congress for the canal donation, having been made prior to the passage of such act, its conditions having been complied with by the State of Indiana, does not vest in her the title to these lands so fully, that it could not be defeated by a subsequent act, and that the canal grant, for that reason, forms an exception to the operation of such law.

The resolutions of Ohio which have been referred to, passed their general assembly since the adjournment of the legislature of this State, and of course, there has been no correspondent legislative provisions made in relation to this subject by Indiana, nor is there any particular act expressly adopting the canal route in the State of Ohio: but the 4th section of the act of our State legislature, entitled, "An act providing means to construct the portion of the Wabash and Erie canal which lies within the State of Indiana," approved January 28, 1830, directs and authorizes the board of canal commissioners to finally adjust with the general government the lands accruing to the State under the provisions of the act of Congress of the 2d of March, 1827; and under this general provision the board supposed the power incidentally granted them, to execute any reasonable measures necessary for the selection of the lands on the Maumee. They would feel authorized to make an order in their journal of proceedings, adopting the canal route as surveyed, marked, and located by Howard Stansbury, esq., assistant civil engineer of the United States, from the State line dividing Indiana and Ohio; thence on the south side of the Maumee river to near the town of Defiance; thence across the said river to the north side; thence down the valley on the north side to the town of Fort Meigs, or near thereto, as was located by the said Stansbury in 1829, a copy of whose memoir of the location of said route, with the maps, profiles, notes of levels and surveys, are deposited in the office of the secretary of state at Indianapolis, and in the War Department at Washington city; to also make such other surveys, maps, &c., as may be necessary to show the intersections of the route of said canal with the lines of the surveys of the public lands; and would then propose the mode of division which was adopted in the selection of that part of the canal donation which lies in the State of Indiana, and continue the selection by tiers of sections alternately in the same manner. But to make this division of the canal lands, as before remarked, will require some length of time, during which, there is strong probability that the most valuable tracts will be either sold, or occupied by settlers under the pre-emption law—a request is, therefore, earnestly, but respectfully made, that the sales may be suspended in the canal donation; and if it should be considered that the prior right of the State to the lands in question is paramount to the titles which can be acquired under the pre-emption law, that the land officers of this district may be directed to suspend the decision of such claims, until it shall be ascertained whether the tracts so claimed would have fallen to the share of the canal after the final adjustment of this subject, and the selection of the lands shall have been made.

Influenced in common by the interest felt by the citizens of this State on this subject, we respectfully solicit you to advise us—

1st. On the measures which must be pursued, to have the canal lands on the Maumee selected for the use of the State of Indiana.

2d. Whether your department will suspend further sales on the Maumee till the selection of the lands can be made; and

3d. Whether settlers can acquire titles to any part of these lands under the pre-emption laws, until the part accruing to the canal shall have been selected.

Enclosed we forward a copy of what we supposed to be the preamble and resolutions of Ohio; it is but just, however, to remark that they are not official, but having received them from a highly respectable source, we feel confident that they are the same as passed the general assembly of that State.

With great respect, your obedient servants,

D. BURR,
SAML. LEWIS,
JOHN SCOTT,
} *Commissioners of the Wabash & Erie Canal.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

No. 2.

EXECUTIVE DEPARTMENT, *Indianapolis, March* 27, 1833.

SIR: By an act of Congress of March 2, 1827, an alternate section of land was granted to Indiana, five miles in width on each side of the Wabash and Erie canal, to aid her in the construction of the work. Owing to the interference of the jurisdiction of Ohio, in that part of the route within her limits, no steps have been taken by the authorities of Indiana for the selection of the lands in Ohio. Since the close of our late session of the legislature, the executive of this State has received, from Governor Lucas, an official copy of resolutions, recently passed by that State, undertaking that Ohio will procure the extension of that part of the canal within her territory, or permit Indiana to do so, and inviting the adoption of any measure on our part necessary to the selection of the land, granted for the work, lying beyond our line. The authorized agents of this State, with as little delay as possible, will proceed with the selection of the lands, after a survey is made to ascertain the intersection of the route with the section lines. In the meantime, however, the sales at the land offices, under the late pre-emption law and otherwise, will continue, to the injury of this State, unless time is allowed us to make the necessary survey and selections. I, therefore, request, on behalf of this State, that the sales be suspended until the lands granted can be designated by our agents, under existing regulations, or such as may be hereafter determined upon. I need hardly remark that this State has brought herself strictly within the conditions of the grant, by commencing the work, and the terms upon which it is to be extended from the line between the States to the lake, being adjusted, there is no remaining doubt of its completion before the lapse of the time allowed by the act on that subject before mentioned.

Very respectfully, I am, your obedient servant,

N. NOBLE.

COMMISSIONER *of the General Land Office.*

No. 3.

GENERAL LAND OFFICE, *April* 13, 1833.

SIR: I have to acknowledge the receipt of your letter of the 27th ultimo, in relation to the location of so much of the land granted for the Wabash and Erie Canal, as is situated in the State of Ohio.

Whenever you transmit to this office duly-authenticated copies of the resolutions of the State of Ohio, to which you refer, the subject will be taken into consideration, and you shall be advised of any decision which may be made thereon. I will also thank you to forward to this office certified copies of such laws of Indiana as provide for the appointment of your board of canal commissioners, and define their powers and duties so far as they may respect the location of the canal line, and the selection of the alternate sections. In the meantime, I do not feel myself authorized to direct the suspension of the sales, as requested in your letter.

With, &c.

ELIJAH HAYWARD.

His Excellency N. NOBLE, *Governor, &c., Indianapolis, Ia.*

No. 4.

GENERAL LAND OFFICE, *April* 18, 1833.

GENTLEMEN: Your letter of the 8th ultimo, respecting the selection of lands for the proposed extension of the Wabash canal from the Indiana State line to the Miami bay, was duly received, and, as a reply thereto, I enclose herewith a copy of my letter of this date to the governor of Indiana upon the subject.

I am, &c.,

ELIJAH HAYWARD.

D. BURR, SAM'L LEWIS, JOHN SCOTT, Esqrs.,
Indiana Canal Commissioners, Fort Wayne, Ia.

No. 5.

GENERAL LAND OFFICE, *April* 16, 1833.

SIR: I have this day received from the governor of the State of Ohio, under date of the 9th instant, a copy of the preamble and resolutions passed at the last session of the legislature of Ohio, in relation to the location of the lands granted for the Wabash and Erie canal, and, so soon as the business of the office will permit, the subject shall receive all proper attention.

I am, &c.

ELIJAH HAYWARD.

His Excellency N. NOBLE, *Governor, &c., Indianapolis, Ia.*

No. 6.

GENERAL LAND OFFICE, *April* 18, 1833.

SIR: Agreeably to the intention expressed in my last communication to you, I have availed myself of the first opportunity which circumstances have afforded to examine into the subject of the proposed extension of the Wabash canal through Ohio to the Maumee bay; and, as the result of such examination, I beg leave to state, that I consider the second resolution of the legislature of Ohio as sufficiently broad to authorize the State of Indiana, by such agents as she may specially appoint for that purpose, to cause any line of canal she may adopt to be connected with the sectional lines of the public surveys; and so soon as such connections are made and an authenticated plat thereof, and of the act recognizing such canal line, is transmitted to this office, the particular sections to be set apart for the purpose of aiding in the construction of the canal will be designated.

As the second section of the act of 1827 does not contemplate that any selection of the alternate sections should be made until "the route of the said canal shall be located and agreed upon by the said State," and as I do not know of any law which will authorize the general suspension from sale of all lands within five miles on each side of the Miami, I do not consider myself as being authorized to issue any directions by which those lands could be legally withdrawn from entry.

I am, &c.

ELIJAH HAYWOOD.

His Excellency N. NOBLE, *Governor, &c., Indianapolis.*

No. 7.

EXECUTIVE DEPARTMENT, *Indiana, Secretary's Office, April* 27, 1833.

SIR: Your favor of the 13th instant to his excellency the governor of this State, requesting to have transmitted to you authenticated copies of the resolutions of the State of Ohio, and of a portion of the laws of Indiana, relative to the Wabash and Erie canal, and that of a subsequent date, informing him that copies of the Ohio resolutions had been forwarded to you from that State, have been received. I have the honor to forward to you printed copies of the acts of Indiana for the years 1829 and 1830, in which, at page 13 of each volume, you will find laws in relation to the canal, and embracing those parts of which you desired copies.

It is confidently believed, when this subject shall have been duly considered, that the suspension, for the time being, of the sales of the lands bordering on the line of the canal, in the State of Ohio, will be but an act of justice on the part of the general government toward Indiana. Permit me, therefore, to solicit to this subject that attention which its importance to Indiana demands, and to assure you of the respect and esteem with which I have the honor to be, sir, your most obedient and most humble servant,

WM. SHEETS.

Hon. ELIJAH HAYWOOD, *Commissioner of the General Land Office.*

An extract from "An Act concerning the Wabash and Miami canal, passed by the legislature of Indiana, and approved, January 23, 1829.

"SEC. 4. That the line of the said contemplated canal, as surveyed and marked and platted, by the engineer of the United States, as the same now stands, altered by the commissioners of the State of Indiana, as by them surveyed, marked, and platted, the field notes and plats of all said surveys are now in the office of the secretary of this State, be and the same is hereby, for the time being, adopted and established as the line of said canal, subject, however, to such alterations as the chief engineer, who may be employed by the State of Indiana to superintend the construction of said canal, may find it necessary for the interest of the State to make.

"SEC. 5. That so soon as the lands on said canal which were donated to the State of Indiana, by the act of Congress of the 2d March, 1827, for the purpose of aiding the State in the construction of said canal, shall be surveyed, said commissioners shall proceed to and shall select said lands agreeably to the true intent and meaning of the aforesaid act of Congress, omitting all reservations made by the treaty previous to the passage of said act of Congress, and make five complete plats, maps and descriptions of said lands, showing the numbers, townships, ranges, and other necessary descriptions, together with the aforesaid reservations, if any, which would have fallen to the State, had no such reservation been made, and shall immediately forward one of said plats to the Secretary of the Treasury of the United States, and one to each of the offices of secretary, auditor, and treasurer of state, and retain in their own office the other."

An extract from "An act providing means to construct the portion of the Wabash and Erie canal, within the State of Indiana," approved, January 28, 1830.

"SEC. 1. *Be it enacted by the general assembly of the State of Indiana,* That the board of commissioners of the Wabash and Erie canal shall continue to consist of three members, to be appointed by joint ballot of the general assembly, to hold their respective offices three years, subject to removal by joint resolution of the senate and house of representatives; and any vacancy in said board, happening in recess, shall be filled by appointment of the governor, until the end of the next ensuing session of the legislature, at which it shall be filled as above. Each of such commissioners shall, before entering upon his duties, take an oath, well and faithfully to execute the same; which, together with a penal bond, of like amount, condition and operation, as required by an act entitled, "An act concerning the Wabash and Miami canal," approved, January 23, 1829, shall be filed in the office of the secretary of state, and which bond shall be renewed, with additional security, when required by the treasurer of state, or a majority of the board of which he is a member; a failure to do which shall forfeit the said office.

"SEC. 2. That the said board of commissioners shall have the general superintendence of the land accruing to this State, under an act of Congress of March 2, 1827, selected under the act above named, of January 23, 1829; and a majority of the board shall form a quorum for the transaction of business; and they shall meet and adjourn

from time to time at any time and place they think proper, and may employ such aid as may be necessary to enable them to discharge the duties imposed by this act.

"SEC. 4. That the said board is hereby authorized and directed to finally adjust with the general government, the selection of the lands accruing to the State by the act of Congress, above named, and to subdivide the same, if not done previously by the United States, by quarter-sections and fractions. They shall proclaim a sale thereof, in half quarter-sections, by three months' notice in the State Gazette and Indiana Journal, newspapers in this State, in the National Intelligencer, the United States Telegraph, in one paper in the cities of Boston, Albany, New York, Rochester, and Buffalo, Philadelphia, Harrisburgh, and Pittsburgh, Pa., and Richmond, Virginia; and in one of each of the States of Vermont, Connecticut, Rhode Island, New Jersey, Delaware, North and South Carolina, and in four papers in Ohio, two in Kentucky, and two in Tennessee; which sale shall take place on the first Monday in October next, at such place, on or near the line of the canal, as they may select. In all cases, when the commissioners superintending the sale become satisfied of the existence of a combination between purchasers, to cause any tract or tracts to sell for a less price than would otherwise be obtained, authority is hereby given to said commissioners, to bid off all such tracts, on behalf of the State, and to note the same when advertising the next semi-annual sale, as particularly worthy of public attention, and again offer all such to purchasers as before.

"SEC. 5. That the said board, previous to such sale, shall select and reserve a sufficient quantity of land, at appropriate sites, and in suitable tracts, for timber, stone, or other materials for the canal, and for the proper location of locks; and a general reservation shall be made, on the north and south sides of the Wabash river, from the mouth of Eel river, to the probable southern termination of the canal, in all lands sold, of a right to enter thereon, and construct the canal, as may be hereafter deemed expedient by the general assembly, and they shall reserve to the State of Indiana all benefit of water-power created by the construction of the canal.

"SEC. 6. ———— *Provided, however*, That no sale of any part of said lands donated to Indiana, as aforesaid, shall, at any time, be made, or take effect, at a less price per acre, than is required for Congress lands at the time of such sale."

No. 8.

GENERAL LAND OFFICE, *May* 7, 1833.

SIR: I have to acknowledge the receipt of your favor of the 27th ultimo, with printed copies of the acts of Indiana passed in 1829 and 1830.

On the 18th ultimo, Governor Noble was advised of the views of this office upon the subject of the proposed extension of the Wabash canal, from the Indiana line to the Maumee bay.

I am, &c. ELIJAH HAYWARD.

WILLIAM SHEETS, Esq., *Secretary of State, Indianapolis, Ia.*

No. 9.

GENERAL LAND OFFICE, *June* 20, 1833.

GENTLEMEN: I enclose for your information a copy of a letter from the Secretary of the Treasury, dated the 14th instant, and copies of my letters of the 17th instant to the land officers at Wapaukonetta and Bucyrus, directing them to reserve from entry all the lands within five miles on each side of the Miami river, from the Indiana State line to the town of Perrysburgh, which appears by the map to be the termination of the canal route as surveyed by Mr. Stansberry.

I am, &c. JNO. M. MOORE, *Acting Commissioner.*

D. BURR, SAMUEL LEWIS, and JOHN SCOTT, Esqs., *Indiana Canal Commissioners, Indianapolis, Ia.*

(See papers marked 10 and 11 for the enclosures)

No. 10.

GENERAL LAND OFFICE, *June* 17, 1833.

SIR: Herewith you will receive a copy of a letter dated the 14th instant, from the Secretary of the Treasury, upon the subject of the application by the governor of the State of Indiana, to have all the lands within five miles on each side of the Miami of Lake Erie reserved from sale, under the provisions of the act of Congress of the 2d of March, 1827.

The route of the canal corresponds very nearly with that of the Miami river, from its termination at the town of Perrysburg to the western line of your land district; and in conformity to the decision of the Secretary of the Treasury, you are hereby directed to reserve from sale all lands within five miles on each side of the Miami river, between the points above mentioned, until further orders. You will observe, however, that the restriction does not apply to applications to purchase lands within those limits under the provisions of the laws granting pre-emption rights to certain individuals.

I am, &c. JNO. M. MOORE, *Acting Commissioner.*

The REGISTER *at Bucyrus, Ohio.*

TREASURY DEPARTMENT, *June* 14, 1833.

SIR: Having fully considered the correspondence which you have laid before me in relation to a request from the governor of Indiana for a suspension from sale of the lands, within the State of Ohio, through which the canal to connect the waters of the Wabash with those of Lake Erie will probably pass, I am of opinion that it is advisable to comply with the request.

From these communications, and especially that of the canal commissioners, it appears that the probable line of the canal will be that marked out by Mr. Stansberry, one of the United States engineers, in 1829, a copy of which is represented to have been deposited in the office of the secretary of state at Indianapolis, and in the War Department at Washington. I have, therefore, to request, that, after obtaining a copy of it, you will instruct the officers of the land districts through which it will pass, to reserve, from both public sale and private entry, the lands within five miles on each side of that line. This, however, is not to be understood as interfering with pre-emption rights within that limit.

You have correctly decided that the particular lands to which the State will be entitled cannot be ascertained until the route of the canal shall have been located and agreed upon. Yet an arrangement of this kind seems necessary in the mean time to secure for the canal the aid which was intended by Congress; and, as a similar course was adopted in 1827 in regard to Indiana, and in 1828 in regard to Ohio, the department has not hesitated to adopt it on the present occasion.

In informing the governor of this decision, I will request that the route of the canal may be located and agreed on by the State, as early as practicable.

I am, respectfully, your obedient servant, W. I. DUANE, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 11.

GENERAL LAND OFFICE, *June* 17, 1833.

SIR: Herewith you will receive a copy of a letter dated the 14th inst., from the Secretary of the Treasury, upon the subject of the application by the governor of the State of Indiana, to have all the lands within five miles of the proposed canal down the Miami of Lake Erie, reserved from sale under the provisions of the act of Congress of the 2d of March, 1827.

The route of the canal corresponds very nearly with that of the Miami river; and in conformity to the decision of the Secretary of the Treasury, you are hereby directed to reserve from sale all lands within five miles, on each side of the Miami river, until further orders. You will observe, however, that the restriction does not apply to applications to purchase lands within those limits, under the provisions of the laws granting pre-emption rights to certain individuals.

I am, &c.,

JNO. M. MOORE, *Acting Commissioner.*

The REGISTER *of the Land Office, Wapaukonetta, Ohio.*

No. 12.

TREASURY DEPARTMENT, *October* 29, 1833.

SIR: My attention having been called to a decision of the department, directing that certain lands bordering on the line of the proposed canal connecting the waters of the Wabash with those of Lake Erie, should be reserved from sale—which lands, or a part of them, are understood to be embraced in those which are to be offered at public sale at the land offices at Wapaukonetta and Bucyrus, in December next—I have to request that you will instruct the land officers in the respective districts to withhold the lands in question from sale or entry, according to the instructions contained in the letter from this department dated 14th day of June last.

I make this communication with the approbation of the President.

I am, respectfully, sir, your obedient servant,

R. B. TANEY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 13.

GENERAL LAND OFFICE, *October* 31, 1833.

SIR: In reference to the subject of your letter of the 29th inst., I have the honor to represent that the instructions issued to the land officers at Wapaukonetta and Bucyrus, in pursuance of the letter of the Secretary of the Treasury of 14th June last, to which you refer, are intended to require the reservation from private entry of all lands within five miles of each side of the Maumee river, which were *public lands* at the time of the grant to Indiana for the construction of the canal, in the year 1827. All the lands on the Maumee river have long since been proclaimed for sale, with the exception of two Indian reserves (Ottawas) amounting to 28,741 acres, lying on the *north side* of that river, which, agreeably to the stipulations of the treaty of 1831, under which the United States acquired the title thereto, are to be "sold to the highest bidder in the manner of selling the public lands," and after deducting therefrom a certain specified rate per acre, the balance is granted to discharge the debts of the Indians, and the overplus, if any, to be paid to them in money, or under certain circumstances stated in the treaty, such overplus is to be invested by the President, and five per centum allowed them as an annuity. Hence you will perceive that no lands have been proclaimed for sale at the two offices aforesaid, which the government has not bound itself to offer for sale under treaty stipulations, whereby increased advantages may accrue to the Indians.

Inasmuch, however, as the circumstances growing out of the treaty with the Ottawas could not have been anticipated and provided for at the time of the grant to Indiana, I would beg leave to recommend that the public sale be permitted to take place agreeably to the terms of the proclamation, but that no *private entries* of land be permitted to take place within the reserves, thereafter, until Congress shall have had time to act upon this subject.

The treaty will be found in the pamphlet laws of 1st session, 22d Congress. (Appendix, page 56. See Article 12.) The enclosed diagram will show the lines of reservation from sale intended under the instruction of the 14th June last.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. R. B. TANEY, *Secretary of the Treasury.*

No. 14.

TREASURY DEPARTMENT, *November* 2, 1833.

SIR: I have received your letter of the 31st ultimo. Concurring in the opinion that by the treaty with the Ottawas, the government is under an obligation to expose the lands thereby ceded to public sale; yet, taking into view that no serious inconvenience can result from a postponement of the sales advertised to be held in December next, and that the governor of Indiana has been advised of the intention to suspend the sale of the lands bordering on the line of the canal, and which, it appears, embraces a part of that cession, I think it advisable that there shonld be no proceeding inconsistent with that intention until after the termination of the ensuing session of Congress.

I am, respectfully, sir, your obedient servant,

R. B. TANEY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 15.

GENERAL LAND OFFICE, *November* 2, 1833.

GENTLEMEN: I have been instructed by the Secretary of the Treasury, with the approbation of the President, to direct you to withhold from the public sale advertised to take place at your office, on the first Monday of December next, such portion of the Ottawa reserve, on the Maumee, as falls within the grant of *five miles* to the State of Indiana, on the line of the canal to connect the waters of the Wabash with those of Lake Erie.

You will, therefore, act accordingly. Enclosed is a copy of the letter of the Secretary.

I am, &c.

ELIJAH HAYWARD.

REGISTER and RECEIVER, *at Bucyrus, and* REGISTER and RECEIVER, *at Wapaukonetta, Ohio.*

No. 16.

Abstract exhibiting such tracts of land within five miles on each side of the Maumee river, in the district of lands (now) subject to sale at Wapaukonetta, Ohio, as have been purchased from the United States, prior to the 1st of April, 1834.

When sold.	By whom purchased.		Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Range.	Acres.		
1826. February 18	Henry Hughes	Ohio	S. E. fraction	13	3 N.	1 E.	7.42	$1 25	$9 28
1825. November 26	Thomas Banks and John H. Gerard	do.	S. E. fraction of S. E. quarter	21	do.	do.	24.40	1 25	30 50
1825. November 26	do. do.	do.	S. W. fraction of S. W. quarter	22	do.	do.	75.40	1 25	94 25
1826. January 2	Samuel Houlton	do.	Middle fraction of N. half	23	do.	do.	45.30	1 25	56 63
1827. March 23	Reason V. Spurrier	do.	N. E. quarter of S. E. quarter	23	do.	do.	65.70	1 25	82 13
1829. November 10	do.	do.	N. W. quarter of S. W. quarter	23	do.	do.	24.50	1 25	30 63
1833. February 16	Wilson Snook	do.	Middle fraction of S. W. quarter	23	do.	do.		1 25	
1833. July 16	do.	do.	S. W. quarter of S. E. quarter	23	do.	do.	115.00	1 25	143 75
1825. November 26	William Banks	do.	S. W. fraction of N. half	24	do.	do.	72.61	1 25	90 76
1827. March 23	Reason N. Spurrier	do.	W. fraction	24	do.	do.	2.96	1 25	3 70
1828. October 27	Richard Banks	do.	N. fraction	24	do.	do.	116.50	1 25	145 63
1828. October 27	George W. S. Mitchell	do.	N. E. fraction	24	do.	do.	53.00	1 25	66 25
1825. November 26	Thomas Banks and John H. Gerard	do.	N. W. fraction of N. half	27	do.	do.	49.00	1 25	61 25
1825. November 26	Samuel Banks	do.	S. E. fraction of N. half	27	do.	do.	103.17	1 25	128 96
1833. May 20	Beal Spurrier	do.	N. E. fraction	27	do.	do.	12.00	1 25	15 00
1825. November 26	Thomas Banks and John H. Gerard	do.	E. fraction of N. E. quarter	28	do.	do.	59.12	1 25	73 90
1827. March 27	David Applegate	do.	W. fraction of S. E. quarter	28	do.	do.	76.40	1 25	95 50
1829. September 30	Frederick Spurrier	do.	S. W. fraction of S. W. quarter	29	do.	do.	2.25	1 25	2 81
1829. November 10	Thomas Champion	do.	S. E. fraction of S. E. quarter	30	do.	do.	3.17	1 25	3 96
1830. October 27	Martin J. Runyan	do.	S. E. fraction of W. half	31	do.	do.	73.62	1 25	92 03
1831. October 27	Oliver S. Applegate	do.	S. W. fraction of W. half	31	do.	do.	71.92	1 25	89 90
1828. November 5	Thomas Runyan	do.	N. fraction of N. half	32	do.	do.	107 70	1 25	134 63
1828. August 16	Oliver Crane	do.	N. W. fraction of S. E. quarter	1	do.	2 E.	115.23	1 25	144 04
1828. November 8	Nathaniel L. Thomas	do.	E. fraction of S. E. quarter	1	do.	do.	26.05	1 25	33 69
1826. April 15	James Shirley	do.	S. fraction of S. E. quarter	2	do.	do.	8.22	1 25	10 28
1825. April 13	Samuel Gordon	do.	S. fraction of S. E. quarter	4	do.	do.	23.24	1 25	29 05
1833. June 10	Ira Hays	do.	N. fraction of S. E. quarter	4	do.	do.	114.50	1 25	143 13
1831. January 12	David Claumer	do.	E. half of N. E. quarter	8	do.	do.	80.00	1 25	100 00
1825. April 18	Samuel Gordon	do.	E. half of N. W. quarter, and W. half of N. E. quarter.	9	do.	do.	171.56	1 25	214 46
1825. October 4	Lewis Platter	do.	E. fraction of N. E. quarter	9	do.	do.	58.00	1 25	73 25
1825. October 20	Andrew Claumer	do.	W. fraction	9	do.	do.	85.42	1 25	106 78
1825. January 22	Oliver Crane	do.	N. W. fraction of S. half	10	do.	do.	47.24	1 25	59 05
1827. March 20	Horatio N. Curtis	do.	N. E. fraction of S. half	10	do.	do.	72.64	1 25	90 80
1824. January 15		do.		..	do.	do.	....	1 25	....
1828. August 29	Samuel Reynolds	do.	N. E. fraction and S. E. quarter of N. W. quarter	11	do.	do.	124.47	1 25	155 29
1827. November 10	Robert W. Claumer	do.	S. W. quarter of N. E. quarter	11	do.	do.	120.34	1 25	150 43
1824. January 15	Samuel Reynolds	do.	N. fraction	12	do.	do.	77.80	1 25	97 25

No. 16—Continued.

When sold.	By whom purchased.		Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Range.	Acres.		
1824. August 31	Andrew Simpson	Ohio	S. fraction of W. half	12	3 N.	2 E.	95.37	$1 25	$119 21
1824. April 10	Jacob Ritchart	do.	N. fraction	17	do.	do.	28.25	1 25	35 31
1825. January 15	Denison Hughes	do.	Middle fraction of S. half	18	do.	do.	92.60	1 25	115 75
1826. February 18	Henry Hughes	do.	S. W. fraction	18	do.	do.	9.03	1 25	11 29
1830. October 29	Abraham Glassmire	do.	Middle fraction of N. half	18	do.	do.	61.24	1 25	76 55
1833. June 24	Robert Barnes	do.	S. E. fraction of N. half	18	do.	do.	65.65	1 25	82 06
1825. January 15	Thomas P. Quick	do.	N. fraction of N. half	19	do.	do.	7.00	1 25	9 88
1824. January 15	Samuel Reynolds	do.	N. W. fraction	6	do.	3 E.	56.14	1 25	70 18
1827. May 16	George Platter	do.	E. part	6	do.	do.	107.45	1 25	134 31
1833. June 13	John Musselman	do.	W. part of N. E. quarter	6	do.	do.	83.75	1 25	104 69
1828. November 8	Tabez Jones	do.	E. half of S. E. quarter	21	4 N.	do.	80.00	1 25	100 00
1822. August 13	John McCorkle and William McLean	do.	N. E. fraction of N. half	22	do.	do.	29.30	1 25	36 63
1823. June 18	Thomas Warner and Benjamin Mullican	do.	S. E. fraction of N. half	22	do.	do.	85.00	1 25	106 25
1823. August 2	Barnabas Blue	do.	N. W. fraction of S. half	22	do.	do.	77.00	1 25	96 25
1822. December 12	William C. Snook	do.	S. W. fraction of S. half	22	do.	do.	62.00	1 25	77 50
1825. May 25	William Travis	do.	Middle fraction E. of Maumee river	22	do.	do.	70.70	1 25	88 38
1825. July 30	Thomas Cameron	do.	S. E. fraction of S. half	22	do.	do.	86.45	1 25	108 06
1822. December 11	Philip Simmons and Nicholas Platter	do.	S. W. fraction of N. W. quarter	23	do.	do.	47.50	1 25	59 38
1824. May 29	Bejamin Blair	do.	W. fraction of N. E. quarter	23	do.	do.	111.15	1 25	138 94
1833. June and July	George W. Hill	do.	N. fraction of S. W. quarter, and S. fraction of E. half.	23	do.	do.	129.00	1 25	161 25
1823. December 1	Thomas Hill	do.	S. W. fraction	24	do.	do.	87.80	1 25	109 75
1833. May 6	William Travis	do.	S. E. quarter of S. E. quarter	24	do.	do.	40.00	1 25	50 00
1823. May 1	Moses Rice	do.	N. E. fraction	25	do.	do.	80.00	1 25	87 50
1822. September 2	Robert Shirley and Jacob Ritchart	do.	S. fraction N. of Maumee river	27	do.	do.	119.60	1 25	149 50
1822. November 9	John Simmons	do.	N. E. and N. W. fractions	27	do.	do.	181.50	1 25	208 75
1833. July 11	Montgomery Evans	do.	W. fraction and N. E. quarter of S. E. quarter	27	do.	do.	107.75	1 25	134 69
1822. November	Hiram Sales	do.	N. E. fraction and S. fraction of N. W. quarter	28	do.	do.	161.80	1 25	202 25
1823. June 9	Samuel Hughes	do.	S. W. fraction	28	do.	do.	25.70	1 25	32 13
1824. April 10	Jacob Ritchart	do.	S. W. of E. half	28	do.	do.	106.70	1 25	133 38
1823. June 9	Samuel Hughes	do.	W., E. and S. fractions of S. E. quarter	29	do.	do.	142 59	1 25	178 24
1833. February 16	do.	do.	N. E. fraction	29	do.	do.	77.20	1 25	96 50
1824. January 15	Samuel Reynolds	do.	S. W. fraction of E. half	31	do.	do.	53.75	1 25	67 19
1824. August 31	Andrew Simpson	do.	S. fraction	31	do.	do.	10.00	1 25	12 50
1824. September 24	Gavin G. Hamilton	do.	S. E. fraction	31	do.	do.	74.51	1 25	93 14
1828. December 6	George Platter	do.	E. fraction of S. W. quarter	31	do.	do.	61.18	1 25	76 47
1824. March 9	Ephraim Seely	New-York	N. E. fraction of W. half	32	do.	do.	72.29	1 25	90 36
1824. March 25	Jacob Platter	Ohio	N. W. of W. half	32	do.	do.	87.60	1 25	109 50
1830. May 31	Joseph Miller	do.	N. fraction of N. E. quarter	32	do.	do.	71.50	1 25	89 38
1722. April 23	Abram Hudson	do.	Island	3	3 N.	4 E.	3.81	1 25	4 76
1822. August 31	John Hudson	do.	N. E. of N.W. quarter, and W. fraction of N.E. quarter.	3	do.	do.	169.34	1 25	211 68

1824. November 20	Elias Shirley	Ohio	W. fraction	3	3 N.	4 E.	95.68	1 25	119 60
1825. May 12	Jacob Tittle	do.	E. half of S. E. quarter	4	do.	do.	80.00	1 25	100 00
1827. March 19	Nathan Shirley	do.	W. fraction of N. half	17	do.	do.	161.77	1 25	202 21
1823. April 23	James G. Furrow and John Hudson	do.	S. E. fraction	19	do.	do.	153.84	1 25	192 30
1822. October 24	John Oliver	do.	N. fraction of N. E. quarter	3	do.	do.	4.78	1 25	5 98
1824. October 28	Joseph Webb	do.	S. E. fraction of S. half	4	4 N.	do.	86.40	1 25	108 00
1825. September 17	John Pertee	do.	N. W. fractional quarter	4	do.	do.	121.55	1 25	151 94
1825. November 3	John Baker	do.	W. fraction of S. half	4	do.	do.	148.55	1 25	185 69
1826. October 26	John Laurence	do.	S. E. fraction of N. half	4	do.	do.	104.46	1 25	130 58
1825. October 31	Adam Andrews	do.	E. fraction of N. half	9	do.	do.	148.12	1 25	185 15
1825. November 3	John Baker	do.	N. W. fraction of N. half	9	do.	do.	72.40	1 25	90 50
1826. October 26	John Pertee	do.	N. E. fraction of S. E. quarter	9	do.	do.	51.85	1 25	64 81
1824. December 1	William Buck	do.	S. fraction of S. W. quarter	10	do.	do.	34.30	1 25	42 88
1826. November 15	John Pertee	do.	W. fraction of S. W. quarter	10	do.	do.	54.40	1 25	68 00
1831 and 1833	James Pertee	do.	E. fraction of S.W. quarter, and S.W. of N.W. quarter	10	do.	do.	95.30	1 25	119 13
1833. May 23	Payn C. Parks	do.	S. W. of S. W. quarter	13	do.	do.	40.00	1 25	50 00
1833. July 3	Pierce Evans	do.	N. E. of S. E. quarter	13	do.	do.	40.00	1 25	50 00
1833. June 24	Pierce Taylor	do.	S. W. of S. E. quarter	14	do.	do.	40.00	1 25	50 00
1833. June 24	Ezekiel Hoover	do.	E. half of S. W. quarter, and E. half of S. E. quarter	14	do.	do.	160.00	1 25	200 00
1822. August 15	John Perkins	do.	S. W. & N. E. of N. E. quarter	15	do.	do.	135.85	1 25	169 81
1824. December 30	John Porter	do.	N. W. fraction of N. half	15	do.	do.	78.88	1 25	98 60
1829. October 17	Henry Myers	do.	S. fraction of N. W. quarter	15	do.	do.	80.00	1 25	100 00
1830. May 26	Andrew Hood	do.	E. fraction of S. half	15	do.	do.	89.80	1 25	102 25
1831. June 4	Jesse Hallar	do.	S. W. fraction of S. half	15	do.	do.	102.54	1 25	128 18
1832. November 16	John Hallar	do.	N. W. of S. half	15	do.	do.	112.72	1 25	149 90
1823. July 23	Thomas Driver	do.	S. E. fraction of S. E. quarter	19	do.	do.	29.80	1 25	37 25
1823. December 1	Thomas Hill	do.	E. fraction of S. W. quarter	19	do.	do.	81.68	1 25	102 10
1833. June 6	William Travis	do.	S. W. fraction of S. W. quarter	19	do.	do.	81.50	1 25	101 88
1833. July 9	John H. Horsey	Maryland	N. W. fraction of S. E. quarter	19	do.	do.	129.62	1 25	162 00
1825. April 27	David Travis	Ohio	N. fraction of S. W. quarter	20	do.	do.	109.20	1 25	136 50
1833. April 25	John H. Horsey	Maryland	S. fraction of S. half	20	do.	do.	38.40	1 25	48 00
1822. August 15	John E. Day and George Harnsberger	Ohio	Fractional of N. half	22	do.	do.	303.50	1 25	379 37
1823. October 24	Otho Evans	do.	W. fraction of S. E. quarter	22	do.	do.	47.00	1 25	58 75
1832. August 15	Henry Bacon	do.	E. fraction of S. E. quarter	22	do.	do.	99.20	1 25	124 03
1833. May 13	Michael Snider	do.	W. fraction of S. W. quarter	22	do.	do.	74.28	1 25	92 85
1822. August 15	Horatio G. Phillips	do.	S. E. fraction	23	do.	do.	143.98	6 00	863 88
1822. August 15	Henry Bacon	do.	S. W. fraction	23	do.	do.	111.30	1 25	139 13
1822. December 2	Andrew Bryant	do.	N. E. fraction	23	do.	do.	88.00	1 25	110 00
1833. June 25	Miller Arrowsmith	do.	Middle fraction of N. part and E. half of N. W. quarter	23	do.	do.	177.65	1 25	222 06
1822. August 15	Arthur Burrows	do.	N. W. fraction of W. half	24	do.	do.	88.20	1 25	110 25
1822. August 15	William Preston	do.	S. E. fraction of W. half	24	do.	do.	60.20	2 25	135 45
1822. August 15	Horatio G. Phillips	do.	S. W. fraction of W. half	24	do.	do.	37.00	30 00	1,110 00
1822. August 15	Alexander Grimes	do.	N. E. fraction of W. half	24	do.	do.	88.50	1 25	110 63
1822. August 15	William Blodget	do.	S. fraction of E. half	24	do.	do.	110.80	1 25	138 50
1833. April 27	John Evans	do.	N. E. fractional quarter	24	do.	do.	166.85	1 25	208 56
1822. August 15	John McCorkle	do.	N. W. fraction of W. half	25	do.	do.	37.95	12 50	474 38
1822. November 18	Abraham Landis and Joseph Landis	do.	E. fraction of N. W. quarter	25	do.	do.	94.15	1 25	117 69
1833. May 6	John Hollister	do.	W. half of N. E. quarter	25	do.	do.	80.00	1 25	100 00
1833. May 16	John Oliver	do.	N. E. of N. E. quarter	25	do.	do.	40.00	1 25	50 00

No. 16—Continued.

When sold.	By whom purchased.		Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Range.	Acres.		
1822. August 15	Robert Shirley	Ohio	S. fraction S. of Auglaize river	26	4 N.	4 E.	69.30	$1 25	$86 63
1822. August 15	Henry Passage	do.	N. W. fraction of N. W. quarter	26	do.	do.	6.43	3 50	22 51
1822. August 15	Horatio G. Phillips	do.	W. half N. E. qr., N. fr. S. W. qr., & S. E. fr. N. W. qr.	26	do.	do.	299.63	1 25	374 24
1822. August 15	do.	do.	N. fraction of S. E. quarter	26	do.	do.	101.52	7 12	723 33
1822. August 15	John McCorkle	do.	E. half of N. E. quarter	26	do.	do.	80.00	2 87½	230 00
1822. February 26	Jesse Hilton	do.	S. E. fraction of N. half and S. E. quarter	27	do.	do.	229.55	1 25	286 94
1822. August 15	Horatio G. Phillips	do.	Middle fraction on N. line	27	do.	do.	60.60	1 50	75 75
1822. August 15	Henry Bacon	do.	N. E. fraction of N. half	27	do.	do.	55.10	2 50	137 75
1822. August 20	Jacob C. Brown	do.	N. W. fraction	27	do.	do.	2.24	1 25	2 80
1823. March 3	Joshua Hilton	do.	N. W. fraction quarter S. of Maumee river	27	do.	do.	140.75	1 25	175 94
1823. December 19	Theophilus Hilton	do.	W. half of S. W. quarter	27	do.	do.	80.00	1 25	100 00
1822. August 20	Jacob C. Brown	do.	N. W. frac. of N. W. quar., and N. frac. of N. E. quar.	28	do.	do.	43.70	1 25	54 63
1833. May 13	Michael Snider	do.	S. fraction of N. E. quarter	28	do.	do.	111.50	1 25	139 38
1822. December 7	Benjamin Leavett	do.	N. E. fraction of N. E. quarter	29	do.	do.	17.12	1 25	21 40
1833. April 25	John H. Horsey	Maryland	W. half of N. W. quarter	29	do.	do.	80.00	1 25	100 00
1833. May 13	Frederick Holben	Ohio	S. W. of N. E. quarter	29	do.	do.	132.45	1 25	165 56
1822. August 15	Alexander Moffitt	do.	N. W. fraction of N. W. quarter	30	do.	do.	90.69	2 50	1 73
1833. May 14	Moses Rice	do.	N. fraction	30	do.	do.	8.50	1 25	10 63
1822. August 15	William Blodget	do.	E. fraction of E. half	34	do.	do.	64.35	1 25	80 44
1822. October 24	John Oliver	do.	S. W. fraction of E. half	34	do.	do.	82.40	1 25	103 00
1823. April 23	James Hudson and Clark E. Stewart	do.	N. E. fraction	34	do.	do.	117.25	1 25	146 56
1822. August 15	Robert Shirley	do.	N. fraction of N. W. quarter	35	do.	do.	66.75	1 25	93 45
1822. August 15	William Blodget	do.	S. fraction of N. W. quarter	35	do.	do.	78.25	1 25	97 81
1822. August 15	John E. Dey	do.	W. fraction of N. W. quarter	35	do.	do.	2.37	1 25	2 96
1825. October 10	Jacob Casner and Enoch Casner	do.	S. W. of S. W. quarter	33	5 N.	do.	82.81	1 25	103 51
1828. June 25	George Purtee	do.	W. half of S. W. quarter	34	do.	do.	80.00	1 25	100 00
1833. May and July	John Evans	do.	W. half N. W. qr., E. half S. W. qr., & S. W. of S. E. qr.	3	3 N.	do.	204.65	1 25	255 81
1833. May and July	John Evans	do.	E. half of N. E. quarter	4	do.	5 E.	85.00	1 25	106 28
1833. May and July	John Evans	do.	N. E. quarter of N. W. quarter	6	do.	do.	41.60	1 25	52 00
1833. May and July	John Holler	do.	N. W. quarter	4	4 N.	do.	160.00	1 25	200 00
1833. May and July	Enoch Hyre	do.	W. half of S. W. quarter	4	do.	do.	80.00	1 25	100 00
1833. May and July	Frederick Holler	do.	E. half of S. W. quarter	4	do.	do.	80.00	1 25	100 00
1833. May and July	Levi Stebbins	do.	N. half of N. W. quarter	5	do.	do.	75.94	1 25	94 93
1833. May and July	Henry Ritten	do.	S. half of N. W. quarter	5	do.	do.	80.00	1 25	100 00
1833. May and July	John Holler	do.	E. half of S. E. quarter	5	do.	do.	80.00	1 25	100 00
1833. January 7	William Shantien	do.	S. E. of N. E. quarter	8	do.	do.	40.00	1 25	50 00
1833. April 29	Adam Rodebaugh	do.	W. half	8	do.	do.	320 00	1 25	400 00
1833. May 10	William Bechdold	do.	E. half of S. E. quarter	8	do.	do.	80.00	1 25	100 00
1833. May 20	Israel Williams	do.	N. E. of N. E. quarter	8	do.	do.	40 00	1 25	50 00
1833. May 10	William Bechdold	do.	W. half of S. W. quarter	9	do.	do.	80.00	1 25	100 00

1822. September 3	Moses Rice	Ohio	E. half S. W. qr., E. half N. E. qr., & N. W. of S. E. qr.	13	4 N.	5 E.	261 36	$1 25	$326 70
1825. April 4	George Tittle	do.	W. half of S. W. quarter, and S. W. of N. W. quarter	13	do.	do.	120.00	1 25	150 00
1823. May 1	Daniel Brainard	do.	S. E. of S. E. quarter	13	do.	do.	22.47	1 25	28 09
1827. August 25	William Durham	do	E. half of N. W. quarter	13	do.	do.	80.00	1 25	100 00
1832. December 3	Garrett Perkins	do.	S. W. of N. E. quarter	13	do.	do.	40.00	1 25	50 00
1823. May 1	John Plummer	do.	E. half of S. E. quarter	14	do.	do.	80.00	1 25	100 00
1825. April 14	Jacob Tittle	do.	W. half of S. E. quarter	14	do.	do.	80.00	1 25	100 00
1826. September 29	Peter Tittle	do.	E. half of S. W. quarter	14	do.	do.	80.00	1 25	100 00
1830. June 16	William Rohn	do.	W. half of S. W. quarter	14	do.	do.	80.00	1 25	100 00
1832. September 10	Jacob Davidson	do.	W. half of S. E. quarter	15	1 N.	do.	80.00	1 25	100 00
1833. May 6	Foreman Evans	do.	S. E. of S. E. quarter	15	do.	do.	40.00	1 25	50 00
1823. June 2	Abram Tietsort	do.	W. half of S. E. quarter	17	do.	do.	80.00	1 25	100 00
1824. May 25	William Travis	do.	E. half of S. W. quarter	17	do.	do.	80.00	1 25	100 00
1824. October 28	John Haupt	do.	E. half of S. E. quarter	17	do.	do.	80.00	1 25	100 00
1832. September 27	Michael Hovely	do.	S. W. of N. E. quarter	17	do.	do.	40.00	1 25	50 00
1832. November 10	Joseph Hovely	do.	N. E. of N. W. quarter	17	do.	do.	40.00	1 25	50 00
1833. May 10	George Hetzten	do.	W. half of N. W. quarter	17	do.	do.	80.00	1 25	100 00
1833. May 28	Isaac Braucher	do.	W. half of S. W. quarter	17	do.	do.	80.00	1 25	100 00
1833. June 5	Thomas Hively	do.	N. E. of N. E. quarter	17	do.	do.	40 00	1 25	50 00
1833. May 6	Pierce Evans	do.	S. W. of S. W. quarter	18	do.	do.	35.41	1 25	44 26
1833. May 16	George Hetzler	do.	S. E. qr. of E. half, N. E. qr. and E. half of S. W. qr.	18	do.	do.	310.82	1 25	388 53
1822. September 3	Alexander Grimes	do.	Preston's Island	19	4 N.	do.	23.39	1 50	35 09
1822. September 3	Pierce Evans	do.	N. E. fraction of E. half	19	do.	do.	61.50	1 60	98 40
1822. September 3	Pierce Evans	do.	N. W. fraction of E. half	19	do.	do.	85.75	2 00	171 54
1822. October 22	Pierce Evans	do.	Middle fraction of W. half	19	do.	do.	82.02	1 25	102 53
1833. May 11	Isaac Hull	do.	S. E. fractional quarter	19	do.	do.	120.74	1 25	150 93
1833. May 13	Aaron Rockfield	do.	S. W. fraction	19	do.	do.	67.96	1 25	84 95
1822. September 3	Samuel Washburn	do.	N. E. fraction of N. half	20	do.	do.	2.92	1 25	3 65
1822. September 27	Andrew Bryant	do.	N. W. fraction	20	do.	do.	36.36	1 25	45 48
1823. June 2	Abram Tietsort	do.	S. fraction of N. W. quarter	20	do.	do.	77.15	1 25	96 44
1833. May 11	Isaac Hull	do.	W. half of S. W. quarter	20	do.	do.	80.00	1 25	100 00
1833. May 13	Aaron Rockfield	do.	E. half of S. E. quarter	20	do.	do.	80.00	1 25	100 00
1833. May 13	David Bowser	do.	W. half of S. E. quarter, and E. half of S. W. quarter.	20	do.	do.	160.00	1 25	200 00
1833. May 27	Demas Adams and William A. Van Horne	do.	S. E. fraction of N. half	20	do.	do.	121.44	1 25	151 80
1822. September 27	Andrew Bryant	do.	S. W. fraction of E. half	21	do.	do.	110.31	1 25	137 89
1822. October 4	Samuel Keplar	do.	S. W. fraction S. of Maumee River	21	do.	do.	83.94	1 25	104 93
1822. October 25	James McMillian	do.	N. fraction	21	do.	do.	114.13	1 25	142 66
1822. November 20	Stephen Bunnell, Jr.	do.	S. E. fraction of E. half	21	do.	do.	96.37	1 25	120 46
1833. May 18	Samuel Beardshear	do.	S. W. quarter	21	do.	do.	160.00	1 25	200 00
1822. September 3	John Perkins	do.	N. fraction of E. half	22	do.	do.	117.88	1 25	147 35
1822. September 15	Benjamin Grove	do.	W. half S. E. quarter	22	do.	do.	80.92	1 25	101 15
1822. November 9	Horatio G. Phillips	do.	N. fraction of W. half	22	do.	do.	111.72	1 25	139 65
1833. May 11	Isaac Hull	do.	S. E. fraction of E. half	22	do.	do.	84.13	1 25	105 16
1833. July 2	John Noffsinger	do.	W. fraction of S. W. fractional quarter	22	do.	do.	87.02	1 25	108 75
1822. September 3	John Perkins	do.	N. fraction of E. half	23	do.	do.	120.56	1 25	177 45
1822. September 4	Isaac Cox	do.	N. fraction of W. half	23	do.	do.	109.43	1 25	136 79
1822. September 3	Moses Rice	do.	N. fraction of W. half	24	do.	do.	87.10	1 25	108 88
1833. May 18	John Neff	do.	E. ½ N. W. ¼, W. ½ N. E. ¼, E. ½ S. W. ¼, & W. ½ S. E. ¼	28	do.	do.	320.00	1 25	400 00
1833. May 20	John Carichner	do.	E. half of N. E. quarter	28	do.	do.	80.00	1 25	100 00

No. 16—Continued.

When sold.	By whom purchased.		Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Range.	Acres.		
1833. May 18	Abraham Landy	Ohio	S. E. of S. W. quarter	31	4 N.	5 E.	40.00	$1 25	$50 00
1833. May 20	Jacob Hire	do.	S. W. quarter	32	do.	do.	160.00	1 25	200 00
1833. May 20	Absalom Caylor	do.	E. half of N. W. quarter, and W. half of N. E. quarter	33	do.	do.	160.00	1 25	200 00
1833. May 20	Emanuel Shank	do.	S. E. quarter	33	do.	do.	160.00	1 25	200 00
1833. April 29	Jacob Weybricht	do.	W. half of N. W. quarter	27	5 N.	do.	80.00	1 25	100 00
1833. April 29	Jacob Weybricht	do.	E. half of N. E. quarter	28	do.	do.	80.00	1 25	100 00
1833. May 7	John Hornis	do.	E. half of S. W. quarter, and W. half of S. E. quarter	28	do.	do.	160.00	1 25	200 00
1833. April 29	Jacob Weybricht	do.	S. W. quarter	33	do.	do.	160.00	1 25	200 00
1833. April 29	John Rodibaugh	do.	W. half of N. W. quarter	33	do.	do.	80.00	1 25	100 00
1833. April 29	Adam Rodibaugh	do.	E. half of N. W. quarter	33	do.	do.	80.00	1 25	100 00
1822. September 7	Horatio G. Phillips	do.	Gerty's Island	3	4 N.	6 E.	32.22	1 25	40 28
1822. November 19	William Blodget	do.	S. fraction and N. E. fraction of S. half	3	do.	do.	183.40	1 25	229 25
1833. June 5	Cyrus Spink	do.	N. W. fraction of N. half	3	do.	do.	63.10	1 25	78 88
1833. June 5	Joshua Wells	do.	N. E. quarter	3	do.	do.	160.00	1 25	200 00
1833. June 15	William Semans	do.	S. half of N. W. quarter	3	do.	do.	80.00	1 25	100 00
1822. September 6	Benjamin Leavill	do.	S. fraction of S. half	4	do.	do.	156.85	1 25	196 06
1824. October 28	Thomas Malone	do.	W. fraction of S. half	4	do.	do.	77.23	1 25	96 54
1833. June 5	Cyrus Spink	do.	N. E. fraction of S. half	4	do.	do.	36.75	1 25	45 94
1826. September 29	Thomas Brown	do.	E. half of S. E. quarter	5	do.	do.	80.00	1 25	100 00
1822. October 23	Daniel Brainard	do.	E. fraction	7	do.	do.	12.50	1 25	15 63
1822. December 7	Jacob Cox	do.	N. W. fraction of S. E. quarter	7	do.	do.	136.27	1 25	170 34
1832. August 11	Richard Grimes	do.	S. half of S. W. fractional quarter	7	do.	do.	61.26	1 25	76 58
1822. November 20	Stephen Bunnel, Jr.	do.	S. W. fractional quarter	8	do.	do.	137.83	1 25	172 29
1822. November 22	Stephen Bunnel, Jr.	do.	S. E. fractional of N. half	8	do.	do.	54.01	1 25	67 51
1822. September 6	William Hunter	do.	E. fraction of N. W. qr., and N. fraction of N. E. qr.	8	do.	do.	128.90	1 25	161 13
1822. November 18	William Rohn	do.	N. W. fraction	8	do.	do.	89.00	1 25	111 25
1827. September 24	Jesse King	do.	E. half of S. E. quarter	8	do.	do.	80.00	1 25	100 00
1832. October 20	Washington Lowry	do.	W. half of S. E. quarter	8	do.	do.	80.00	1 25	100 00
1822. November 20	Merrit Bunnel	do.	N. W. fractional quarter	9	do.	do.	156.30	1 25	195 38
1826. November 11	John Weaver	do.	N. E. quarter	9	do.	do.	160.00	1 25	200 00
1827. September 24	Jesse King	do.	W. half of S. W. quarter	9	do.	do.	80.00	1 25	100 00
1833. April 29	Cyrus Hunter	do.	N. half of N. W. quarter	10	do.	do.	80.00	1 25	100 00
1833. May 4	Reuben Wait and Amos Cole	do.	N. E. quarter	10	do.	do.	160.00	1 25	200 00
1833. April 4	John Miranda	do.	W. half of N. W. quarter	17	do.	do.	80.00	1 25	100 00
1833. October 20	Washington Lowry	do.	N. W. qr. of N. E. qr., and N. E. qr. of N. W. qr.	17	do.	do.	80.00	1 25	100 00
1822. September 18	John E. Dey	do.	N. W. fraction	18	do.	do.	108.96	1 25	136 20
1832. Oct.	John L. Watkins	do.	N. E. fraction	18	do.	do.	147.00	1 25	183 75
1822. September 7	Horatio G. Phillips	do.	S. E. fraction of S. half	13	5 N.	6 E.	55.73	1 25	69 66
1822. September 7	E. Cory, H. G. Phillips and B. Levill	do.	N. E. fractional quarter	13	do.	do.	116.93	1 34	156 69
1822. September 7	Do. do. do.	do.	N. E. fraction of S. half	13	do.	do.	82.24	1 70	139 81
1822. September 7	Do. do. do.	do.	N. W. fraction of S. half, and E. half of N. W. quarter	13	do.	do.	155.44	1 25	194 30

1833. January 19	John English and Thomas E. English	Ohio	E. half of N. E. quarter, and E. half of S. E. quarter	14	5 N.	6 E.	160.00	$1 25	$200 00
1833. April 12	Elnathan Cory	do.	W. half of S. E. quarter	14	do.	do.	80.00	1 25	100 00
1833. April 12	David Jennings Cory	do.	S. E. of S. W. quarter	14	do.	do.	40.00	1 25	50 00
1822. September 7	Horatio G. Phillips	do.	N. fractional quarter, and S. W. quarter	23	do.	do.	245.11	1 25	327 14
1822. September 7	Elnathan Cory	do.	S. E. fraction of N. half, S. of Maumee	23	do.	do.	56.80	1 35	76 68
1825. January 31	Henry Weaver	do.	S. E. quarter	23	do.	do.	160.00	1 25	200 00
1825. October 31	do.	do.	E. half of S. E. quarter	24	do.	do.	80.00	1 25	100 00
1822. September 7	Horatio G. Phillips	do.	N. W. fraction	24	do.	do.	103 33	1 25	129 16
1822. September 7	do	do.	Island	26	do.	do.	8.45	1 25	10 56
1822. September 7	Daniel Brainard	do.	S. W. fraction	26	do.	do.	3 00	1 25	4 88
1822. September 7	Isaac McCoy	do.	N. E. fraction of S. half, and S. W. fraction of N. qr	26	do.	do.	169.98	1 25½	213 20
1833. January 19	John Lenox and Thomas E. English	do.	S. E. fractional quarter	27	do.	do.	146.78	1 25	183 49
1833. March 20	Elnathan Cory	do.	E. half of N. E. quarter	34	do.	do.	80.00	1 25	100 00
1822. September 7	do.	do.	W. fraction of N. half	35	do.	do.	82.90	1 25	103 63
1822. September 7	Horatio G. Phillips	do.	W. fraction of S. half	35	do.	do.	103.70	1 81	187 70
1833. January 19	John Lenox and Thomas E. English	do.	S. E. fractional quarter	35	do.	do.	119.40	1 25	149 25
1833. May 30	Aaron B. Mead and Norman Mead	do.	E. of S. E. quarter	1	do.	7 E.	80.00	1 25	100 00
1833. July 9	William Collett	do.	S. half of S. W. quarter	2	do.	do.	80.00	1 25	100 00
1833. April 24	Samuel Bowers	do.	S. E. of S. E. quarter	3	do.	do.	40.00	1 25	50 00
1833. May 18	Samuel Miller	do.	S. half of S. W. quarter	3	do.	do.	80.00	1 25	100 00
1833. December 24	John Patrick	do.	W. half of S. E. quarter	3	do.	do.	80.00	1 25	100 00
1833. May 6	David Bair	do.	S. half of S. W. quarter	5	do.	do.	80.00	1 25	100 00
1822. September 11	Elnathan Cory and William Doherty	do.	S. W. fraction	7	do.	do.	116.00	2 68	312 62
1822. September 14	David K. Este	do.	S. E. fraction	7	do.	do.	114.01	1 25	142 51
1824. October 26	William Bowen	do.	W. fraction of N. E. quarter	7	do.	do.	82.50	1 25	103 13
1822. September 14	David K. Este	do.	S. W. fraction of W. half	8	do.	do.	82.50	1 25	103 13
1822. November 19	William Blodget	do.	N. fraction of E. half	8	do.	do.	124 08	1 25	155 10
1824. October 25	Jesse Essex	do.	E. fraction of S. W. quarter	8	do.	do.	86.58	1 25	108 23
1825. June 29	Amos Andrews	do.	W. fraction of S. E. quarter	8	do.	do.	74.68	1 25	93 35
1833. April 9	John Patrick	do.	N. W. fraction	8	do.	do.	85.40	1 25	106 75
1833. June 5	Cyrus Spink	do.	S. E. fraction E. of river	8	do.	do.	59 13	1 25	73 91
1822. September 11	Neil Thompson	do.	N. W. fraction of W. half	9	do.	do.	74 30	1 25	92 88
1822. September 11	Isaac McCoy	do.	N. E. fraction of W. half, and N. fraction of E. half	9	do.	do.	166.23	1 25	207 79
1822. May 25	Hazael Strong	Vermont	S. half of S. E. quarter	9	do.	do.	171.67	1 25	214 59
1822. June 5	Cyrus Spink	Ohio	S. half of S. W. fractional quarter	9	do.	do.	117.66	1 25	147 08
1822. October 4	Samuel Bowers	do.	S. fractional half of N. half	10	do.	do.	156.30	1 25	195 37
1822. October 19	Robert A. Forsyth	do.	N. fraction	10	do.	do.	55.55	1 25	69 44
1822. October 19	do.	do.	N. fraction	11	do.	do.	60.54	1 25	75 68
1833. April 24	Samuel Bowers	do.	N. W. fraction of S. W. quarter	11	do.	do.	38 72	1 25	48 40
1833. May 16	James Upthegrove	do.	S. E. fraction	11	do.	do.	106.96	1 25	133 70
1833. July 15	Elkanah Husted	New York	W. fraction of E. half, and E. fraction of W. half	11	do.	do.	222.70	1 25	278 38
1822. September 11	William Doherty	Ohio	N. fraction of W. half, and W. fraction of E. half	12	do.	do.	187.12	1 25	234 80
1822. September 11	David de Long	do.	S. E. fraction of E. half	12	do.	do.	51.35	1 25	64 19
1822. September 11	Charles Gunn	do.	N. E. fraction of E. half	12	do.	do.	73.31	1 25	91 64
1823. June 10	Jonathan Pennell	do.	S. fraction of W. half	12	do.	do.	179.57	1 25	224 46
1822. September 11	E. Cory, H. G. Phillips and Benjamin Leavell	do.	N. W. fraction of N. W. quarter	18	do.	do.	40.62	6 63	269 31
1833. June 6	Cyrus Spink	do.	E. fraction of N. W. quarter	18	do.	do.	76.84	1 25	96 05
1833. July 12	Samuel Quimby	do.	S. W. fraction of quarter	18	do.	do.	150.94	1 25	188 68
1833. May 30	Robert A. Forsyth	do.	E. half of N. E. quarter	24	do.	do.	80.00	1 25	100 00

No. 16—Continued.

When sold.	By whom purchased.		Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Range.	Acres.		
1833. July 9	William Collet	Ohio	S. E. quarter	34	6 N.	7 E.	160.00	$1 25	$200 00
1831. April 29	Duvald Macline	do.	E. half	1	4 N.	8 E.	321.24	1 25	401 55
1822. January 4	Abraham Joubner	do.	E. fraction	2	5 N.	do.	144.40	1 25	180 50
1831. May 27	David Isles	do.	S. W. fraction	3	do.	do.	44.30	1 25	55 38
1824. June 28	Wilson Claypool	do.	S. W. fraction	4	do.	do.	132.50	1 25	165 63
1832. November 10	David Edwards	do.	S. E. fraction	4	do.	do.	96.85	1 25	121 06
1825. November 26	Elnathan Cory	do.	S. E. fraction of E. half	5	do.	do.	84.50	1 25	105 63
1823. January 4	Abraham Scribner	do.	N. half of N. W. quarter, and N. half of N. E. quarter.	6	do.	do.	159.70	1 25	199 63
1823. June 10	James Morton	do.	S. E. quarter	6	do.	do.	160.00	1 25	200 00
1832. December 5	Edwin Scribner	do.	S. E. of S. W. quarter	6	do.	do.	40.00	1 25	50 00
1833. April 12	Elnathan Cory	do.	S. W. of S. W. quarter	6	do.	do.	40.96	1 25	51 20
1833. July 1	David Harbaugh	do.	S. W. of N. E. quarter	6	do.	do.	40.00	1 25	50 00
1822. September 13	Charles Gunn	do.	N. W. fraction of W. half	7	do.	do.	87.15	1 25	108 94
1822. September 13	William Barbee	do.	N. E. fraction of W. half	7	do.	do.	94.45	1 25	118 06
1822. September 13	Elnathan Cory	do.	N. fraction of E. half	7	do.	do.	131.20	1 25	164 00
1833. April 12	do.	do.	S. E. fraction	7	do.	do.	106.31	1 25	132 89
1833. July 15	Elkanah Husted	New York	S. W. fraction	7	do.	do.	61.60	1 25	77 00
1822. September 13	Elnathan Cory	Ohio	N. W. fraction of N. W. quarter	8	do.	do.	6.38	1 25	7 98
1833. June 6	Samuel W. Russel	do.	W. half of N. E. quarter	8	do.	do.	80.00	1 25	100 00
1833. June 6	John Snively	do.	E. half of N. E. quarter	8	do.	do.	80.00	1 25	100 00
1832. November 10	David Edwards	do.	N. half of N. E. quarter	9	do.	do.	80.00	1 25	100 00
1833. April 20	Jacob Beery	do.	S. half of N. E. quarter	9	do.	do.	80.00	1 25	100 00
1833. April 26	Henry Swarts	do.	N. W. quarter	9	do.	do.	160.00	1 25	200 00
1833. July 1	William Campbell	do.	E. half of S. E. quarter	9	do.	do.	80.00	1 25	100 00
1833. July 1	do.	do.	W. half of S. W. quarter	10	do.	do.	80.00	1 25	100 00
1831. May 27	David Isles	do.	W. half of N. W. quarter	10	do.	do.	80.00	1 25	100 00
1832. November 29	Joseph Lewis	do.	N. E. quarter	10	do.	do.	173.46	1 25	216 83
1833. April 17	Henry Hockman	do.	E. half of S. E. quarter	10	do.	do.	80.00	1 25	100 00
1833. July 9	William Collet	do.	E. half of N. W. quarter	10	do.	do.	80.00	1 25	100 00
1827. June 27	Adam Keith	do.	E. fraction of N. E. quarter	11	do.	do.	87.83	1 25	109 79
1833. April 17	Henry Hockman	do.	W. half of S. W. quarter	11	do.	do.	80.00	1 25	100 00
1833. April 20	Jacob Beery	do.	N. W. quarter	11	do.	do.	172.00	1 25	215 00
1833. April 26	Benjamin Neal	do.	W. half of N. E. quarter	11	do.	do.	87.40	1 25	109 25
1833. July 1	Allen McBride	do.	E. half of S. W. quarter	11	do.	do.	80.00	1 25	100 00
1833. July 1	John McBride	do.	W. half of S. E. quarter	11	do.	do.	80.00	1 25	100 00
1825. May 16	Adam Teel	do.	E. fraction of N. E. quarter	12	do.	do.	55.40	1 25	69 25
1825. December 24	John Savage	do.	W. fraction of N. half	12	do.	do.	84.00	1 25	105 00
1826. September 23	Valentine Winstow	do.	W. fraction of N. E. quarter	12	do.	do.	65.00	1 25	81 25
1832. October 31	Henry Decker	do.	E. half of N. W. fractional quarter	12	do.	do.	76.70	1 25	95 88
1833. April 20	Daniel Crane Smith	do.	S. E. quarter	12	do.	do.	160 00	1 25	200 00
1833. April 25	Andrew Steertes	do.	S. E. quarter	13	do.	do.	160.00	1 25	200 00

1833. May 28	John McBride and Amariah Wilson	Ohio	N. E. quarter	13	5 N.	S E.	160.00	$1 25	$200 00
1833. July 1	John McBride	do.	W. half of N. W. quarter	13	do.	do.	80.00	1 25	100 00
1833. July 1	Mahlon McBride	do.	E. half of N. W. quarter	13	do.	do.	80.00	1 25	100 00
1833. January 18.	Jacob Macklin	do.	N. E. quarter	15	do.	do.	160.00	1 25	200 00
1833. April 17.	Phillip Hane	do.	S. W. quarter	15	do.	do.	160.00	1 25	200 00
1833. April 20	Daniel Crane Smith	do.	N. W. quarter	17	do.	do.	160.00	1 25	200 00
1833. July 8	Stephen M. Gilmore	do.	E. half, and S. W. of N. E.	17	do.	do.	120.00	1 25	150 00
1833. April 20	Daniel Crane Smith	do.	E. half of N. E. quarter	18	do.	do.	80.00	1 25	100 00
1833. May 30	Robert A. Forsythe	do.	S. W. of S. W. quarter	18	do.	do.	38.93	1 25	48 73
1833. May 30	do.	do.	W. half of N. W. quarter	19	do.	do.	79.57	1 25	99 46
1833. April 17	David Hockman	do.	N. W. quarter	22	do.	do.	160.00	1 25	200 00
1833. April 17	Joseph Hockman	do.	S. W. quarter	22	do.	do.	160.00	1 25	200 00
1833. April 20	Jacob Beery	do.	N. W. quarter	27	do.	do.	160.00	1 25	200 00
1833. July 15	Lorentes Jackson	do.	S. W. of S. W. quarter	28	6 N.	do.	40.00	1 25	50 00
1833. July 8	Solomon Beldin	do.	S. E. of S. E. quarter	32	do.	do.	40 00	1 25	50 00
1833. July 8	John Belden	do.	S. W. of S. E. quarter	32	do.	do.	40 00	1 25	50 00
1833. July 15	David Rule	do.	N. W. quarter	33	do.	do.	160 00	1 25	200 00
1833. July 19	Benjamin Moore	do.	N. W. of S. E. quarter	33	do.	do.	40 00	1 25	50 00
							33,333.53		$45,230 45

No. 17.

Abstract exhibiting such tracts of land within five miles of the Maumee river, and above the rapids thereof, in the district of lands (now) subject to sale at Bucyrus, Ohio, as have been purchased from the United States prior to the 1st of April, 1834.

When sold.	By whom purchased.		Number of Receipt.	Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.		Section or part of.	Section.	Township.	Range.	Acres.		
1833. May 4	Gabriel Putnam	Ohio	6896	S. W. quarter of N. W. quarter	6	4	9	40.85	$1 25	$51 06
1833. May 4	do.	do.	6896	E. half of N. W. quarter	6	4	9	77.44	1 25	96 80
1833. May 4	do.	do.	6897	W. half of N. E. quarter	6	4	9	75.24	1 25	94 05
1833. March 18	David Edwards	do.	6627	S. part of N. W. quarter	2	5	9	80.00	1 25	100 00
1833. May 28	do.	do.	7139	N. part of N. W. quarter	2	5	9	81.10	1 25	101 37
1833. May 23	Cornwall Thacker	do.	7085	W. half of S. W. quarter	2	5	9	80.00	1 25	100 00
1831. May 2	Allen Green	do.	4700	N. E. quarter	3	5	9	154.17	1 25	192 71
1833. May 23	Marion Thacker	do.	7084	E. half of S. E. quarter	3	5	9	80.00	1 25	100 00
1833. May 23	George Nesbitt	do.	7086	N. W. quarter of S. E. quarter	3	5	9	40.00	1 25	50 00
1832. November 9	David Edwards	do.	5808	S. W. quarter	3	5	9	160.00	1 25	200 00
1832. November 9	do.	do.	5810	E. half of S. E. quarter	4	5	9	80.00	1 25	100 00
1832. November 23	do.	do.	5867	W. half of S. E. quarter	4	5	9	80.00	1 25	100 00
1833. January 21	Thomas Davis	do.	6431	S. W. quarter of S. E. quarter	7	5	9	40.00	1 25	50 00
1833. January 21	Jacob Cooper	do.	6432	S. E. quarter of S. W. quarter	7	5	9	40.00	1 25	50 00
1832. October 23	Edward Howard	do.	5709	N. W. quarter of S. E. quarter	7	5	9	40.00	1 25	50 00
1832. November 29	William Pratt	do.	5900	N. E. quarter of S. W. quarter	7	5	9	40.00	1 25	50 00
1831. June 10	David Downey	do.	4803	W. half of S. W. quarter	7	5	9	77.80	1 25	97 25
1830. June 28	Emanuel Arnold	do.	4435	W. half of S. E. quarter	8	5	9	80.00	1 25	100 00
1831. February 12	do.	do.	4635	S. W. quarter	8	5	9	160.00	1 25	200 00
1832. November 9	David Edwards	do.	5809	N. half of N. E. quarter	9	5	9	80.80	1 25	100 00
1833. February 11	Joseph Keith	do.	6509	N. W. quarter of N. W. quarter	9	5	9	40.00	1 25	50 00
1833. May 24	do.	do.	7099	N. E. quarter of N. W. quarter	9	5	9	40.00	1 25	50 00
1833. May 31	Joseph Creps	do.	7184	S. half of N. W. quarter	9	5	9	80.00	1 25	100 00
1833. May 31	do.	do.	7186	S. half of N. E. quarter	9	5	9	80.00	1 25	100 00
1833. May 31	do.	do.	7183	S. E. quarter	9	5	9	160.00	1 25	200 00
1833. May 31	do.	do.	7185	E. half of S. W. quarter	9	5	9	80.00	1 25	100 00
1833. March 18	David Edwards	do.	6628	W. half of N. W. quarter	10	5	9	80.00	1 25	100 00
1833. April 16	Jacob Cable	do.	6776	S. W. quarter	10	5	9	160.00	1 25	200 00
1833. May 23	Robert Bamber	do.	7077	E. half of S. E. quarter	11	5	9	80.00	1 25	100 00
1833. May 23	do.	do.	7076	W. half of S. W. quarter	12	5	9	80.00	1 25	100 00
1833. May 23	do.	do.	7075	N. half of N. E. quarter	14	5	9	80.00	1 25	100 00
1833. June 5	John Soash	do.	7245	S. W. quarter of N. E. quarter	14	5	9	40.00	1 25	50 00
1833. June 5	do.	do.	7244	E. half of N. W. quarter	14	5	9	80.00	1 25	100 00
1833. April 11	Jacob Crom	do.	6743	W. half of N. W. quarter	15	5	9	80.00	1 25	100 00
1830. June 28	Emanuel Arnold	do.	4434	N. E. quarter	17	5	9	160.00	1 25	200 00
1832. November 23	John Crom	do.	5865	S. E. quarter of N. W. quarter	17	5	9	40.00	1 25	50 00
1828. November 28	James Donaldson	do.	4069	W. half of S. E. quarter	17	5	9	80.00	1 25	100 00
1828. November 28	Matthew Donaldson	do.	4010	E. half of S. E. quarter	17	5	9	80.00	1 25	100 00

1833. January 1	Jonathan Cooper	Ohio	6328	W. half of N. W. quarter	17	5	9	80.00	1 25	100 00
1833. January 1	do.	do.	6329	N. E. quarter of N. W. quarter	17	5	9	40.00	1 25	50 00
1831. May 13	John Crom	do.	4732	S. W. quarter	17	5	9	160.00	1 25	200 00
1832. Nov. 29	Andrew Foster	do.	5905	S. half of N. E. quarter	18	5	9	80.00	1 25	100 00
1832. September 7	Daniel Rice	do.	5544	S. E. quarter	18	5	9	160.00	1 25	200 00
1831. May 13	Daniel Crom	do.	4734	E. half of N. E. quarter	19	5	9	80.00	1 25	100 00
1832. April 30	Lowis Bertel	do.	5213	N. W. quarter	19	5	9	161.76	1 25	202 20
832. November 23	Jacob Simon	do.	5864	S. half	19	5	9	325.24	1 25	406 55
1832. April 14	Matthias Oberdorf	do.	5184	W. half of N. E. quarter	19	5	9	80.00	1 25	100 00
1830. May 18	Jacob Mackling	do.	4402	N. E. quarter	20	5	9	160.00	1 25	200 00
1832. June 12	Gabriel Guyer	do.	5385	N. E. quarter of N. W. quarter	20	5	9	40.00	1 25	50 00
1831. May 13	Martin Oberhultzer	do.	4733	W. half of N. W. quarter	20	5	9	80.00	1 25	100 00
1830. May 18	Andrew Foster	do.	4401	S. E. quarter	20	5	9	160.00	1 25	200 00
1830. June 20	Samuel Foster	do.	4823	E. half of S. W. quarter	20	5	9	80.00	1 25	100 00
1832. November 13	Matthias Ream	do.	5829	W. half of S. W. quarter	20	5	9	80.00	1 25	100 00
1830. May 24	Jacob Crom	do.	4410	E. half of N. E. quarter	21	5	9	80.00	1 25	100 00
1830. April 26	do.	do.	4373	W. half of N. E. quarter	21	5	9	80.00	1 25	100 00
1832. December 3	Jacob Walter	do.	5920	E. half of S. E. quarter	21	5	9	80.00	1 25	100 00
1828. May 9	Alexander Brown	do.	3769	E. half of N. W. quarter	21	5	9	80.00	1 25	100 00
1828. November 29	Alexander Pugh	do.	4011	W. half of N. W. quarter	21	5	9	80.00	1 25	100 00
1833. April 25	John McKee	do.	6842	W. half of S. E. quarter	21	5	9	80.00	1 25	100 00
1832. November 13	Jonathan Crom	do.	5828	W. half of N. E. quarter	22	5	9	80.00	1 25	100 00
1832. December 1	John Crom	do.	5915	S. E. quarter of N. W. quarter	22	5	9	40.00	1 25	50 00
1830. September 12	do.	do.	4492	W. half of N. W. quarter	22	5	9	80.00	1 25	100 00
1831. February 9	Jacob Walters	do.	4634	W. half of S. W. quarter	22	5	9	80.00	1 25	100 00
1833. June 13	Parley A. Pooler	do.	7314	N. half of N. W. quarter	24	5	9	80.00	1 25	100 00
1833. March 25	Joseph Brookens	do.	6662	N. E. quarter	28	5	9	160.00	1 25	200 00
1830. October 16	James T. Martin	do.	4517	W. half of N. W. quarter	28	5	9	80.00	1 25	100 00
1830. October 16	William Martin	do.	4516	N. E. quarter	29	5	9	160.00	1 25	200 00
1830. November 29	Jacob Harris	do.	4574	E. half of N. W. quarter	29	5	9	80.00	1 25	100 00
1833. March 25	Jonathan Carter	do.	6666	E. half of S. W. quarter	29	5	9	80.00	1 25	100 00
1831. August 30	Jacob Meckling, sr	do.	4902	N. E. quarter	31	5	9	160.00	1 25	200 00
1833. January 2	Jonathan Carter	do.	6332	S. E. fractional quarter	32	5	9	155.33	1 25	194 16
1833. May 4	Gabriel Wermer	do.	6894	W. half S. E. quarter	32	5	9	80.00	1 25	100 00
1830. November 29	John Grimes	do.	4573	N. W. quarter	32	5	9	160.00	1 25	200 00
1833. May 4	Gabriel Wermer	do.	6893	S. W. quarter	32	5	9	160.00	1 25	200 00
1830. March 27	Benjamin F. Hollister	do.	4341	W. half of N. E. quarter	35	5	9	80.00	1 25	100 00
1832. September 8	Milton Bakestraw	do.	5546	N. E. quarter	1	6	9	156.00	1 25	195 00
1833. January 7	John Pray	do.	6363	N. W. fractional quarter	1	6	9	67.93	1 25	84 91
1832. November 3	St. Leger Neal	do.	5776	S. part of S. fractional	25	6	9	80.00	1 25	100 00
1832. May 4	James Wilkinson	do.	5229	N. E. fractional quarter	25	6	9	121.15	1 25	151 44
1832. November 9	David Edwards	do.	5811	N. part of W. fractional	25	6	9	81.30	1 25	101 62
1832. September 14	William Collett	do.	5569	S. E. quarter	35	6	9	160.00	1 25	200 00
1833. February 11	David Edwards	do.	6508	S. part of S. W. fractional	35	6	9	80.00	1 25	100 00
1833. June 1	Joseph Creps	do.	7198	N. E. quarter	36	6	9	160.00	1 25	200 00
1832. May 14	John Feagles	do.	5243	W. half of S. E. quarter	36	6	9	80.00	1 25	100 00
1832. October 30	Joseph Cowdrick	do.	5760	N. E. quarter of S. W. quarter	36	6	9	40.00	1 25	50 00
1833. May 24	Hiram Wade	do.	7100	S. E. quarter of S. W. quarter	36	6	9	40.00	1 25	50 00
1832. September 14	William Collett	do.	5570	W. half of S. W. quarter	36	6	9	80.00	1 25	100 00

No. 17—Continued.

When sold.	By whom purchased.		Number of Receipt.	Tract purchased.				Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.		Section or part of.	Section.	Township.	Range.	Acres.		
1833. February 8	Valentine Winslow	Ohio	6491	S. W. quarter of S. E. quarter	26	7	9	40.00	$1 25	$50 00
1833. February 8	do.	do.	6492	S. W. fractional quarter	26	7	9	96.98	1 25	121 22
1833. May 6	Jacob McQuilling	do.	6910	S. part of fractional section	35	7	9	90.10	1 25	112 62
1833. May 24	Philip Crip	do.	7094	S. part of N. E. fractional quarter	35	7	9	86.40	1 25	108 00
1832. May 6	do.	do.	6909	E. half of N. W. quarter	36	7	9	80.00	1 25	100 00
1832. March 1	Vanrensalear Crosby	New-York	5133	W. half of N. W. quarter	36	7	9	80.00	1 25	100 00
1833. May 6	Philip Crip Liver	Ohio	6908	E. half of S. W. quarter	36	7	9	80 00	1 25	100 00
1831. June 18	Archibald Pray	do.	4817	W. half of S. W. quarter	36	7	9	76.55	1 25	95 68
1832. November 15	James Thompson and Abram Brook	England	5941	E. half of N. W. quarter	21	6	10	80.00	1 25	100 00
1833. April 8	Joseph Wade	Ohio	6726	N. W. quarter of N. W. quarter	21	6	10	40.00	1 25	50 00
1831. October 6	Jesse T. Bugh	do.	4943	E. half of N. W. quarter	29	6	10	80.00	1 25	100 00
1832. December 6	James Henry	do.	5927	E. half of N. W. quarter	30	6	10	80.00	1 25	100 00
1832. December 6	Samuel Kyle	do.	5928	W. half of N. W. quarter	30	6	10	83.34	1 25	104 17
1832. December 6	do.	do.	5929	N. W. quarter of S. W. quarter	30	6	10	41.25	1 25	51 56
1833. June 18	John Skinner	do.	7381	W. half of N. E. quarter	30	6	10	80.00	1 25	100 00
1830. October 27	Christian Foglesong	do.	4539	E. half of S. W. quarter	31	6	10	80.00	1 25	100 00
1830. October 27	do.	do.	4538	W. half of S. E. quarter	31	6	10	80.00	1 25	100 00
1833. January 24	Levi Felton	do.	6441	S. W. quarter of N. E. quarter	31	6	10	40.00	1 25	50 00
1833. May 11	Francis Smith	do.	6951	N. W. quarter of N. E. quarter	31	6	10	40.00	1 25	50 00
1833. May 13	James Bradley	do.	6958	S. E. quarter of N. W. quarter	31	6	10	40.00	1 25	50 00
1832. April 30	Robert Black	do.	5215	S. W. quarter	32	6	10	160.00	1 25	200 00
1832. April 30	Robert Black	do.	5216	W. half of N. E. quarter	32	6	10	80.00	1 25	100 00
1833. May 1	Robert Cowen	do.	6870	E. half of N. E. quarter	32	6	10	80.00	1 25	100 00
1833. October 15	James Criswell	do.	8261	W. half of N. W. fractional quarter	28	7	9	80.00	1 25	100 00
1833. October 15	do.	do.	8262	S. W. quarter of S. W. quarter	21	7	9	40.00	1 25	50 00
1833. November 9	George Kreider	do.	8689	N. part of N. E. quarter	4	4	9	79.35	1 25	99 19
1834. January 21	do.	do.	9320	N. E. quarter of N. W. quarter	4	4	9	38.48	1 25	48 10
								10,167.76		$12,709 66

No. 18.

List showing the lands within the United States reserve of twelve miles square, within five miles of the Miami river, and above the rapids thereof, sold by the United States prior to the 1st of April, 1834.

When sold.	By whom purchased.		Tract purchased.			Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Acres.		
1817. July 12	Joseph B. Stewart and William Oliver	Ohio	N. W. quarter	3	1	160.00	$4 25	$681 00
1817. July 21	David Moore	do.	N. E. quarter	4	1	159.92	2 00	319 84
1831. September 5	Christian Zook	do.	N. W. quarter	4	1	159.92	1 25	199 90
1831. November 7	Michael Strayer	do.	S. E. quarter	4	1	160.00	1 25	200 00
1831. November 7	Daniel Strayer	do.	S. W. quarter	4	1	160.00	1 25	200 00
1817. July 21	Lewis Bullock	do.	N. E. quarter	5	1	161.03	2 46	397 24
1817. July 21	Lewis Bullock	do.	S. E. quarter	5	1	160.00	2 04	326 40
1817. July 21	John Lovett, J. B. Stewart, and Thomas Learning	do.	E. half of S. W. quarter	5	1	80.00	6 00	480 00
1833. May 24	Joseph Canaga	do.	S. E. quarter of N. E. quarter	6	1	40.00	1 25	50 00
1832. June 21	John S. Tarr	do.	N. W. quarter	6	1	156.70	1 25	195 87½
1832. November 7	David Mills	do.	N. E. quarter of S. W. quarter	6	1	39.73	1 25	49 66
1833. May 1	Alonzo Montgomery	do.	S. half of S. W. quarter	6	1	79.45	1 25	99 31
1833. May 1	Calvin Noble	do.	N. W. quarter of S. W. quarter	6	1	39.72	1 25	49 66
1817. July 21	David Moore	do.	N. E. quarter	7	1	160.00	2 00	320 00
1833. June 10	A. M. Noble	do.	N. half of N. W. quarter	7	1	80.00	1 25	100 00
1832. October 26	George Allen	do.	S. E. quarter	7	1	160.00	1 25	200 00
1817. July 21	Daniel Murray	do.	E. half of N. E. quarter	8	1	80.00	2 00	160 00
1832. August 16	Chandler Lindsley Wing	do.	N. W. quarter of N. W. quarter	8	1	40.00	1 25	50 00
1833. April 27	Jacob Winter	do.	S. W. quarter of N. W. quarter	8	1	40.00	1 25	50 00
1833. March 12	A. M. Noble	do.	S. W. quarter of N. W. quarter	9	1	40.00	1 25	50 00
1832. October 11	A. M. Noble	do.	N. W. quarter of S. W. quarter	9	1	40.00	1 25	50 00
1818. October 19	William Pratt	do.	W. half of S. E. quarter	14	1	80.00	2 00	160 00
1831. August 22	Hiram Pratt	do.	E. half of S. W. quarter	14	1	80.00	1 25	100 00
1832. October 13	James Wilkinson	do.	W. half of S. W. quarter	14	1	80.00	1 25	100 00
1832. May 18	John Fowler	do.	E. half of N. W. quarter	17	1	80.00	1 25	100 00
1832. May 18	Lewis Sumner	do.	W. half of N. W. quarter	17	1	80.00	1 25	100 00
1818. February 9	Jeremiah Johnson	do.	E. half of S. E. quarter	17	1	80.00	2 00	160 00
1832. October 8	Jeremiah Johnson	do.	E. half of S. W. quarter	17	1	80.00	1 25	100 00
1832. October 8	Matthias Shipman	do.	S. W. quarter of S. W. quarter	17	1	40.00	1 25	50 00
1832. May 18	Elias Fowler	do.	E. half of S. E. quarter	18	1	80.00	1 25	100 00
1833. April 23	Caleb Reynolds	do.	S. W. quarter of S. E. quarter	18	1	40.00	1 25	50 00
1833. January 7	John Pray	do.	E. half of S. E. quarter	19	1	80.00	1 25	100 00
1821. August 18	Collister Haskins	do.	N. E. quarter	30	1	160.00	1 25	200 00
1833. June 8	Elisha Huntt	do.	N. W. quarter	30	1	160.00	1 25	200 00
1833. June 8	Isaac T. Dudley	do.	W. half of N. W. quarter	31	1	80.00	1 25	100 00
1818. August 14	Francis Charter	do.	W. half of S. E. quarter	33	1	80.00	2 00	160 00
1832. June 21	Epaphroditus Foot	do.	E. half of S. E. quarter	33	1	80.00	1 25	100 00
1833. June 14	Moses Reeves	do.	S. E. quarter	34	1	160.00	1 25	200 00
1833. June 14	James Butler	do.	S. W. quarter	34	1	160.00	1 25	200 00
1831. May 14-27	Eli Hubbard	do.	W. half of N. E. quarter, and E. half of N. W. quarter	1	2	159.36	1 25	199 20

No. 18—Continued.

When sold.	By whom purchased.		Tract purchased.			Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Acres.		
1833. January 15	Augustus Whitney	Ohio	E. half of N. E. quarter	1	2	80.13	1 25	100 19
1831. May 17	Joseph Titsworth	do.	S. W. quarter	1	2	160.00	1 25	200 00
1833. June 26	Zenas Leonard	do.	N. E. quarter of S. E. quarter	1	2	40.00	1 25	50 00
1833. June 29	Nancy McMillen	do.	W. half of S. E. quarter	1	2	80.00	1 25	100 00
1833. September 30	John P. Gardiner	do.	S. E. quarter of S. E. quarter	1	2	40.00	1 25	50 00
1833. June 19	William N. Hudson	do.	W. half of S. E. quarter, and E. half of S. W. quarter	2	2	160.00	1 25	200 00
1833. September 19	Lorenzo Abbott	do.	S. E. quarter	8	2	160.00	1 25	200 00
1833. September 29	Bingham D. Abbott	do.	E. half of S. W. quarter	8	2	80.00	1 25	100 00
1832. February 4	Heman Ely	do.	E. half of N. E. quarter	9	2	80.00	1 25	100 00
1833. May 30	Thomas Vanhorn	do.	S. E. quarter of N. E. quarter	10	2	40.00	1 25	50 00
1833. January 28	Jonathan H. Jerome	do.	E. half of S. E. quarter, and S. W. quarter of S. E. quarter	10	2	120.00	1 25	150 00
1833. July 17	Frederick A. Reiv	do.	S. W. quarter	10	2	160.00	1 25	200 00
1833. August 20	John E. Hunt	do.	N. W. of S. E. quarter, and S. W. of N. E. quarter	10	2	80.00	1 25	100 00
1831. May 26	John E. Hunt	do.	W. half of N. E. quarter	11	2	80.00	1 25	100 00
1831. June 3	Patrick Flynn	do.	E. half of N. E. quarter	11	2	80.00	1 25	100 00
1833. May 30	Benoni M. Newkirk	do.	E. half of N. W. quarter	11	2	80.00	1 25	100 00
1833. September 28	Matthew Byrnes	do.	E. half of S. W. quarter, and W. half of S. E. quarter	11	2	160.00	1 25	200 00
1833. January 28	Jonathan H. Jerome	do.	W. half of S. W. quarter, and S. W. of N. W. quarter	11	2	120.00	1 25	150 00
1833. June 29	William McMillen	do.	N. W. of N. E. quarter, and N. E. of N. W. quarter	12	2	80.00	1 25	100 00
1833. September 4	John Patten	do.	W. half of N. W. quarter	12	2	80.00	1 25	100 00
1832. January 25	John Mickles	do.	W. half of N. W. quarter	14	2	80.00	1 25	100 00
1832. February 29	Sanford Prouty	do.	E. half of N. W. quarter	14	2	80.00	1 25	100 00
1832. November 19	Samuel Sering	do.	N. W. of N. E. fractional quarter	14	2	40.00	1 25	50 00
1831. October 31	John Mickles	do.	E. half of N. E. quarter	15	2	80.00	1 25	100 00
1833. January 28	Jonathan H. Jerome	do.	W. half of N. E. quarter	15	2	80.00	1 25	100 00
1833. June 10	Oscar White	do.	S. half of N. W. quarter	15	2	80.00	1 25	100 00
1833. July 17	Frederick A. Reiv	do.	N. half of N. W. quarter	15	2	80.00	1 25	100 00
1831. October 26	John Wiltsee	do.	E. half of S. W. quarter	15	2	80.00	1 25	100 00
1832. June 17	Samuel Demott	do.	S. E. quarter	15	2	160.00	1 25	200 00
1833. August 12	F. A. Reiv	do.	W. half of N. E. quarter, and E. half of N. W. quarter	17	2	160.00	1 25	200 00
1833. September 19	James Dean	do.	W. half of N. W. quarter	17	2	80.00	1 25	100 00
1833. August 20	Jeremiah Kimball	do.	E. half and S. W. of N. E. quarter	18	2	120.00	1 25	150 00
1832. June 2	David Purdun	do.	S. E. of S. E. quarter	20	2	40.00	1 25	50 00
1824. January 24	Cornelius Wiltse	do.	E. half of N. E. quarter	21	2	80.00	1 25	100 00
1828. August 8	Ephraim Wiltse	do.	W. half of N. E. quarter	21	2	80.00	1 25	100 00
1831. June 11	Ephraim Wilsil	do.	E. half of N. W. quarter	21	2	80.00	1 25	100 00
1830. October 7	Hartman Loomis	do.	W. half of S. W. quarter	21	2	80.00	1 25	100 00
1833. May 1	Martin Strayer	do.	E. half of S. W. quarter	21	2	80.00	1 25	100 00
1833. February 16	Lineus Frost	do.	S. W. of N. E. quarter	22	2	40.00	1 25	50 00
1833. April 8	Jacob Guagg	do.	E. half of N. E. quarter	22	2	80.00	1 25	100 00
1832. October 31	Samuel Divine	do.	E. half of N. W. quarter	22	2	80.00	1 25	100 00
1832. October 31	Joseph Divine	do.	E. half of S. W. quarter	22	2	80.00	1 25	100 00

1831 and 1833	Joseph Hutchinson	New-Jersey	N. E. quarter	23	2	160.00	1 25	200 00
1833. February 27	Charles M. Cass	Michigan Terr'y.	E. half of S. E. quarter	23	2	80.00	1 25	100 00
1833. March 12	James Wilkison	do.	W. half of S. W. quarter	23	2	80.00	1 25	100 00
1832. August 1	Barnard Cass	do.	N. W. quarter	25	2	160.00	1 25	200 00
1832. October 22	Barnard Cass	do.	W. half of N. E. quarter	25	2	80.00	1 25	100 00
1833. February 27	Samuel Cass	do.	E. half of N. E. quarter, and E. half of S. E. quarter	25	2	160.00	1 25	200 00
1831. December 28	Thomas Vanhorn	Ohio	W. half of S. W. quarter	25	2	80.00	1 25	100 00
1832. January 12	Leicester Gilbert	do.	E. half of S. W. quarter	25	2	80.00	1 25	100 00
1833. January 21	William Hickox	do.	W. half S. E. quarter	25	2	80.00	1 25	100 00
1832 and 1833	Jarvis Gilbert	do.	E. half of N. E. quarter, and S. W. of N. E. quarter	26	2	120.00	1 25	150 00
1831. November 8	Jarvis Gilbert	do.	W. part S. E. quarter of fractional	26	2	88.06	1 25	110 07½
1833. March 12	James Wilkison	do.	E. part S. E. quarter of fractional	26	2	80.00	1 25	100 00
1833. March 15	Philip Zigler	do.	W. half and S. E. of N. W. quarter	27	2	120.00	1 25	150 00
1833. April 5	William Beals	do.	S. E. fractional quarter	27	2	159.41	1 25	199 26
1833. May 25	John Burchfield	do.	N. W. of N. W. quarter	28	2	40.00	1 25	50 00
1826. February 24	Victory Janison	do.	W. half of N. E. quarter, and W. half of S. E. quarter	29	2	160.00	1 25	200 00
1832. September 10	William Burnham	do.	W. half of S. W. quarter	29	2	80.00	1 25	100 00
1833. February 13	John Strayer	do.	E. half of S. W. quarter	29	2	80.00	1 25	100 00
1833. March 16	Philander Noble	do.	S. E. of N. W. quarter	29	2	40.00	1 25	50 00
1833. June 17	Osman Gunn	do.	E. half of N. E. quarter	31	2	80.00	1 25	100 00
1833. June 17	Hezekiah Hubbell	do.	S. W. of N. E. quarter	31	2	40.00	1 25	50 00
1833. June 18	Thomas De Quen	do.	W. half of N. W. quarter	32	2	80.00	1 25	100 00
1832. August 2	Amos G. Knapp	do.	W. half of S. E. quarter	32	2	80.00	1 25	100 00
1832. December 19	Samuel Hubbell	do.	S. E. of S. E. quarter	32	2	40.00	1 25	50 00
1827. November 28	Jarvis Gilbert	do.	E. half of N. E. quarter	33	2	80.00	1 25	100 00
1831. November 18	Daniel Strayer	do.	S. E. quarter	33	2	160.00	1 25	200 00
1832. September 10	Peter Henney	do.	N. W. quarter	33	2	160.00	1 25	200 00
1831. September 5	John Strayer	do.	N. W. quarter	34	2	160.00	1 25	200 00
1832. December 5	Samuel Sterwig	do.	N. W. of S. W. quarter	34	2	40.00	1 25	50 00
1833. May 24	William Beals	do.	N. E. quarter	34	2	160.00	1 25	200 00
1833. May 24	William Beals	do.	N. W. fractional quarter	35	2	85.34	1 25	100 07½
1817. July 22	Almond Gibbs	do.	N. E. fractional quarter	35	2	60.85	2 00	121 70
1817. July 22	Francis Lassell	Michigan Terr'y.	S. part of fractional	36	2	115.08	2 02	232 36
1817. July 21	William Oliver	Ohio	S. W. quarter	2	3	160.00	2 40	384 00
1817. July 21	William Oliver	do.	N. W. quarter	3	3	160.00	2 00	320 00
1833. May 25	Thomas Bishop	do.	E. half of N. E. quarter	3	3	80.07	1 25	100 09
1833. July 1	Daniel O. Comstock	do.	W. half of N. E. quarter	3	3	80.07	1 25	100 09
1817. July 21	William Oliver	do.	S. half	3	3	320.00	2 00	640 00
1833. April 12	Coleman J. Keeler	do.	N. E. quarter, and N. E. of N. W. quarter	4	3	201.25	1 25	251 57
1833. April 25	Benjamin Davis, Jr.	do.	W. half and S. E. quarter of N. W. quarter	4	3	120.00	1 25	150 00
1833. June 8	David Burton	do.	E. half of S. E. quarter	4	3	80.00	1 25	100 00
1833. June 8	Charles Burton	do.	W. half of S. E. quarter	4	3	80.00	1 25	100 00
1833. June 20	Lewis Dillo	do.	N. W. of S. W. quarter	4	3	40.00	1 25	50 00
1833. July 17	Allen Warner	do.	E. half and S. W. of S. W. quarter	4	3	120.00	1 25	150 00
1832. August 6	Jabez Thompson	do.	E. half of N. E. quarter	5	3	79.66	1 25	99 57
1833. April 12	Coleman J. Keeler	do.	N. W. of N. W. quarter	5	3	40.00	1 25	50 00
1833. May 24	Ezra B. Dodd	do.	W. part of N. E. quarter	5	3	79.10	1 25	98 87
1833. July 3	David Gregory	do.	E. part of N. W. quarter	5	3	78.76	1 25	98 45
1833. June 20	John Dillo	do.	E. half and N. W. of S. E. quarter	5	3	120.00	1 25	150 00

No. 18—Continued.

When sold.	By whom purchased.		Tract purchased.			Quantity.	Price per acre.	Amount of purchase money.
	Name.	Residence.	Section or part of.	Section.	Township.	Acres.		
1833. June 29	Jonathan Bush	Ohio	W. half of S. W. quarter	5	3	80.00	$1 25	$100 00
1832. August 24	Lenos Leonard	do.	S. E. of N. W. quarter	6	3	39.62	1 25	49 52
1833. May 7	Solon Parmell	do.	W. half of N. E. quarter	6	3	80.00	1 25	100 00
1833. May 7	Jacob Lands	do.	N. E. of N. W. quarter	6	3	40.00	1 25	50 00
1833. May 15	John Galloway	do.	W. part of N. W. quarter	6	3	78.86	1 25	98 57
1833. June 8	John Christian	do.	N. E. of N. E. quarter	6	3	40.00	1 25	50 00
1833. June 29	Jonathan Bush	do.	E. half of S. E. quarter	6	3	80.00	1 25	100 00
1833. July 5	Jacob Landes	do.	S. W. of S. E. quarter	6	3	40.00	1 25	50 00
1833. July 5	William Conly	do.	S. W. quarter	6	3	155.75	1 25	194 69
1833. June 29	Blakesby H. Bush	do.	N. E. of N. E. quarter	7	3	40.00	1 25	50 00
1833. June 29	Blakesby H. Bush	do.	N. W. of N. W. quarter	8	3	40.00	1 25	50 00
1833. June 10	Nathaniel H. McCollum	Ohio	S. half of S. E. quarter	8	3	80.00	1 25	100 00
1826. December 18	Dexter Fisher	Michigan	E. half of N. E. quarter	9	3	80.00	1 25	100 00
1833. January 2	Elkanah Briggs	Ohio	W. half N. E. quarter	9	3	80.00	1 25	100 00
1832. October 2	Daniel O. Comstock	do.	S. half	9	3	320.00	1 25	400 00
1826. June 24	Henry Koop	do.	E. half of S. W. quarter	10	3	80.00	1 25	100 00
1833. May 30	Thomas Bishop	do.	W. half of S. W. quarter	10	3	80.00	1 25	100 00
1832, 1833	Daniel O. Comstock	do.	N. E. quarter and E. half of N. W. quarter	17	3	240.00	1 25	300 00
1833. June 7	Oliver Richison	do.	N. W. of N. W. quarter	17	3	40.00	1 25	50 00
1833. July 29	John McNees	do.	S. W. of N. W. quarter	17	3	40.00	1 25	50 00
1828. August 4	James Gilliuth	do.	E. half of S. E. quarter	17	3	80.00	1 25	100 00
1833. July 6	Isaac Ritter	do.	S. E. of N. E. quarter	18	3	40.00	1 25	50 00
1833. August 20	Frederick A. Reiv	do.	W. half of N. E. quarter	18	3	80.00	1 25	100 00
1833. September 16	Samuel Mahon	do.	N. W. fractional quarter	18	3	68.70	1 25	85 87
1828. August 4	James Gilliuth	do.	E. half of N. E. quarter	20	3	80.00	1 25	100 00
1832. November 12	Lewis Bose	do.	E. half of N. W. quarter	24	3	80.00	1 25	100 00
1833. June 12	Howard and Benjamin Andrews	do.	N. E. quarter	24	3	160.00	1 25	200 00
1832. April 13	Abraham Furney	do.	W. half of N. W. quarter	26	3	80.00	1 25	100 00
1833. June 28	Peter Moore	do.	E. half of N. W. quarter	26	3	80.00	1 25	100 00
1832. October 31	Jacob Burner	do.	W. half of N. E. quarter	34	3	80.00	1 25	100 00
1817. July 21	George Schwartz	Pittsburgh, Pa.	S. W. quarter	34	3	160.00	2 00	320 00
1833. October 14	William Olney	Ohio	W. half and N. E. quarter	3	4	479.72	1 25	599 65
1833. June 13	John Smithers	do.	S. E. quarter	3	4	160.00	1 25	200 00
1817. July 21	Marshal Key	Kentucky	Fractional	5	4	90.00	2 27	204 30
1833. May 31	Joseph Creps	Ohio	N. W. quarter	17	4	160.00	1 25	200 00
1833. March 26	Shibuah Spink	do.	E. half and N. W. of N. E. quarter	18	4	120.00	1 25	150 00
1826. April 15	James L. Gage	do.	E. half of S. E. quarter	33	4	80.00	1 25	100 00
						16,756.26		23,470 49

No. 19.

List of river lots within the United States reserve of twelve miles square, on the Miami river, and above the rapids thereof, which have been sold by the United States prior to the 1st of April, 1834.

When sold.	By whom purchased.		Tract purchased.	Quantity.	Price per acre.	Amount of purchase money.	Discount.
	Name.	Residence.	Section or part of.	Acres.			
1827. October 18	James Gilinth	Ohio	Lot No. 14	122.50	$1 25	$153 12	.....
1817. July 18	Marshal Key	Kentucky	do. 15	122.25	2 55	311 74	.....
1817. July 18	do.	do.	do. 16	201.25	2 00	402 50	.....
1817. July 18	Joseph Pierce	Ohio	do. 19	112.50	7 25	815 62	.....
1827. July 21	James Wolcott	do.	do. 20 and 21	300.00	1 25	375 00	.....
1827. July 19	Marshal Key	Kentucky	do. 22	156.21	2 12	330 98	.....
1817. July 19	David Hull	Ohio	do. 23	125.78	15 51	1,950 84	$548 67
1827. July 9	William Doherty	do.	do. 24	143.56	1 63	234 00	.....
1827. July 9	do.	do.	do. 25	179.50	1 81	324 89½	.....
1827. July 19	Moses Everitt	do.	do. 26	207.00	2 04	422 28	89 35
1827. July 19	William Hollister	do.	do. 27	147.00	6 50	955 50	100 03
1827. July 9	James Wolcott	do.	do. 28	185.75	1 25	232 19	.....
1827. July 9	Jonathan H. Jerome	do.	do. 29	163.10	1 25	203 87	.....
1827. July 9	James Wolcott	do.	do. 30	192.70	1 29	248 58	.....
1817. July 19	James C. Adams	do.	do. 31	179.00	2 00	358 00	67 12
1817. July 19	William Oliver	do.	do. 32	174.00	6 05	1,052 70	115 00
1817. July 19	Isaac Richardson	do.	do. 33	173.30	5 41	937 55	175 79
1817. July 19	Elijah Gunn	do.	do. 34	172.00	5 10	877 20	246 71
1827. July 9	John Pray	do.	do. 35	169.50	1 27	215 26	.....
1817. July 19	William Oliver	do.	do. 36	164.50	7 05	1,159 73	.....
1827. July 9	John Pray	do.	do. 37	158.00	1 36	215 70	.....
1827. July 9	Moses Thompson	do.	do. 38	185.00	1 25	203 85	.....
1827. July 9	Francis Dilts	do.	do. 39	138.25	1 27	175 58	.....
1817. July 19	David Moore	do.	do. 40	145.00	20 20	2,929 00	350 79
1817. July 19	do.	do.	do. 41	167.00	4 81	803 27	15 53
1832. March 31	Smith Duggett	do.	do. 42	120.00	1 25	150 00	.....
1833. January 22	do.	do.	do. 43	154.50	1 25	193 12	.....
1817. July 19	John Hollister	do.	do. 44	184.00	2 00	368 00	.....
1827. July 10	do.	do.	do. 45	142.00	1 25	177 50	.....
1817. July 19	Thomas Wilson	Pennsylvania	do. 48	216.80	2 00	433 60	.....
1827. July 10	John Pray	Ohio	do. 49	225.75	1 25	282 19	.....
1817. July 19	John Hollister	do.	do. 50	226.50	2 00	453 00	.....
1817. July 19	Thomas Wilson	Pennsylvania	do. 51	223.75	2 00	447 50	126 77
1817. July 19	do.	do.	do. 52	212.75	2 00	425 50	120 54
1817. July 19	Lewis Bullock	Kentucky	do. 53	207.00	2 00	414 00	36 25
1817. July 19	John Anderson and others	Detroit	do. 54	203.50	2 18	443 63	.....
1827. July 9	Elijah Huntington	Ohio	do. 55	213.00	1 27	270 51	.....

No. 19—Continued.

When sold.	By whom purchased.		Tract purchased.	Quantity.	Price per acre.	Amount of purchase money.	Discount.
	Name.	Residence.	Section or part of.	Acres.			
1817. July 19	John Anderson and others	Detroit	Lot. No. 56	138.00	$10 30	$1,421 40	.....
1817. July 19	do. do.	do.	do. 57	162.00	6 20	1,004 40	.....
1827. July 9	James Lecompte	Ohio	do. 58	181.75	1 25	227 18	.....
1827. July 9	James Wilkison	do.	do. 59	196.00	1 53	299 88	.....
1827. July 9	William Oliver	do.	do. 60	165.00	1 51	249 15	.....
1817. July 9	John Jay Lovitt	Albany, N. Y.	do. 61	176.50	....	668 49	.....
1817. July 9	Joseph B. Stuart	New York	do. 62	189.00	....	732 87	.....
1827. July 9	Joseph Vance	Ohio	do. 63	212.00	2 01	426 12	.....
1831. August 24	Thomas Emerson	do.	do. 64	218.80	....	820 50	.....
1817. July 19	Frederick A. Stuart	New York	do. 65	206 00	11 02	2,270 12	.....
1829. December 26	Josiah Hedges	Ohio	do. 66	179.40	4 50½	808 94	.....
1827. November 28	Ambrose Rice	do.	do. 69	123.77	1 25	154 71	.....
1827. September 26	Sally F. Cobean	do.	do. 72	153.75	1 25	192 18	.....
1827. September 26	James Cobean	do.	do. 73	193.00	1 25	241 25	.....
1827. September 26	do.	do.	do. 74	133.30	1 25	166 62	.....
1817. July 19	Henry Aten	do.	do. 80	170.50	2 15	366 57	.....
1817. July 19	do.	do.	do. 81	178.50	2 15	383 77	.....
1832. May 14	Robert Carnahan	Pennsylvania	do. 82	188.00	1 25	235 00	.....
1817. July 19	George Wadsworth	Vermont	do. 83	195.50	2 05	400 77	.....
1828. February 4	Abijah L. Burnap	Massachusetts	do. 84	123.00	1 25	153 75	.....
1828. February 4	do.	do.	do. 85	133.50	1 25	166 87	.....
1817. July 19	William Oliver	Ohio	do. 86	181.00	2 75	497 75	.....
1817. July 19	do.	do.	do. 87	93.00	2 15	199 95	.....
1827. July 10	Elnathan Cory	do.	do. 88	27.70	4 51	124 93	.....
1817. July 19	Almon Gibbs	do.	do. 89	27.70	20 50	567 85	.....
1827. July 10	Elnathan Cory	do.	do. 90	27.70	4 87	134 90	.....
1817. July 19	David Moore	do.	do. 91	27.70	24 50	678 65	$91 47
1817. July 19	Joseph B. Stuart	New York	do. 92	29.60	....	148 00	.....
1817. July 19	Joseph Pierce	Ohio	do. 93	29.60	....	159 10	.....
				10,528.07		$33,848 77	

24TH CONGRESS.] No. 1440. [1ST SESSION.

LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 16, 1836.

TREASURY DEPARTMENT, *February* 15, 1836.

SIR: In compliance with the provisions of the 2d section of the act of 6th February, 1835, I have the honor to transmit the report of the register and receiver of the land office at Ouachita, Louisiana, made in pursuance of said act; accompanied by the opinion of the Commissioner of the General Land Office, touching the validity of the claims therein referred to.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *February* 12, 1836.

SIR: I have the honor to submit herewith a letter, dated the 9th ultimo, from the register of the land office at Ouachita, Louisiana, transmitting the reports of the register and receiver of that land office upon two claims, numbered 1 and 4, under the provisions of the act of Congress of the 6th of February, 1835, entitled, "An act for the final adjustment of claims to land in the State of Louisiana;" and in relation thereto, beg leave to make the following remarks:

No. 1. This claim was filed by the legal representatives of Pierre and Julien Besson, brothers, with the register of the land office at Opelousas, for examination, under the provisions of the act of the 11th of May, 1820; who entered the same in his report of the 1st of October, 1825, as claim B, No. 67, and observed that, "in this claim there are not sufficient, indeed no data, in the office to test the genuineness of the documents filed herein; without knowing even that there was ever such an officer at the post of Natchitoches, as Lieutenant Governor De Mezier, and in the absence of any oral testimony, this claim cannot, for the present, be recommended for confirmation. As it bears marks of some authenticity, and as it would be unjust to condemn it without allowing the claimants further time to substantiate it, which it may be in their power to do, it is therefore recommended that a further time be given to the claimants for that purpose."

By the additional testimony now produced in support of this claim, it would appear that upon examining the archives in the office of the parish judge of Natchitoches, it is found that De Mezier acted as lieutenant-governor at that post during the year 1770, and that his signature to the concession seems to be genuine.

No. 4. In this case the entry is made by John Sibley, as the assignee of Louis Tregarie, in virtue of a settlement made by the said Louis: the confirmation of it, under certain restrictions, is, however, recommended to be made to Tregarie, his heirs and assigns. The notice of Mr. Sibley states the claim to be on the east side of Red river, and as being bounded below by the lands of Athanaze De Mezier, and above by public lands. One of the witnesses identifies the land as being on the "bayou Cypree," and another one states it to be adjoining to that of Athanaze De Mezier. By a note from P. Barry, accompanying the report, it is stated, that the land now claimed by Mr. Sibley, has been already confirmed by the United States to Augustine, (a free negro,) and to John Pierre, in township 10 north, of range 7 west, and by the enclosed copy of part of the plat of that township, as returned to this office by the surveyor general, it will be seen that the land on the east side of Red river, situate adjoining and immediately above the claim of A. De Mezier, and embracing both sides of Cypress bayou, has been surveyed as the confirmed claims of the said Augustine and John Pierre; and that therefore the land now claimed by Mr. Sibley, and the confirmation of which is thus conditionally recommended, is not part of the public domain.

With great respect, sir, your obedient servant,

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

LAND OFFICE, *Ouachita, Louisiana, January* 9, 1836.

SIR: We enclose the claims Nos. 1 and 4, with the proof, and our report upon the same. Several others are recorded, but in so imperfect a state that no decision can be made. Further time is therefore allowed to obtain proofs and documents in relation to them.

Respectfully, your obedient servant,

JNO. M. A. HAMBLEN, *Register.*

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

No. 1.

LAND OFFICE, *Ouachita, Louisiana, December* 24, 1835.

John W. Butler, of the province of Natchitoches, in the State of Louisiana, claims a tract of land in said parish, containing thirty arpens in front, with the ordinary depth of forty arpens, equal to 1015.54 superficial American acres, situated at a place called "L'Ecor Rouge, de la Prarie aux Oies," and designated as "Boné dún coté par le bayou de l'Ecor Rouge et de l'autre par celui nonemé Dourbeaux or Bourbeaux."

The present claimant represents, that he is the assignee, by regular transfer, of the legal heirs and representatives of Pierre and Julien Besson, deceased, and produces a paper purporting to be the requete of Pierre Bes-

son and Julien Besson, addressed to Athanase de Mezier, then commandant or lieutenant governor of the post of Natchitoches, &c., dated the 25th of February, 1770, to which is subjoined the act of said De Mezier, authorizing the said Pierre and Julien Besson to take possession of, and occupy, said tract of land, for the purpose set forth in said requete. On the 30th of December, 1820, Prudhomme fils notified the register of the land office for the western district of Louisiana, at Opelousas, of the claim of Pierre and Julien Besson, brothers, and, in consequence of that notice, the commissioners of that office made a report, on the first day of October, 1825, recommending that further time be allowed the claimants to establish their title. Since then, the act of adjudication to John W. Butler, at the sale of the succession in community between John Baptiste Besson, deceased, and his widow, Marie Belasaire Ris, the conveyance from François Besson to John W. Butler, the testimony of Pierre Trichell, the certificate of Fernando Gayoso, and the official certificate of C. E. Greneaux, judge of the parish of Natchitoches, have been added. By an endorsement on the file of these papers, it also appears, that the same had been, at the last session of Congress, referred to the committee of that body on private land claims, but not acted upon. We have given these papers an attentive examination, and, considering that the said Pierre and Julien Besson may have been, for a long lapse of years, under the Spanish government, and since, under that of the United States, in the uninterrupted possession and enjoyment of said land, and that great injustice might be done to them, their heirs, or assigns, we are of opinion that the claim should be allowed; but as it is not sufficiently shown that Jean Baptiste and François Besson were such legal heirs, we would suggest, if such shall be the will of Congress, that the confirmation be in the name of Pierre and Julien Besson, their heirs, or assigns. The papers, such as they came to us, are therefore respectfully submitted.

JNO. M. A. HAMBLEN, *Register.*
BAN. EASTIN, *Receiver.*

NOTICE.

To the Register and Receiver of the Land Office at Ouachita, acting as a board of commissioners, under an act of Congress, entitled, "An act for the final adjustment of claims to land in the State of Louisiana," approved February 6, 1835:

John W. Butler, of the parish of Natchitoches, and State of Louisiana, gives notice that, by regular transfers, copies of which are hereunto annexed, he is the assignee of the heirs and legal representatives of Pierre and Julien Besson, deceased, to the tract or parcel of land situate in the parish of Natchitoches, at a place called L'Ecor Rouge, of the prairie Aux Oies, containing about thirty arpens front, bounded on one side by the bayou of L'Ecor Rouge, and on the other by a bayou called Dourbeaux, about six leagues above the post of Natchitoches, which land was conceded to the said Pierre and Julien Besson, brothers, on their petition, by Athanaze De Mezier, on the 25th day of February, 1770, who was, at that time, lieutenant governor of the post of Natchitoches, all which will more fully appear by reference to the said petition and concession hereto annexed, and made part of this notice.

The said John W. Butler begs leave further to represent, that, on the 20th day of December, 1820, the representatives of Pierre and Julien Besson filed a notice of this claim with the register of the land office at Opelousas, as will appear by reference to the receipt and certificate of Levin Wales, hereto annexed. That afterward the said register made a report, by which it appears that the only reason for not immediately reporting favorably on said claim was, that there were no data in their office by which the genuineness of the signature of De Mezier could be tested, and that they did not know of the existence of such an officer as lieutenant governor of the post of Natchitoches, but they say that, as the acts have some appearance of authenticity, they accord further time to the claimants to furnish the proof necessary for making out their title; all which will more fully appear by reference to a copy of said report herewith filed and specially referred to.

In answering these objections, the claimant has first examined the parish judge's office in Natchitoches, in company with the parish judge and the other witness, whose testimony, with that of the parish judge, is hereto annexed, and found that the signature of De Mezier to the concession is genuine. Secondly, that as the office of lieutenant governor was one known to the Spanish government, the claimant refers to the testimony taken by V. King and D. L. Todd, and found at page 1042 of the Appendix of the Land Laws, to which reference is made, and that there was such an officer at the post of Natchitoches, the claimant refers the commissioners to "documents relative to Louisiana and Florida," received at the department of State, from the Secretary of State of Spain, through the Hon. C. P. Van Ness, envoy extraordinary and minister plenipotentiary at Madrid, a copy of which has no doubt been received at your office; and special reference is made to document No. 2, page 2, of said documents, and to the testimony of the parish judge of Natchitoches, relative to the official character in which De Mezier acted. It will be remarked by the commissioners, that the concession was made in February, 1770, and the recommendation of O'Reilley, that the granting of lands should, *in future*, be confined to the governor alone, is August, 1770.

The habitation and cultivation of this land by the Bessons, will be found proved by the annexed testimony of Durcey, Trichell, and others.

The premises considered, the said John W. Butler prays that his title to said land be confirmed by the said register and receiver, and that an order of survey may issue, and his title be made complete according to law. And as in duty bound, &c.

J. W. BUTLER.

STATE OF LOUISIANA, *Parish of Natchitoches:*

Before me, the undersigned authority, personally came and appeared Pierre Trichell, of the parish of Natchitoches, and State of Louisiana, who, being duly sworn by me, deposes and says that he is now about fifty-five years of age, and that he has always lived in this parish, at a place called Compte, about twelve miles from the land now belonging to John W. Butler, and which he acquired of the family of Bessons; that it is to his knowledge that Pierre Besson and Julien Besson, brothers, lived on the land mentioned in John W. Butler's notice to the register and receiver of the land office at Ouachita; that affiant was a small boy, can't say how old, but the said Bessons were his uncles, and he visited them on said tract of land, in company with affiant's father and mother; that they continued to live on the land until the death of Pierre; Julien then continued to live on the land, and cultivated it for many years after the death of his brother Pierre. Affiant had always understood that the Bessons were in possession of said land, in virtue of title given by Athanase de Mezier, who was in authority under the Spanish government. Affiant must have known them on the land, he is certain, twenty years before the 20th day of December, 1803. Pierre Besson died many years ago, and Julien died about 1818; since the

death of Julien, Jean Baptist Besson, the son of Julien, has lived on and cultivated the land. The land was always considered, and sold by the parish judge, as part of the estate of Julien Besson. In old times, the Bessons had their vacherie on this land; since that there has been much land cleared and cultivated by both the old and young Bessons.

PIERRE TRICHELL.

Sworn to and subscribed before me, this 15th day of April, 1835.

I. HOLMES, *Justice of the Peace*

PARISH OF NATCHITOCHES, *State of Louisiana.*

STATE OF LOUISIANA, *Parish of Natchitoches:*

I, the undersigned, parish judge of the parish aforesaid, do hereby certify that I am well acquainted with Pierre Trichell, of this parish, and that his testimony is entitled to credit. I do further certify that Isaac Holmes, whose name is subscribed to the within affidavit, is now, and was at the time of signing the same, a justice of the peace, duly commissioned, and acting in and for the said parish, and that full faith and credit are due to all his official acts.

Given under my hand and official seal, at Natchitoches, this sixth day of May, A. D. 1835.

[L. S.] C. E. GRENEAUX, *Parish Judge.*

[N. B.—The annexed papers were sent to Congress, with claimant's petition, but the land offices being opened again, the papers were returned.]

Monsieur ATHANAZE DE MEZIERES, *Capitaine d'Infanterie, Lieutenant Gouverneur, Juge Civil, ou Criminal du Natchitoches et les dependances.*

Supplient humblement Pierre et Julien Besson, freres, habitans en ce poste, disant qu'ayant entréux plusieurs bestieaux, lesquels diminuent plutot que d'augmenter, en ce poste, à cause de la difficulte qu'il y a de les pouvoir garder ils aurarient formé de dessein de faire un vacherie; et pour cet effet ils ne trouvent pas d'endroits plus propre pour leur projet qu'un endroit situé à l'Ecor Rouge de la prairie aux Oïes, contenant environs trente arpens de face en haut de ce post à six lieues; borné d'un coté par le bayou de l'Ecor Rouge, et de l'autre par celui nommé Baurbeaux. Ce consideré Monsieur, les suppliants recours a vous afin qu'il vous plaise leur accorder la concession de trente arpens de terre ou environ, de face c'y dessus designés, sur la profondeur ordinaire, pour s'y mettre tout de suite dessus. Ils ne cessesont de faire des voeux pour la conservation de votre santé et prosperités.

Aux Natchitoches, le 25 Fevrier, 1770.

PIERRE BESSON.

ATHANAZE DE MEZIERES, *Capitainè d'Infanterie, Lieutenant Gouverneur du poste de Natchitoches et les dependances.*

Vû la requête c'y avant nous permettons à Pierre et Julien Besson, freres, de s'etablir sur les trente arpens d'environs, de face sisé à l'endroit mentionné en la ditte requête, pour y placer leur bestieaux, conformement à leur exposé et aux conditions portés par les ordonances de sa majesté.

Au loge du gouvernement, le 25 Fevrier, 1770.

ATHANAZE DE MEZIERES.

LAND OFFICE AT OPELOUSAS, *State of Louisiana:*

The foregoing is a true copy of the original requête and order of survey, on file in this office, in the claim reported by the register, (No. 67.) on the first of October, 1825.

In testimony whereof, I have hereunto signed and affixed my private seal of office, this 11th day of October, A. D. 1834.

[L. S.] VALENTINE KING, *Register.*

To the Register of the Land Office for the southwestern district of the State of Louisiana:

The legal representatives of Pierre and Julien Besson, brothers, give notice that, pursuant to the second section of an act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th of May, 1820, they claim a tract of land containing twelve hundred superficial arpens, to wit: thirty arpens front, with the depth of forty arpens, at a place called *Ecore Rogue*, of the Goose prairie, about six leagues above the post of Natchitoches; bounded on one side by the Bayou Ecore Rouge, and on the other by that called Dourbeaux. The claimants file herewith a requête for the said land, made by the said Pierre and Julien Besson, on the 25th of February, 1770, to which is annexed the concession of the same date, made by Mr. Athanaze de Mezier, at that time lieutenant governor and commandant for the post of Natchitoches.

Knowing the justice of this claim, they hope it will be confirmed by the honorable Congress of the United States.

For the claimants,

PRUDHOMME, *Fils.*

OPELOUSAS, *December* 30, 1820.

LAND OFFICE AT OPELOUSAS, *State of Louisiana:*

The foregoing is a true copy of the original notice on file in my office.

In testimony whereof, I have hereunto signed and affixed my private seal of office, this 10th day of October, A. D. 1834.

[L. S.] VALENTINE KING, *Register.*

B—No. 67.

The legal representatives of Pierre and Julien Besson, brothers, claim a tract of land containing twelve hundred superficial arpens, equal to 1,015.54 American acres, at a place called *Ecore Rouge*, in the Goose prairie,

about six leagues above the post of Natchitoches, bounded on one side by the Bayou Ecore Rouge, and on the other by that called Dourbeaux. The claimants file herewith a requête for the said land, made by the said Pierre and Julien Besson, on the 25th February, 1770, soliciting a grant of the above-described tract of land, to which is subjoined the concession of the same date, and granting the said as solicited, made by Mr. Athanase de Mezier, at that time lieutenant governor and commandant for the post of Natchitoches. In this claim there are not sufficient, indeed, no data in the office to test the genuineness of the documents filed herein; without knowing even that there was ever such an officer at the post of Natchitoches as Lieutenant Governor De Mezier, and in the absence of any oral testimony, this claim cannot for the present be recommended for confirmation. As it bears marks of some authenticity, and as it would be unjust to condemn it without allowing the claimants further time to substantiate it, which it may be in their power to do, it is therefore recommended that a further time be given to the claimants for this purpose.

LAND OFFICE AT OPELOUSAS, *State of Louisiana:*

The foregoing is a true copy of the original report, made, among others, by the register of this office, to the Secretary of the Treasury of the United States, on the 1st day of October, 1825.

In testimony whereof, I have hereunto signed and affixed my private seal of office, this 10th day of October, A. D. 1834.

[L. S.] VALENTINE KING, *Register.*

Sale at auction of the property belonging to the succession of Jean Baptiste Besson, late of the parish of Natchitoches, in community with his widow Marie Belasire Ris, made on this third day of February, one thousand eight hundred and thirty-four, by me, the undersigned parish judge and ex-officio auctioneer, in and for the parish of Natchitoches, in the State of Louisiana, in pursuance of an order of the court of probates of the said parish, under the following terms and conditions, to wit: The movable property payable on the 1st of May, 1835; the immovable property payable in three equal annual instalments, the first to become due on the 1st of May, 1835. Purchasers will give their notes, with security, in solida, to the satisfaction of the testamentary executor, and mortgage on the immoveables.

Property belonging exclusively to Jean Baptiste Besson's succession.

One undivided half of a tract of land, situate in the said parish, on the bayou of Compte, containing about six hundred arpens superficial measurement, at a place called Ecore Rouge, bounded on one side by the Bayou Ecore Rouge, and on the other by the Bayou Dourbeaux, adjudicated to J. W. Butler, B. B. Breazele, security for the sum of sixteen hundred and seventy dollars $1,670 00

When, there being nothing more belonging to the said succession to be offered for sale, I have closed the present sale, and signed the same with François Besson, the testamentary executor, and the undersigned witnesses, on the day and year first above written.

FRANCOIS BESSON.

Witnesses: Jn. Prat, Pierre Trichell, C. E. Greneaux, parish judge, and auctioneer *ex officio.*

I hereby certify the above and foregoing to be a true extract of the original on file and of record in my office.

Given under my hand and seal of office, on this eleventh day of December, one thousand eight hundred and thirty-four.

[L. S.] C. E. GRENEAUX, *Parish Judge.*

STATE OF LOUISIANA, *Parish of Natchitoches:*

Be it known, that this day, before me, Charles E. Greneaux, parish judge and *ex officio* notary public in and for the parish of Natchitoches, State of Louisiana, aforesaid, duly commissioned and sworn, personally came and appeared Mr. François Besson, of the same parish, who declared that for the consideration hereinafter expressed, he doth, by these presents, grant, bargain, sell, convey, transfer, assign, and set over, with a full guaranty against all troubles, debts, mortgages, claims, evictions, donations, alienations, or other incumbrances whatsoever, unto John Walter Butler, also of the same parish, his heirs and assigns, one undivided half of a certain tract or parcel of land situate and being in the said parish, the whole of which contains twelve hundred arpens, superficial measurement, heretofore held in common between the present vendor and John Baptiste Besson, his deceased brother, and being the same tract of land which was granted to Pierre and Julien Besson; bounded on one side by the Bayou Ecore Rouge, and on the other by the Bayou Bourbeaux, near the place called Goose prairie; to have and to hold the said undivided tract of land unto the said John Walter Butler, his heirs and assigns, to their proper use and behoof for ever. And the said François Besson, for himself, his heirs, and administrators, to the said John Walter Butler, his heirs and assigns, shall and will warrant, and for ever defend, against the lawful claims of all persons whomsoever, by these presents. And the said vendor doth moreover subrogate the said purchaser to all the rights and actions of warrantee which he has or may have, against his own vendor, or against the vendors of his vendor, fully authorizing said purchaser to exercise the said rights and actions, in the same manner as he himself might or could have done.

The purchaser declared that he waived and dispensed with the certificate of the conservator respecting the mortgages which may exist on the said tract of land.

The above sale is made for and in consideration of the sum of sixteen hundred and twenty dollars, for which the said purchaser has this day given his three several promissory notes, each for the sum of five hundred and fifty-six dollars and two thirds; the first payable on the first of May, eighteen hundred and thirty-five; the second on the first of May, eighteen hundred and thirty-six; and the third and last on the first of May, eighteen hundred and thirty-seven. All of which notes are signed by Blount Baker Breazele, as security in solido, and are duly attested by me, said judge and notary, according to law. And in order to secure the true and punctual payment of said notes at maturity, the purchaser hereby mortgages and specially affects the above sold undivided half of tract of land.

Thus done and passed in my office, in the parish of Natchitoches aforesaid, in the presence of Daniel R. Hopkins and Chrysostome Vascocu, witnesses, of lawful age, and domiciliated in this parish, who hereunto sign

their names, together with the said parties, and me, the said notary, on this twenty-eighth day of April, in the year one thousand eight hundred and thirty-four.

FRANCOIS BESSON,
J. W. BUTLER.

D. R. HOPKINS, CH. VASCOCU, *attest.*

C. E. GRENEAUX, *Parish Judge, and ex-officio Notary Public.*

I hereby certify the above and foregoing to be a true copy of the original on file and of record in my office. Given under my hand and seal of office, on this sixteenth day of December, one thousand eight hundred and thirty-four.

[L. S.] C. E. GRENEAUX, *Parish Judge.*

NATCHITOCHES, *December* 2, 1834.

Personally appeared before me, the undersigned, a justice of the peace in and for the parish of Natchitoches, Louis Closeau and Pierre Trichell, the former sixty-eight years, and the latter fifty-four, both of them born and raised in the parish of Natchitoches. Both of them, being duly sworn according to law, made oath that they remember well Athanaze De Mezier, sr.; that he was commandant and lieutenant governor. Mr. Trichell only recollects that he was commandant of this parish; and both of the affiants declare that they know that Pierre Besson and Julian Besson, both of them, occupied what is called the Ecore Rouge and Bayou Bourbeaux. They both declare that the Bessons occupied the said place forty years ago.

LOUIS CLOSEAU,
P. TRICHELL.

Subscribed and sworn to, at Natchitoches, the 2d of December, 1834, before me,

JOHN SIBLEY, *Justice of the Peace.*

STATE OF LOUISIANA, *Parish of Natchitoches:*

I, Charles E. Greneaux, parish judge of the parish aforesaid, do hereby certify that I am well acquainted with Louis Closeau and Pierre Trichell, whose names appear above; that they are both respectable citizens of this parish; that their testimony is entitled to full faith and credit, and that their signatures hereto are genuine. I further certify that John Sibley, who has certified to the within affidavit, was, at the time he signed the same, and is now, an acting justice of the peace, duly commissioned and sworn, in and for the said parish; that full faith and credit are due to all his official acts, and that his signature hereto is genuine.

Given under my hand and official seal, at Natchitoches, this 17th day of December, 1834.

[L. S.] C. E. GRENEAUX, *Parish Judge.*

STATE OF LOUISIANA, *Parish of Natchitoches:*

I do certify that I examined, with Judge Greneaux, the papers in his office for the year 1770, and that we found many executed by Athanaze De Mezier, and among others, a proclamation dated the 21st of January, 1770, and signed by Athanaze De Mezier, as lieutenant governor of the post of Natchitoches and its dependencies. And further, I certify that, on comparing the signatures at the foot of the concession of land to the Bessons brothers, of a tract of thirty arpens front, at the Ecore Rouge of the prairie aux Oies, with the signature to the aforesaid proclamation, and other acts of said De Mezier, I am of opinion that the signature to the concession is genuine.

FERNANDO GAYOSO.

Sworn to, and subscribed before me, this 6th day of May, 1835.

C. E. GRENEAUX, *Parish Judge.*

STATE OF LOUISIANA, *Parish of Natchitoches:*

I, Charles E. Greneaux, parish judge of the parish aforesaid, do hereby certify, that from an examination of the archives in my office, I find that, on the twenty-first day of January, seventeen hundred and seventy, a proclamation was issued by Athanaze De Mezier, then captain of infantry and lieutenant governor of Natchitoches and dependencies; and I do further hereby certify, that on comparing the signature of De Mezier on the said proclamation, as well as upon other public acts signed by him during all the year seventeen hundred and seventy, with the signature on the concession of a tract of land made to Pierre and Julien Besson, I am convinced that the signature on the said concession is genuine.

Given under my hand and official seal, at Natchitoches, this 17th day of December, A. D. 1834.

[L. S.] C. E. GRENEAUX, *Parish Judge.*

No. 4.

To the Register and Receiver of the Land Office at Ouachita, acting as a board of commissioners, under an act of Congress, entitled, "An act for the final adjustment of claims to lands in the State of Louisiana," approved February 6, 1835:

John Sibley, of the parish of Natchitoches and State of Louisiana, gives notice that he is the assignee of Louis Tregarie, late of said State and parish, who, on the 20th day of December, 1803, and for ten consecutive years prior to that date, had been in possession of a tract of land containing five arpens front by forty in depth, situated on the northeast side of Red river, and in the grand Ecore settlement, about seven miles from the Post of Natchitoches, the said land being bounded below by lands of Athanase de Mezier, and above by public lands. That the said Louis Tregarie continued to hold and occupy said land until the ninth day of September, one thousand eight hundred and eleven, at which time he sold the same to the present claimant; that the claimant has continued to hold the same from the said 9th day of September, 1811, until the present time, and is still in possession.

The premises considered, the said John Sibley prays that his title, as assignee of Louis Tregarie to said land, may be confirmed and perfected; he prays for all such other and further relief in the premises as justice, equity, and law will allow, and as in duty bound, &c.

JOHN SIBLEY.

STATE OF LOUISIANA, *Parish of Natchitoches:*

Before me, the undersigned authority, personally came and appeared François Durcy, who, being duly sworn, deposes and says, that he is about sixty-five years of age; that he has lived in the parish of Natchitoches since the year seventeen hundred and ninety-seven; that he was well acquainted with Louis Tregarie; that when witness first came to Natchitoches, Tregarie lived on the land mentioned in John Sibley's notice, on the other side of this paper written; that Tregarie continued to live on and cultivate said land from the time witness first knew him, in 1797, until he sold to John Sibley, in 1811; that John Sibley has held the same by himself and one Louis Lamotte from the time of his purchase, in 1811, until the present moment; that, in 1797, the place had the appearance of an old settlement.

F. DURCY.

Sworn to, and subscribed before me, this 23d of April, 1835.

I. HOLMES, *Justice of the Peace,*
Parish of Natchitoches, State of Louisiana.

François Durcy further states, that he has a distinct recollection that, in conversation with Felix Trudeau, the commandant of the post of Natchitoches, under the Spanish government, that Trudeau said that Louis Tregarie had presented him a petition for land on the Bayou Cypre, between Campte and the Grand Ecore; that the said Trudeau told Tregarie to go and settle on the land, and he did so.

F. DURCY.

STATE OF LOUISIANA, *Parish of Natchitoches:*

Before me, the undersigned authority, personally came and appeared Louis Geoffrois, of the parish of Natchitoches and State of Louisiana, who, being duly sworn, deposes and says, that he has been living in the parish of Natchitoches since 1808; that at that time he knew Louis Tregarie, generally called Quirrier; that the said Tregarie then lived on the land he afterward sold to John Sibley, and which is mentioned in the foregoing notice of said Sibley; that the place had, at that time, (1808,) the appearance of an old establishment, and that he was informed that Tregarie was the man who first settled it.

LOUIS GEOFFROIS.

Sworn to, and subscribed before me, this 28th of April, 1835.

C. E. GRENEAUX, *Parish Judge of Natchitoches.*

STATE OF LOUISIANA, *Parish of Natchitoches.*

Before me, the undersigned authority, personally came and appeared Rosetti de Meziere, f. w. c., of the parish of Natchitoches and State of Louisiana, who, being duly sworn, deposes and says, that she is about forty-six years of age; that in her infancy she recollects Louis Tregarie, generally called Quirrier; that she recollects, because, when a small child, Tregarie lived within a short distance of her father's, and used to teach her songs and make much of her; she supposes she must have been about five years old at the time she speaks of; that Tregarie then lived on a tract of land adjoining to her father, Athanase De Meziere; the said land was afterward sold by Tregarie to Doctor Sibley, and Louis Lamotte now lives on it; it is the same mentioned in Doctor Sibley's notice. Witness recollects that Tregarie was living on said land long before the change of government. This land has always been, since the recollection of witness, in the possession of either Louis Tregarie, Doctor Sibley, or Louis Lamotte.

her
ROSETTE × MESSIERE.
mark.

Sworn to, and subscribed before me, this 28th day of April, 1835.

I. HOLMES, *Justice of the Peace,*
Parish of Natchitoches, State of Louisiana.

STATE OF LOUISIANA, *Parish of Natchitoches:*

I do hereby certify that I am acquainted with the above named witnesses, and that their testimony is entitled to credit. I do further certify that Isaac Holmes, whose signature appears on the above and within affidavits, is now, and was at the time of signing the same, a justice of the peace in and for the parish aforesaid, and that full faith and credit are due to all his official acts.

Given under my hand and official seal, at Natchitoches, this 29th day of April, A. D. 1835.

[L. S.] C. E. GRENEAUX, *Parish Judge of Natchitoches.*

NATCHITOCHES, *April* 28, 1835.

DEAR SIR: Enclosed I send you the notice of Doctor John Sibley, with the evidence in support of his claim; should any further testimony be thought necessary, I would thank you to let me know. I hope, however, you will think what I have offered sufficient, for time and an unhealthy climate have taken off many who might have proved this claim.

I would thank you to let me know whether there is in your office any evidence of a claim to land, situated on the Rigolet du Bor Dieu, in favor of Jean Baptiste Trichell.

Please to send me by the bearer a certificate notice for Doctor Sibley.

I have the honor to be, dear sir, your obedient servant, FERNANDO GAYOSO.

JOSEPH FRIEND, Esq.

Memorandum for Doctor Hamblen and Judge Eastin.

I wish, gentlemen, to call your attention to the claim of John Sibley, for the land record in your book for report. You have seen the certificates and the report of the commissioners, confirmed by acts of Congress, I believe, in 1825. It was confirmed to Augustein, f. m. c., as appears on township plat 10, range 7 west; there is also another claim in the same situation, in the name of John Pierre. I purchased these claims of the heirs of Fleming and Irwin, who purchased of the original owners. I merely bought the land, paying them so much per

acre for every acre they gave me undisputed title to; so the principal interest is in the heirs of Fleming and Irwin. There is a suit now pending at Natchitoches, Heirs of Fleming and Irwin *vs.* Lamotte, f. m. c.; and Sibley applies to make a title to affect the suit, as he has no color of title. The suit was continued last term on this ground.

Yours,

P. BARRY.

No. 4.

In this case there is no evidence before us of the ownership of John Sibley to the said land, save the oral testimony of his *exparte* witnesses. Therefore, we are of opinion that this claim should be confirmed to the said Tregarie, his heirs and assigns, whoever they may be, provided it does not interfere with the rights of any other person of previous date, the evidence of whose claim shall be in conformity with the established usages of the Spanish government, and confirmed by the proper authorities of the government of the United States; and provided also, that the said Louis Tregarie, or his legal representatives in his name, shall not have obtained a grant or donation of a similar nature at Opelousas, or some other land office of the United States.

JOHN M. A. HAMBLEN, *Register.*
RAN. EASTIN, *Receiver.*

LAND OFFICE, *Ouachita, Louisiana.*

24TH CONGRESS.] No. 1441. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1836.

Mr. CHAMBERS, from the Committee on Private Land Claims, to whom was referred the petition of William Baker, reported:

That they have had under consideration the same, and the evidence accompanying it. It is alleged, on the part of the petitioner, as son and heir of Gardner Baker, that said Gardner Baker did obtain from the proper Spanish authorities a concession or grant of a tract of land, in the then province of Florida, now the territory of the United States. From the evidence exhibited with the petition, it appears that on the 28th of April, 1804, there was conceded to said Gardner Baker five hundred and fifty acres of land, by White, governor of the said province of the Spanish government, in consideration that said Gardner had taken the oath of fidelity and vassalage to his Spanish Majesty, and professed his intention of transporting his family from New Providence, where they then resided, and dedicating himself to agriculture. This grant was thus predicated on the declared intention to cultivate the same, and in quantity made to correspond with his family, which by him was represented to consist of himself, wife, three children, and two slaves. It further appears that, on the 5th of May, 1804, there was granted by the same governor White to James Sampson and said Gardner Baker, on their petition, ten acres of land for a water saw-mill, on the river Miami, about six miles distant from its mouth. This grant was made on condition that they, the said Sampson and Baker, should build the said water saw-mill within the term of one year, or that the concession would be considered null and void. It is further alleged that said Gardner Baker died about the year 1829, without stating his residence at the time of his death, though it may be inferred to have been at the island of New Providence, as the power of attorney from Ann Sarah Baker, sister of said William, represents them as the surviving devisees of said Gardner Baker, late of the island of New Providence, house carpenter, deceased.

There is no evidence that said Gardner ever made any permanent settlement in the said province of Florida, or that he resided there for any length of time, or that he cultivated the lands conceded, by himself, family, or slaves, or that he ever constructed the proposed saw-mill. It is not even alleged that any part of his family were transported to said province. In the absence of all evidence to prove residence and cultivation of the land conceded, your committee cannot consider that the said Gardner would have had any claim to a confirmation of his grant from the Spanish authorities, had he even applied for it while Florida remained the property, and under the control and disposition of the Spanish government.

By the act of Congress of May 8, 1822, after the cession of Florida to the United States, it was required, that every person having claims to land under any patent, grant, concession, or order of survey, dated previous to January 24, 1818, which were valid under the Spanish government, should file with commissioners appointed by the same law to ascertain claims and titles to land within the Territory of Florida, their claim, setting forth particularly its situation and boundaries, &c.; and by the same law it was provided, that any claim not filed previous to the 31st May, 1823, *shall be deemed and held to be void and of no effect;* and by subsequent laws of Congress, permission to file said claims was extended to the 1st of November, 1825, with the provision that if not filed on or before that time, that said claim shall be held to be *void and of no effect.*

There is no evidence that said Gardner Baker, who was then living, filed his claim at any time with the commissioners, as required by the said recited acts of Congress. The petitioner alleges that his father and himself were both ignorant of any law requiring such claims to be presented to the said commissioners. Your committee cannot admit such alleged ignorance of the requisitions or laws of Congress to excuse or dispense with its requisitions, which, if allowed, would have made the law inoperative. The committee are therefore of opinion that the claim is not well founded, and that the petitioner is not entitled to the relief desired.

24TH CONGRESS.] No. 1442. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 18, 1836.

Mr. LAWLER, from the Committee on Private Land Claims, to whom was referred the petition of Louis Le Gras De Vobeceye and others, heirs and legal representatives of Robert Farmer, deceased, reported:

The petitioners set out in their petition that their ancestor, the said Robert Farmer, in his lifetime, and about the year 1764, purchased of Millon, a French subject, the tract of land in question, called the island, bounded on the south by the bayou of Marmott, on the north by the bayou Chatague, on the east by the river Mobile, and on the west by the junction of the said bayou with the said bayou Marmott, situate about a mile above or north of the city of Mobile, containing about three or four hundred acres, and that he (the ancestor of the petitioners) paid for the same fully what it was then worth; that the said Millon purchased the said land of one Prevost and his wife, in the year 1742; that Prevost purchased the same of one Joseph Brabant and his wife, in the year 1738, and who held it under a grant from the French government, which, through time and accident, has been lost. They further state that Robert Farmer, their ancestor, occupied it in his lifetime as a boat yard, and that he resided in Mobile until his death, which happened some time in or about the year 1781. That the right heirs of the said Robert Farmer were all born in America, and that some or all of them (your petitioners) resided in that part of Louisiana ceded to the United States by the French government, from the time of the death of their said ancestor, until the present day; and that the said Louis Le Gras De Vobeceye, who is one of the heirs, did reside in the town of Mobile, on the 15th day of April, 1813, when the United States took possession of that part of West Florida in which the land is situated, and that he has resided in the same place or its vicinity ever since, and still resides therein. They further state that the claim was presented to the commissioner appointed to adjust claims to lands in the district east of Pearl river, some time in the year 1813 or 1814, by the said Vobeceye on his own and their behalf, and having to trust to others to do his business, and being unacquainted with the proceedings of the said commissioners, and ignorant of the laws upon the subject, he rested under a full belief, until about four years ago, that the title to the said land was confirmed, and the more especially as the same has been in the immediate possession and occupation of the petitioners and their ancestor for upward of fifty years; that it was through the error and ignorance of the said Vobeceye, their agent, of the necessity of urging their claim with more vigilance, that it was not confirmed, until the time had elapsed when the commissioners had power to act upon it.

In support of the purchase of the within tract of land, the petitioners show a regular deed of sale from Joseph Barbant to Antoine Prevost, duly executed on the 22d April, 1738, and another from Prevost to a Mr. Millon, for the same land, dated the 17th December, 1742, and another from Millon to Robert Farmer, the ancestor of the petitioners, for the consideration of ninety dollars, dated the 3d day of August, 1764; all of which deeds and conveyances appear to be executed in due form, and regularly recorded in the proper offices or bureaus of the country, by the officers appointed to that trust, and which are properly certified by a notary public of Mobile, in the year 1831, after a due examination of the originals, and which appear to have been recognized and translated, and recorded in the book of the commissioner appointed by the United States to investigate titles to land in the district where the lands above mentioned lie, and whose certificate is duly exemplified by the register of the land office at St. Stephens, in the said district. The affidavit of Curtis Lewis, a witness in the case, shows that Robert Farmer, the ancestor, lived and died in Mobile, in or about the year 1781; that he occupied the land, or a part of it, for a boat-yard, until his death; that he devised it to his widow and children; that the family did then (in 1781) reside in this country, and have ever since resided in the United States or their territories, and a part of them in the neighborhood where the land lies; that Vobeceye, the agent of the heirs, paid off an execution which had been levied upon the land as the property of the heirs; that he saw the money paid; that the said land has always been considered the property of the said petitioners; that a part of the heirs of the said Farmer resided in Louisiana at the time of negotiating the treaty between the United States and France for the Louisiana country, and that all the heirs are citizens of the United States at this time, and that the said heirs have built a house on the premises.

The deposition of Dr. Gannard proves that, in 1822, he went with De Vobeceye to the island, and that he at that time had it in peaceable and quiet possession, on behalf of himself and the other heirs; that he always understood the property belonged to the heirs of Robert Farmer, and that he never heard of any claim set up for them until about eighteen months ago, he heard that some persons had attempted to throw over them some floating or pre-emption claims; that he knows as late as 1828, and thence until 1832, persons were used to obtain marine shells from the premises, and that they always applied to Mr. De Vobeceye for them; that he is perfectly acquainted with the situation of the land, and has often heard the old inhabitants of Mobile speak of it, and that they all agree in the fact, that it was of right the property of the said heirs.

The deposition of Henry V. Chamberlain shows, that he has lived in Mobile since 1814; that the land was always considered as the property of said heirs, and that it had been in their possession for many years before the change of government, several of whom now reside in that country; that he knew Mr. De Vobeceye, one of the heirs, in 1809; that he lived in Baton Rouge, a part of West Florida, and that he has seen him frequently since in Mobile and other places, and has no doubt of his having resided in that district ever since.

That the committee believe the case to be fairly made out by the documents accompanying it, all of which appear to have passed the scrutiny of public official inspection and supervision; that it is not only embraced by the equity of the acts of the 2d of March, 1805 and 1807, but is within the letter and spirit of the act of the 3d March, 1819, as these heirs have not owned and occupied the land prior to the 15th April, 1813, but have done so prior to the 20th December, 1803, and that they have always resided in the country. Wherefore your committee beg leave to report a bill.

24TH CONGRESS.] No. 1443. [1ST SESSION.

ON THE ESTABLISHMENT OF A NEW LAND DISTRICT IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 19, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of the citizens of Peoria and other counties, in the State of Illinois, praying the establishment of a new land district, reported:

The petitioners set forth, that the public lands in Peoria county, and its immediate neighborhood, lie in four different land districts, and, under the present regulations, have to be entered at four different land offices, the nearest of which is at Springfield, about sixty-five or seventy miles. The land office at Quincy, which embraces the county of Peoria in its district, is about one hundred and forty or one hundred and forty-five miles distant from the county seat of said county. The land office at Galena, which embraces the land immediately north of the county of Peoria, is about the same distance from the southern limits of that district. The western part of the Chicago district, which embraces the land nearest the eastern line of said county of Peoria, is almost about the same distance from the land office; so that all those who wish to enter land lying in that county or its vicinity, are subject to the toil and expense of a considerable journey, to reach the land office, and there, they state, that they are frequently delayed a long time on account of the multiplicity of business done at those offices. They, therefore, pray the establishment of an additional land district in that part of the country. The facts set forth in the petition, in relation to the remoteness of the land offices, being sustained by the map of the country, and the committee believing it to be the duty of the government to render every reasonable convenience and facility to the citizens, in the purchase of the lands of the United States, have agreed to report a bill.

24TH CONGRESS.] No. 1444. [1ST SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 19, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the petition of John Whittsitt, reported:

The petitioner states that, "in the year 1823 or 1824, he went the security of one Alfred K. Stephens to William Carpenter, whereby the said Stephens bound himself with the petitioner as security, to make, or cause to be made, a good and sufficient transfer to a certificate for the northeast quarter of section four, township fifty, range twenty-five, containing one hundred and sixty-five and fifty hundredths acres of land; that said Stephens had bargained with one Abraham Jago for said certificate, but failed to pay for the same." The petitioner further represents that, for the purpose of complying with his covenant, and extricating himself from his liability, after many unsuccessful applications to said Stephens to assist him, he sent an agent about five hundred miles to the State of Kentucky, and, through him, paid to the said Jago the sum of two hundred and fifty-three dollars, being the balance which the said Stephens owed the said Jago for the said certificate, and thus procured the transfer to be made to the said Stephens; that, previous to procuring the above transfer, the said Carpenter commenced suit against the said Stephens and the petitioner, and that while the suit was pending, the petitioner tendered to the said Carpenter the said transfer, which was adjudged by the supreme court of the State of Missouri to be insufficient, for the want of a subscribing witness to the transfer from Martin Trapp, in whose name the land was originally entered, to the said Abraham Jago. The petitioner further represents that, during the pendency of the suit, the land in question became forfeited to the United States, and he believes there had been about ninety-five dollars paid for the land before the forfeiture. He further states, that he has paid about eighteen hundred dollars in the said case; that said Stephens became insolvent, left the country, and died; that Trapp, in whose name the land was entered, is also dead, and that the land has never been offered for sale since forfeiture. The petitioner prays that a law may be passed granting to him the right to said land, by his paying to the United States the balance of the money at the present price of the public lands, or to allow him the right of applying the aforesaid ninety-five dollars to the purchase of other lands.

The committee, believing that the claim of the petitioner is just and equitable, and that he is entitled to the relief prayed for, report the following bill.

24TH CONGRESS.] No. 1445. [1ST SESSION.

ON THE SALT LICK RESERVATIONS IN TENNESSEE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 19, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of Tennessee settlers, reported:

The petitioners set forth in their petition, that they have been seated down in the actual cultivation and possession of the premises now occupied by them for twelve or fifteen years; these lands lie in the western district of Tennessee, and are comprehended in a tract of four miles square, on both sides of Sandy river, commonly called the Salt lick reservation. They pray to be allowed all the rights and benefits of occupancy and pre-emption, which has been secured under the laws of Tennessee to other persons similarly situated in the western district of Tennessee, who lived *out of said reservation*, and that they may be put upon an equality, in point of privileges and benefits, in every respect whatsoever. The committee have examined the facts upon which the prayers of the petitioners are based, and beg leave to state, that by the 4th article of the treaty of the 19th October, 1818, at Old Town, between the Chickasaw Indians and the United States, it was stipulated and agreed that the before-mentioned four miles square should be reserved for the use and benefit of the warriors and poor Indians, with this limitation and condition, to wit: "For the benefit of this reservation, as before recited, the trustees or agents are bound to lease the said reservation to some citizen or citizens of the United States, for a reasonable quantity of salt, to be paid annually to the said nation, for the use thereof. And that from and after two years from and after the ratification of this treaty, no salt made at the works on this reservation, shall be sold within the limits of the same for a higher price than one dollar per bushel of fifty pounds weight, and on failure of which, the lease shall be forfeited, and the reservation revert to the United States." In pursuance of the above article, James Brown and Levi Colbert, two of the principal chiefs, were appointed agents and trustees, and proceeded to lease the same, with the view of carrying the stipulations of the treaty into effect, in this behalf. But it seems that the expectations of all parties concerned proved to be illusory and deceptive, as there was no salt water procured within said reservation, from that time to this, and the objects in contemplation wholly failed, whereby the reservation reverted to the United States. The land, disconnected with the exceptions of procuring salt, was of an indifferent quality, taking it in the aggregate. It now remains for the government to take such steps as may be necessary, having in view a due regard to the cession act of North Carolina of 1789, and the compact between the United States, North Carolina, and Tennessee, in 1806, and the act of Congress, passed the 4th of April, 1818, entitled, "An act supplementary to an act, entitled an act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th of April, 1806." The first section of this act authorized the State of Tennessee to adopt such *rules, regulations and restrictions*, in regard to the entering and appropriating the lands secured by the treaty aforesaid, (which comprehends what is now called the western district of Tennessee,) as was then in force in Tennessee, or by similar laws thereto. In pursuance of this authority, the State of Tennessee, in opening the land offices for the purposes mentioned in said act, gave (as she had done before in several instances) rights of occupancy and pre-emption, to any person or persons who were seated down, on the 1st of September, 1819, in the actual occupation and cultivation of any piece of vacant and unappropriated land within this district of country, not exceeding one hundred and sixty acres, as will more fully appear by reference to the land laws of Tennessee, Haywood and Cobb's Revisal, page 88 and section 9. This privilege conferred no other benefit than this, that if the settlers would procure a good and genuine warrant, and extinguish so much of the North Carolina claims as he wished to enter, that the office should be open to him to appropriate his warrant to his occupant claim *sooner* than it was opened for general entries. If he did not procure a warrant to appropriate his claim, it was subject to the entry of any other warrant-holder by a particular day. But such lands as were fit for cultivation in this reservation of four miles square, were not subject to the laws of Tennessee, as it was not known to whom it would belong, until it was ascertained whether or not salt could be procured as was anticipated. That event being now perfectly ascertained, by many experiments, in the negative, and that the land in this reservation has reverted to the United States, and as there are some outstanding warrants yet to satisfy, the petitioners pray that they may be placed in the same situation as all other settlers have been, and with the same privileges enjoyed by those who settled out of this reservation, and they ask no more.

The committee are of opinion that their prayers are reasonable, and such as ought to be granted, and have reported a bill accordingly.

24TH CONGRESS.] No. 1446. [1ST SESSION.

ON THE CREATION OF A SURVEYOR GENERAL'S OFFICE FOR ILLINOIS.

COMMUNICATED TO THE SENATE, FEBRUARY 19, 1836.

GENERAL LAND OFFICE, *February*, 1836.

SIR: A delay much longer than intended has occurred in replying to inquiries made by you at two several periods, whether a surveyor general's office for the State of Illinois is believed to be necessary. The delay of this reply has been occasioned by the delay of a report from the surveyor general of Illinois and Missouri, which

had been required and expected long since, and which was believed to be of much importance to the making up of a correct opinion on the present subject. I regret to have it to say that the desired report has not yet been received.

A map is herewith transmitted which was furnished by the surveyor general in 1833, from which you will perceive the bodies of land which were under contract at that time, and on this map are indicated such information as exists at the present time, in this office, of the progress in making those surveys.

Herewith are also transmitted copies of correspondence between this office and the surveyor general at St. Louis, papers marked 1, 2, 3, 4, and 5, which, with the indications made on the map, will place the committee in possession of all the means this office can afford of judging of the progress made in the surveys.

To create a new surveyor general's office for Illinois at this time, would require the transcribing of a vast amount of documents, the originals of which could not be detached from those of the surveyor's office at St. Louis, and would most materially interfere with and delay the progress of existing contracts remaining unexecuted, or in process of execution. Under these circumstances, and inasmuch as the primary object of the creation of the office is presumed to be the hastening of the execution of the public surveys in the State, it would appear to be the better policy at present to place increased means in the hands of the surveyor general at St. Louis, to employ more draughtsmen and clerks to expedite the office work and prepare the triplicate sets of plats.

I have the honor to be, &c.

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman of Committee on Public Lands, Senate.*

24TH CONGRESS.] No. 1447. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE, FEBRUARY 19, 1836.

Mr. PORTER, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of William Conway, deceased, reported:

The petitioners acquired, so far back as the year 1786, in virtue of three complete grants from the government of Spain, 4,560 arpens of land, equal to 3,859 American acres. These grants were confirmed by the Commissioner of the United States in the year 1820.

Evidence is given of their settlement under the Spanish government, and their validity appears unquestionable.

During the minority of the petitioners, and after the country passed from Spain to the United States, their possession was neglected, and other persons occupied the land. These persons have since obtained donations for the portions they occupied, from the United States; the balance has been sold by the government or appropriated to the use of public schools.

The settlers on the land originally conceded are numerous, and a town on the banks of the Mississippi, called Port Hudson, has grown up within the limits of the grants. A successful enforcement of the right of the petitioners would be productive of great inconvenience, and they ask permission to locate their titles on any unappropriated public lands, on their filing a relinquishment to the United States of all the land originally embraced within the limits of their grants.

The committee think that the prayer of the petitioners should be in part acceded to. For that portion of the tracts which have been sold or appropriated to the use of schools, the prayer to have an equal portion of any unappropriated land, appears just; for the remainder, which is occupied by donations, as the responsibility of the United States is not so great to the persons occupying it, the committee are of opinion that the petitioners should have liberty to locate it on any public land subject to entry; and they report a bill accordingly.

24TH CONGRESS.] No. 1448. [1ST SESSION.

APPLICATION OF RHODE ISLAND FOR THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, FEBRUARY 23, 1836.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.—*In General Assembly, January session, A. D.* 1836:

Resolved, That the public lands of the United States are the common property of all the States of this Union.

Resolved, That the senators and representatives of this State, in the Congress of the United States, be, and they are hereby requested to use their exertions and influence to procure, at the present session of Congress, and

as early as may be, the enactment of a law providing for the distribution, in time of peace, in just and equitable proportions, to and among the several States, of the moneys annually accruing as net proceeds from sales of the public lands of the United States: and to aid the passage of such a law by their votes.

Resolved, further, That the said senators and representatives be each immediately furnished by the secretary with a copy of the foregoing resolutions.

True copy. Witness:

HENRY BOWEN, *Secretary.*

24TH CONGRESS.] No. 1449. [1ST SESSION.

REMONSTRANCE OF CITIZENS OF MISSISSIPPI AGAINST THE MANNER OF EXECUTING THE FOURTEENTH ARTICLE OF THE TREATY OF DANCING RABBIT CREEK WITH THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE, FEBRUARY 24, 1836.

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

We, the undersigned citizens of the State of Mississippi, beg leave to represent to your honorable body the peculiar condition in which a portion of this their country is situated by recent movements made by certain Choctaw Indians, or rather by a set of white persons purporting to represent them, and to endeavor to procure for them certain lands under the 14th article of the treaty of Dancing Rabbit creek. Your memorialists beg leave to call the attention of Congress to the terms of said treaty, and more especially to the stipulations contained in the said 14th article, which says that each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intentions to the agent within six months from the ratification of this treaty, and he or she shall then be entitled to a reservation of 640 acres of land, to be bounded by sectional lines of survey, and in like manner he shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parents, if they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty; in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity.

Your memorialists present that the following-named Choctaw or Choctaws, claiming the following names, are now, through certain agents, endeavoring to hold lands under said article, to wit: Little Leader, Hiatubee, Onohambee, Anokatubee, Salahnea, Ianimatubee, Anola, Ishpia, Tuwatucha, Nowohona, Noatema, and Hotah, and that said Indians cannot be entitled for the following reason: The treaty referred to was ratified on the 14th day of February, 1831, and all who wished to receive the benefit of the 14th article must, within six months thereafter, signify their intention to the agent; and your memorialists humbly conceive that no evidence of such signification can be received or known other than the registration of the names of said applicants by the agent aforesaid, and by reference to said registry it will be found that the above-named Indians were not registered within that time; secondly, the applicants must take these locations so as to include their then improvement or a portion of it, and many of the above-named claim land in different townships from that in which they then resided; thirdly, they must reside upon said lands for the term of five years, and if they ever removed they were not to be entitled to any portion of the Choctaw annuity, and many of the above applicants have removed from their then residence, and are living on other lands than those on which they received their locations.

But, lastly, your memorialists represent that many of the above-named Indians have long since left this State, and are now residing west of the Mississippi river, and that certain individuals, for the mere purpose of speculation, have induced other Choctaws to assume their names, and by some means, unknown to your memorialists, have procured them to be located, which location appears to have been made by George W. Martin, a short time since; not content, however, with thus attempting to practise a fraud of so glaring a character upon the government, the individuals referred to have procured some of the locations aforesaid to be changed from where they were first made, and to be placed upon the lands purchased from government by pre-emptors, thus attempting to drive from the country the early and permanent settler, to whom such high inducements had been held out by government, and to throw into the hands of a few individuals, some of whom are not even citizens of this State, large portions of land at a mere nominal price, said Indians being well aware and long previously advised by their own chiefs, that they were not entitled, are giving bonds for titles to those speculators for the sum of seventy-five cents per acre, for lands worth at least ten dollars per acre.

Your memorialists further show, that application has been made to the General Land Office to have the above-alleged frauds inquired into and exposed, on account of which the locating agent, George W. Martin, was directed to investigate the same and report, but instead of doing so, said agent appointed three sub-commissioners, directing them to attend at the house of the Little Leader, on the 14th day of December, 1835, then and there to take testimony concerning the same. Said commissioners accordingly met for the purpose, but, on examining their commissions, it did not appear from them that they were issued by order of the General Land Office, and that the controversy was between the Indians and the general government, but particular individuals were made parties complainants against the Indians, wherefore, the commissioners determined that said Indians could not be compelled first to establish their claims, but that the burden of proof lay upon the citizens so made parties. In this your memorialists conceive the said agent to have been guilty of a dereliction of duty; first, in appointing sub-agents; and, secondly, in making individuals parties: no investigation therefore took place. Your memorialists having no confidence in said Martin, and believing him to be the only proper umpire to whom said matter could be referred, have thought proper to make a direct appeal to your honorable body. For proof of the facts

touching the above-mentioned frauds, your memorialists would refer your honorable body to the accompanying documents, from which they will more fully appear.

Your memorialists again repeat, that the Choctaws who now claim those names, if left to themselves, or if permitted to be governed by the advice of their chiefs, would never have urged those unjust and iniquitous claims, (see the accompanying letter of Colonel David Fulsom, dated July, 1833,) but would have removed west of the Mississippi—an event equally desired by the general government and this State. Your memorialists view, with profound regret, the prospect of a protracted residence of many of the Indians in this otherwise growing and prosperous country; a prospect much heightened by the attempts that have been and are still making by white men, to trample under foot the treaty above referred to, by persuading those Indians to claim the right of citizenship who are not entitled, and procuring their locations to be made upon the most valuable lands in the country. By this means government is deprived of large sums to which she is justly entitled, and the citizen is compelled to forsake the spot whereon he had allotted to spend the remainder of his days, and to which he had been invited by government, and to seek a home elsewhere, amid the opposition of hungry speculators and large capitalists, not that the Indians themselves may be benefitted, but that the ill-gotten gain may fill the coffers of some one who is unworthy to be called an American citizen. Your memorialists further represent, Little Leader, who claims under the 14th article of the aforesaid treaty, is one of those Indians who were specially provided for in the supplement to said treaty, the condition of which was, that those thus provided for should receive no advantage under the treaty. Such, however, appears to be the course pursued by the locating agent, and such the facts which your memorialists feel bound to represent, confiding in the wisdom of your honorable body, and believing that you will adopt such measures as will best subserve the interest of all concerned, and save from ruthless violation a solemn treaty, so liberal in its inception, and so highly advantageous to those who are now made the instruments of its invasion. Your memorialists would merely suggest the impracticability of procuring an impartial investigation before the present locating agent, inasmuch as no compulsory process is allowed for the purpose of enforcing the attendance of witnesses, and great exertions are making, both to prejudice the public mind against the rights of the government, and to prevent the procurement of testimony against the claims of said Indians, and the utter disregard which the said Martin has manifested for the terms of said treaty. Your memorialists further show, that the said Little Leader has always refused to comply with the terms of the said treaty, and prevented his company from doing so, and that he and his company have, by a system of taxation, raised a fund for the purpose of purchasing their lands when they shall be offered for sale. Your memorialists therefore pray, either that a special commission may be appointed, with power to enforce the attendance of witnesses, or that said question may be reduced to some tangible form, and referred to the courts of the county for investigation, or such other measures adopted as may insure an impartial investigation of the above-named claims.

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

Nicholas Keating,
Joshua Davidson,
Jabez Evans,
Madison Hannicutt,
Charles Curry,
M. A. Newton,
Benjamin Carpenter,
Matthew Rosingstorrth,
Wm. C. Taylor,
Little Berry,
Matthew Bostiard,
W. H. Capers,
Thomas Bennitt,
William Tusser,
George S. Capers,
Andrew Jester,
John Harrington,
G. Hall,
A. S. Keating,
James H. Jones,
William Barnit,
Alfred Jones,
Joseph A. Griffith,
Theophilus Singleton,
Solomon Evans,
William Evans,
A. Clemmans,
William Ward,
John Wofford,
James Oconha,
H. Robertson,
G. Neill,
John Neill,
R. Neill,
W. R. Brownlee,
Thomas Crocker,
A. Keating,
M. T. Dilon,
John W. Bostiard,
William G. Gill,
Joseph Hartley,
John Neal,
James Dickson,
Burwell Pope,
J. A. Shelton,
Thomas Clinton,
James Parker,
Thomas Cherry,
Tilman Michael,
James M. Cherry,
William M. Cherry,
William C. Gillespie,
J. F. Gillespie,
L. W. Pennington,
Young Niell,
John Simmons,
John Anderson,
A. Anderson,
Enoch Curry,
Thomas Brantley,
Jesse Brantley, sr.,
Jesse Brantley, jr.,
William Bishop,
L. Waters,
William Boyd,
John Boyd,
M. Stephens,
Bird Cleft,
William Wallis,
John Cleft,
William Fowler,
Henry Darnal,
Joseph Barnit,
Miles Parker,
J. A. Hodges,
Solomon M. Grigsby.

STATE OF MISSISSIPPI, *Kemper County:*

Before me, James H. Jones, an acting justice of the peace in and for said county aforesaid, came, this day James Parker, and after being duly sworn by said justice, deposeth, and answers to the following interrogatories as follows;

Interrogatory 1. Do you know the Little Leader and his company of Indians?

Answer 1. I do.

Interrogatory 2. Don't you know that they have been in the habit of moving from place to place, and at this time do not live on the land, and are not located where they lived at the time of the treaty of the Dancing Rabbit creek in the year 1830?

Answer 2. They have moved several times to my knowledge since that time, and are now located and occupy the places of those Indians who have gone west of the Mississippi river.

Interrogatory 3. Do you not know that the Little Leader actually forbid them to register, and said he would buy lands for them when the land was offered for sale, and for the purpose of raising funds to do so, taxed them one dollar a head per year, which tax was to continue for ten years?

Answer 3. I know that fact of my own knowledge.

Interrogatory 4. Do you not know that those who claim lands now, have assumed the names of Indians who did register, and have now gone west of the Mississippi river?

Answer 4. I do know that to be a fact.

[L. S.] JAMES PARKER.

Sworn to, and subscribed before me, this 15th January, 1833.

JAMES H. JONES, *J. P.*

STATE OF MISSISSIPPI, *Kemper County:*

I, Abel Key, clerk of probate in and for said county, do hereby certify that James H. Jones, whose name appears to the foregoing affidavits and certificates, is and was at the time he signed the same, an acting justice of the peace in and for said county, and that as such all his official acts are entitled to full faith and credit. Given under my hand and seal of office, at De Kalb, this 8th day of February, A. D. 1836.

[L. S.] A. KEY, *Clerk of Probate.*

STATE OF MISSISSIPPI, *Kemper County:*

Before me, James H. Jones, an acting justice of the peace in and for said county aforesaid, came this day Miles Parker, and first, after being duly sworn by said justice, deposeth and answers to the following interrogatories as follows:

Interrogatory 1. Do you know the Little Leader and his company of Indians?

Answer 1. I do.

Interrogatory 2. How long have you known them?

Answer 2. Since 1832.

Interrogatory 3. Don't you know that they have been in the habit of moving about, from place to place, and do not live on the land where they lived at the treaty of Dancing Rabbit creek, in the year 1830?

Answer 3. They have moved several times to my knowledge, and now occupy the places of those Indians who have gone west of the Mississippi river.

Interrogatory 4. Do you not know that the Little Leader peremptorily forbid them from registering their names, and said he would buy land for them when the land was offered for sale, and for that purpose taxed them to raise funds to purchase said land?

Answer 4. I do know that the Little Leader did forbid them to register their names under penalty of death, and did make a law to tax them one dollar per month a head, for ten years, to raise money to buy land for them when the land was offered for sale.

Interrogatory 5. Do you not know that they who claim lands have assumed the names of Indians who have gone west of the Mississippi river.

Answer 5. I do know that fact of my own knowledge.

[L. S.] MILES PARKER.

Sworn to, and subscribed before me, this 15th January, 1836.

JAMES H. JONES, *J. P.*

STATE OF MISSISSIPPI, *Kemper County:*

I, Abel Key, clerk of probate in and for said county, do hereby certify that James H. Jones, whose name appears to the foregoing affidavits and certificates, is and was at the time he signed the same, an acting justice of the peace in and for said county, and that as such all his official acts are entitled to full faith and credit. Given under my hand and seal of office, at De Kalb, this 8th day of February, A. D. 1836.

[L. S.] A. KEY, *Clerk of Probate.*

Little Leader—Hotah,	man.	A-nok-a-tubbee,	man.
On-te-ya-tubbe,	do.	Sa-lah-ma,	do.
Hi-a-tub-bee,	do.	Ja-nini-tubbee,	do.
O-na-hom-ba,	do.	Noa-lie-na,	woman.
O-go-a-ho-to-nah,	woman.	A-nola,	do.
Tus-a-now-o-tro,	do.	Ish-pia,	do.

July 8, 1833.

DEAR SIR: The above is the list of names who belong to the Little Leader party. I also will inform you here, there is not one has a reserve, excepting Little Leader. Even our good old friend Shap-ha-homo, who has so many cattle, has not registered; and has no reserve. I will thank you to tell the Choctaws, that by-and-by the land will be sold, and then the Choctaws will not have any money to buy land, and therefore they cannot hold their places, and they will no doubt be compelled to be driven away from their places. It is out of the question for them to hold their land; you can tell them much better than I can tell you, what to tell them.

I am very anxious for them to leave this country, and to go to their new home. I will thank you to do all you can, and other white men in that neighborhood, to prevail on the Choctaws to remove. Do you know any of the Little Leader's high captains that would be willing to go; if so, I would make him a captain of the party that would go. Will you be so kind as to sound some of them. I have already made A-nok-a-tubbee a captain, and I hope many will go with him. Be so kind as to write me as often as you have an opportunity, and inform me what is the prospect, &c.

Your friend, DAVID FULSOM.

MR. JOHN CARTER.

24TH CONGRESS.] No. 1450. [1ST SESSION.

ON THE LOCATION OF LAND FOR A SEMINARY OF LEARNING IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 24, 1836.

TREASURY DEPARTMENT, *February* 22, 1836.

SIR: In compliance with the resolution of the House of Representatives, dated the 13th instant, I have the honor to enclose a letter from the Commissioner of the General Land Office, dated the 18th instant, accompanied by certain documents therein referred to, embracing, it is believed, all the correspondence on the subject of the resolution in the possession of the department.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *February* 18, 1836.

SIR: In reply to your reference to this office of a resolution of the House of Representatives of the 13th instant, in the following words, viz: "*Resolved*, That the Secretary of the Treasury be directed to lay before this house a copy of the correspondence between the executive of the State of Louisiana and the Treasury Department, as to the location of two townships of land granted to the State of Louisiana by an act of Congress passed on the 3d of March, 1827, for the use of a seminary of learning therein; and that he also be directed to transmit, at the same time, copies of all communications made to the said department from other persons in relation to that subject," I have the honor to transmit the accompanying documents marked A, B, C, D, E, F, G, H, I, K, L, which embrace all the correspondence on the subject-matter of the resolution.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A.

EXECUTIVE OFFICE, *New Orleans, April* 25, 1835.

SIR: On the 3d of March, 1827, Congress passed an act concerning the location of two townships of land for the use of a seminary of learning in the State of Louisiana. (Land Laws, p. 940.)

By a resolution of the legislature, at its late session, the governor is requested to apply to the Secretary of the Treasury of the United States to procure the location of the land referred to in the said act of Congress of 3d March, 1827.

Finding on the files of this office a communication from Mr. Rush, the Secretary of the Treasury of the United States, to the governor of this State, dated August 21, 1827, a copy of which is hereto annexed, requesting the governor to make the necessary selections under the act of Congress alluded to, and transmit them to the department for confirmation, I have proceeded to execute in part, so far as the township plats that are completed would allow, the provisions of the laws of Congress, and the consequent directions of the department, by selecting and designating by a caveat or notice, in the office of the surveyor general and of the register of the land office, certain tracts on township plats about to be returned, in sections corresponding with the legal subdivisions into which the public lands in these townships are surveyed, as reserved and located for the use of the State, under the said act of the 3d of March, 1827, viz.:

Township 15 *north, range* 12 *west—southwestern district of Louisiana.*

	Acres
*Fractional section 1	158.03
*North half and southeast quarter of section 2	416.96
*North half and southwest quarter of section 3	480.00
West half of southeast, and east half of southwest quarter of section 4	160.00
West half and southeast quarter of section 10	480.00
Northeast quarter of section 9	160.00
*Section 12	983.53

Township 15 *north, range* 11 *west.*

Fractional section 17	179.44
Fractional section 20	517.68
Fractional section 21	100.36
Fractional section 28	445.85
*Fractional section 33	628.92
*Fractional section 34	677.02

* The sections marked * are located by individuals.

Township 14 *north, range* 11 *west.*

	Acres.
Fractional section 2	370.64
East half of fractional section 3	277.62
East half of fractional section 10	318.88
East half of fractional section 11	152.20
East half of fractional section 14	468.30
East half of fractional section 36	678.19

Township 13 *north, range* 11 *west.*

Fractional section 1	491.04
Fractional section 2*	158.54

There is one feature in Mr. Rush's communication of August 21, 1827, to which I beg leave to invite attention. The latter paragraph assumes that "permission is given in the act to locate tracts of *not less* than a section," until the whole quantity shall be obtained.

It is gratuitous to say, as Mr. Rush did, that "permission is given by the act to locate tracts of *not less* than a section." The act does not even say that they may be located in tracts of a section, but in "sections corresponding with any of the legal subdivisions;" which means, and can only mean, that the locations may be made according to the tracts as laid off by the proper surveyors. In the technical language of surveyors, the term section may perhaps be used to designate a specific quantity, six hundred and forty acres; but, in the common parlance, and in the intendment of Congress, no doubt, section means nothing more nor less than legal subdivision, more especially when they speak, as in this instance, of *sections corresponding with any of the legal subdivisions into which the public lands are authorized to be surveyed.* To say that the lands set apart by the act must be taken in "sections," in the technical sense of six hundred and forty acres, would be to render the law nugatory, seeing that the surveys contain none, or very few tracts of that kind.

How is it in the case of individuals? If a man has a floating claim of six hundred and forty acres, or other quantity, he takes one or more of the legal subdivisions, till the quantity of his claim is obtained. That is just what we have done in this instance, and for so doing we had the additional warrant of the law, prescribing that the tracts should be located in sections corresponding with *any* of the legal subdivisions.

There is another incidental circumstance which I deem it my duty to suggest. The act of Congress contemplates lands *reserved* to the State. The mode that has been adopted for their location is the only mode by which they can be reserved. From information, on which I rely, there are now in the hands of speculators and forestallers floating claims enough to cover all, or nearly all, the unappropriated lands that have been surveyed, and are of much value. The moment the township plats are approved and returned, the holders of these undefined claims will press their entries and absorb all, leaving nothing to satisfy the prior law in favor of the State. In point of fact, there would be no difference between exposing the lands to public sale, and offering them to private entries for floats. In either alternative, the State would be deprived, and the act of Congress frustrated.

I, therefore, earnestly hope the department will deem it consonant with right, as well as with the true intention and policy of the act of Congress, to confirm the selections now made, and that, by instructions to the surveyor general, and other land officers, it will authorize other locations in the same manner, on the completion of future plats, up to the complement of the quantity contemplated by the act of March 3, 1827.

With great respect, your obedient servant,

E. D. WHITE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *August* 21, 1827.

SIR: On the 3d of March last, an act passed Congress providing for the location of two townships of land granted to the State of Louisiana, for the use of a seminary of learning therein; and it is understood to be of importance to the value of the grant that the land should be located without unnecessary delay. A copy of the act is enclosed, and I beg leave to request, if it shall comport with the convenience of your excellency, that you will be pleased to make the necessary selections, and transmit them to this department for confirmation, accompanied by a description of the tracts and their numbers.

Although permission is given in the act to locate tracts of not less than a section, it is not expected that you will find it necessary to make many locations of this kind. You will be pleased to select good lands fit for tillage, in whatsoever tracts they be found, not less than a section, until the whole quantity called for shall be obtained.

I have the honor to be, &c.,

RICHARD RUSH.

His Excellency HENRY JOHNSON, *Governor of Louisiana.*

(B.)

EXECUTIVE OFFICE, *New Orleans, June* 5, 1835.

SIR: In transmitting to you my communication of 25th of April last, on the subject of the two townships of land reserved for the use of a seminary of learning in the State of Louisiana, I now subjoin the copy of a letter from the surveyor general, dated 21st ult., from which it appears that a considerable portion of the tracts selected for the use of the State, as specified in my said communication of April 25, have been pitched upon and located by individual holders of floating claims. The tracts thus located by individuals, are marked (*).

The sanction of the department is respectfully solicited to the remainder.

Very respectfully, &c.

E. D. WHITE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

---

* The southeast quarter of this section contains the quantity of 158.54 acres, and is presumed to have been the tract intended by the governor instead of "fractional section 2," and has accordingly been recommended to the Secretary for his approval.—J. M. M.

C.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, May* 21, 1835.

SIR: Your caveat or notice of the 25th of April, 1835, designating certain tracts of land as selected for the benefit of the State, under the act of Congress of March 3, 1827, has been received, and I have to inform you that previous to the receipt of the notice, some of the tracts therein designated were selected and located to satisfy the claims of private individuals, viz.:

In township 15 *north, range* 12 *west.*

	Acres.
Fractional section 1	158.03
North half and southeast quarter of section 2	416.96
Section 12.	
North half and southwest quarter of section 3	480.00

In township 15 *north, range* 11 *west.*

Fractional section 33	628.92
Fractional section 34	677.02

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

H. T. WILLIAMS, *Surveyor General, Louisiana.*

GOVERNOR *of the State of Louisiana.*

D.

GENERAL LAND OFFICE, *June* 23, 1835.

SIR: In pursuance of the provisions of the act of the 3d of March, 1827, granting to the State of Louisiana wo townships of land for the use of seminaries of learning therein, the governor of that State has reported to this office the selection of the following tracts situated with the limits of the district of lands subject to sale at Opelousas, viz.:

In township 15 *north, of range* 12 *west.*

	Acres.
West half of southeast quarter and east half of southwest quarter of section 4	160.00
West half and southeast quarter of section 10	480.00
Northeast quarter of section 9	160.00

In township 15 *north, of range* 11 *west.*

Fractional section 17	179.44
Fractional section 20	497.75
Fractional section 21	100.36
Fractional section 28	445.85

In township 14 *north, of range* 11 *west.*

Fractional section 2	370.64
East half of fractional section 3	277.78
East half of fractional section 10	318.88
Fractional section 11	152.20
Fractional section 14	468.30
Fractional section 36	678.19

In township 13 *north, of range* 11 *west.*

Fractional section 1	491.04
Southeast quarter of section 2	158.54

Which are respectfully submitted for your approval.

I am, &c.,

JOHN M. MOORE, *Acting Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

P. S.—The communications from the governor of Louisiana, on this subject, dated the 25th of April and 5th of June, 1835, are herewith transmitted.

E.

TREASURY DEPARTMENT, *June* 25, 1835.

SIR: Having approved the locations made under the act of the 3d of March, 1827, enumerated in your letter of the 23d instant, the papers therewith transmitted are hereby returned.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

F.

GENERAL LAND OFFICE, *June* 26, 1835.

SIR: I transmit herewith a list of lands situated in the Opelousas district, State of Louisiana, selected by you under the act of the 3d of March, 1827, appropriating two townships of land for the use of seminaries of learning in that State; the selections of which were approved by the Secretary of the Treasury on the 25th inst.

Your letter to the Secretary of the Treasury, of the 25th of April last, recommends with other tracts the selection of "fractional section 2, 158.4 acres" in township 13 north, of range 11 west. The southeast quarter of this section, (which is an entire one,) containing the exact quantity put down in your lists, has been presumed at this office to have been the tract intended by you, and was accordingly submitted to the Secretary of the Treasury for his approval.

I am, &c.

JNO. M. MOORE, *Acting Commissioner.*

His Excellency EDWARD D. WHITE, *Governor of Louisiana, New Orleans.*

G.

GENERAL LAND OFFICE, *June* 26, 1835.

GENTLEMEN: I transmit herewith a list of lands situated within the limits of your district, which have been selected by the governor of Louisiana, under the provisions of the act of the 3d of March, 1827, granting two townships of land for the use of seminaries of learning in that State.

The selection of these lands having been approved by the Secretary of the Treasury, you will be pleased to have the proper entries made on the books and plats in your office, by marking them as "seminary lands."

I am, &c.

JNO. M. MOORE, *Acting Commissioner.*

REGISTER and RECEIVER *at Opelousas, Louisiana.*

P. S. You are also requested to advise this office that you have marked the selections as above required.

J. M. M.

List of lands selected by the governor of Louisiana, under the provisions of the act of Congress of the 3d of March, 1827, granting two townships of land for the use of seminaries of learning in that State; the selection of which was approved by the Secretary of the Treasury, on the 25th of June, 1835.

In township 15 *north, of range* 12 *west.*

	Acres.
West half of southeast quarter and east half of southwest quarter of section 4	160.00
West half and southeast quarter of section 10	480.00
Northeast quarter of section 9	160.00

In township 15 *north, of range* 11 *west.*

Fractional section 17	179.44
Fractional section 20	497.75
Fractional section 21	100.36
Fractional section 28	445.85

In township 14 *north, of range* 11 *west.*

Fractional section 2	370.64
East half of fractional section 3	277.78
East half of fractional section 10	318.88
Fractional section 11	152.20
Fractional section 14	468.30
Fractional section 36	678.19

In township 13 *north, of range* 11 *west.*

Fractional section 1	491.04
Southeast quarter of section 2	158.54

The foregoing tracts are within the limits of the Opelousas land district.

H.

EXECUTIVE OFFICE, *New Orleans, July* 3, 1835.

SIR: In a communication to the department on the 25th of April, 1835, I designated certain tracts of land in the southwestern district of Louisiana as selected for the use of the State, under the act of Congress of the 3d of March, 1827, and the consequent instructions of Mr. Rush, Secretary of the Treasury, of August 21, 1837, concerning the location of two townships of land reserved for the use of a seminary of learning in the State of Louisiana.

In farther prosecution of the same subject, I have since proceeded to select and designate, by a caveat or notice, in the office of the surveyor general of Louisiana, and of the register of the land office, certain other tracts embraced in other township plats about to be returned, viz.:

Township 15, *range* 13 *east, district north of Red River, Louisiana.*

Sec.	Area.	Sec.	Area.	Sec.	Area.
1	158.62	18	167.12	35	170.29
2	160.55	19	189.70	36	179.80
3	166.64	20	167.45	37	165.01
4	160.71	21	162.79	43	168.99
5	167.35	22	160.26	44	162.20
6	164.68	23	174.40	45	162.85
7	166.25	24	147.99	46	161.15
8	167.64	25	176.15	47	163.99
9	149.51	26	180.78	48	169.42
10	130.48	27	176.83	49	160.30
11	164.52	28	156.53	50	170.45
12	163.19	29	165.21	51	169.57
13	168.69	30	167.62	52	161.07
14	152.51	31	166.26	53	169.89
15	162.11	32	165.26	54	165.39
16	163.18	33	169.77	55	234.47
17	174.48	34	164.42	57	177.54

Township 15, *range* 12 *east.*

Sec.	Area.	Sec.	Area.	Sec.	Area.
5	184.15	6	170.20	7	216.75

Of the tracts thus selected, there may be a few in the possession of actual bonafide settlers, who may have a fair pre-emption claim to the quarter-section, or one hundred and sixty acres, in which their improvement is made, under the act of 19th of June, 1834. It is not desired to interfere with such bonafide actual occupants. The object is to obtain for the State the lands intended to be set apart for its use by a previous law, the intention of which is now about to be prostrated by the effect given to the act of 19th June, 1834, allowing floats.

I therefore respectfully solicit the sanction of the department in favor of the selections thus made for the State, reserving only to the bonafide settlers aforesaid the privilege contemplated by the act of 19th of June, 1834, of entering the quarter-section, or one hundred and sixty acres, on which they are respectively settled, to include their improvements.

With respect, your obedient servant,

E. D. WHITE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

I.

GENERAL LAND OFFICE, *August* 19, 1835.

SIR: Your letter of the 3d of July last, advising this office of the further selection of certain tracts of land in the district north of Red river, under the act of the 3d of March, 1827, granting two townships of land for the use of a seminary of learning in Louisiana, has been received.

The townships 15 north, ranges 12 and 13 east, (the plats of which have not been received at this office,) in which these lands are situated, having never been proclaimed or offered at public sale, no entries will be suffered by the land officers to be made therein, other than by pre-emptors under the act of 19th of June, 1834; and they being allowed two years from the passage of that act to come forward and prove up their pre-emption rights, it is believed that this office cannot act definitely until the expiration of that period. In the meantime, should it be deemed advisable to offer these townships at public sale, the selections made by you will be respected.

I am, &c.

JNO. M. MOORE, *Acting Commissioner.*

His Excellency E. D. WHITE, *Governor of Louisiana.*

K.

GENERAL LAND OFFICE, *December* 18, 1835.

GENTLEMEN: I transmit herewith a copy of a letter from the governor of Louisiana, dated the 3d of July last, notifying the department of the selection of certain tracts of land in township 15, ranges 12 and 13 east, district north of Red river, made in pursuance of the provisions of the act of 3d of March, 1827, entitled, "An act concerning the location of land reserved for the use of a seminary of learning in the State of Louisiana."

You are directed not to permit any floating claim derived from the pre-emption law of 19th of June, 1834, to be located on any of these lands, or suffer them to be located on by any claim of any description, other than such as may be proved to your satisfaction, by pre-emptors, as actual settlers and occupants under the aforesaid act.

I am, &c. ETHAN A. BROWN.

REGISTER and RECEIVER *at Ouachita, Louisiana.*

L.

REGISTER'S OFFICE, *Ouachita, La., January* 23, 1836.

SIR: Your communication dated the 18th December, 1835, enclosing one from Governor White, of Louisiana, dated 3d of July same year, reached me by last mail. In reply I have to assure you, that neither Governor White, nor any one for him, ever filed a notice in this office of any location of land, as set forth in the copy of his letter to the Secretary of the Treasury.

Township No. 15, in range No. 13, east of this district, under the signature of the surveyor general, dated at Donaldsonville, Louisiana, February 19, 1835, was returned to this office on or about the time the present receiver entered upon the duties of his office, (15th May, 1835.) Upon its reception, many, if not all, the lands set apart by the governor were taken up, partly under the act of the 30th of May, 1830, and partly under the act of the 19th of June, 1834, and floating right derived therefrom.

I would observe, in relation to the notice of the governor, that had such a document been presented, this office would have required of his excellency the governor, the same formalities to locate his seminary floats as of an individual to locate his floating right, to wit: proof to the vacancy and non-occupancy of the lands designated in his notice; and this would have been required without the wish to wound the dignity of the State, of which our sensitive governor seems to be so tenacious.

The principal parts of the lands called for in the schedule sent are now in a high [some words here omitted in the original] and owned by some of our best citizens, many of whom have lived on and cultivated a part of them for seven or eight years past; who purchased floating rights, as they are called, to secure their respective plantations, and no more.

The time of making those locations, under what act, and in the form of an abstract, shall be furnished the department at an early date; in the meantime, permit me to suggest a *total suspension* of this business.

As his excellency has laid the subject before the legislature, I shall take upon myself to write to some of the leading members upon the subject; and if I did not feel called upon to investigate the pre-emptions from personal inspection, I would see his excellency on this subject.

With profound respect, I am, your obedient servant,

JNO. M. A. HAMBLEN, *Register.*

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

24TH CONGRESS.] No. 1451. [1ST SESSION.

APPLICATION OF MISSISSIPPI FOR THE REJECTION OF SUCH CLAIMS TO LAND, UNDER THE TREATY OF DANCING RABBIT CREEK, WITH THE CHOCTAW INDIANS, AS ORIGINATED IN FRAUD.

COMMUNICATED TO THE SENATE, FEBRUARY 25, 1836.

Whereas the United States did, by a certain treaty held and made with the tribe of Choctaw Indians, residing, for the time being, within the limits of the State of Mississippi, to wit, the treaty of Dancing Rabbit creek, made and concluded on the twenty-eighth day of September, A. D., eighteen hundred and thirty;

And whereas by the fourteenth article of said treaty, certain reservations of land were granted to such Indians as should remain on said land for five years next succeeding such treaty;

And whereas such claimants were, by the fourteenth article in the treaty referred to, compelled to signify their intention of claiming, under the provisions of said treaty, within six months after the ratification thereof, or forever forfeit the right thus acquired;

And whereas it appears, from recent developments, that large claims to lands have been preferred, conveying the richest and most valuable portions of the unsold Choctaw lands, and purporting to be founded on and growing out of the treaty above referred to, and on a part of which lands, thus claimed, no Choctaw Indian either does now or ever did reside;

And whereas it is evident, from the face of the case, that these claims are manifestly unjust in their character, oppressive in the result of their operation on the freemen of Mississippi, and calculated to secure no ultimate benefit to the Indians originally claiming, but, in their consummation, will have a direct tendency to impair the confidence which the good people of this State have, in the correctness of the law, and in the honesty of the administrators of our public institutions;

And whereas this most iniquitous transaction will, if consummated, not only rob Mississippi of her just and unalienable right to her five per cent. on the amount which ought to accrue from the large portion of valuable land thus reserved;

And whereas this body has satisfactory evidence of the fact, that a large portion of the claims to said land, under the provision of the treaty already referred to, are set up and attempted to be sustained on the testimony

of Indians who are unacquainted with the nature of an oath, and utterly regardless of the obligation thus incurred, and on the testimony of other individuals, wholly unworthy of the confidence of a moral and intelligent community;

And whereas the permission of such abandoned and licentious profligacy would injure our community, disgrace our social and political compact, and license corruption and perjury to stalk at large through our land: now, therefore,

Be it resolved by the legislature of the State of Mississippi, That our senators in Congress be instructed, and our representatives requested, to use the most speedy and efficient means to prevent the consummation of such of said titles to said land as have originated in fraud, to the end that the aforesaid land may be disposed of in the regular way, and in accordance with the law in such case made and provided.

Resolved, That his excellency, Charles Lynch, be requested, at as early a date as may be possible, to furnish our senators and representatives in Congress with a copy of the foregoing preamble and resolutions, and with the testimony taken thereon, with a request that they lay the same before both branches of Congress.

JOHN S. IRVIN, *Speaker of the House of Representatives.*
JOHN A. QUITMAN, *President of the Senate.*
CHARLES LYNCH. .

B. W. BENSON, *Secretary of State.*

Testimony taken before the select committee, on the part of the House, to whom was referred the examination of the frauds charged to have been committed under the fourteenth article of the treaty of Dancing Rabbit creek.

[Compared 30th January, 1836, in the clerk's office.]

Colonel William Ward, who was United States agent for Choctaw nation, at the time of the conclusion and ratification of the treaty referred to, being duly sworn, answers on oath:

Question 1. Do you know of the existence of any company, or companies, formed for the purpose of purchasing lands of the Choctaw Indians?

Answer. I do not.

Question 2. Did you keep a registry of names, as required by the treaty?

Answer. I did.

Question 3. Did you refuse to register the application of any Indian claiming, under the said treaty, when that application was made according to the treaty?

Answer. I did not. I only refused to register such applications as these, viz.: when *one* Indian applied for many. When one Indian proposed to apply for many, I refused to permit him to do so; but when I *thus* refused, I told such Indian that *each one must* apply for himself: and when they did *thus* apply, in their own proper persons, I always permitted them to register. I bought a bound book, in which I registered all applications, which I sent up to the War office.

Question 4. Did you lose any part of the register?

Answer. I think one leaf of the memorandum *paper* was lost in taking it round by M. Mactrez. This memorandum paper was not the regular register, but only a sheet of paper folded up, which was loose, and which was made at the trading-house, and which I made only for the accommodation of these men, and I did not consider myself bound to register any application which was made at my office at the agency. And these names, (which were between three and six only, in number,) which I suppose were lost, were not made at my office at the Choctaw agency. These Indians, from three to six in number, I thought, might be entitled to claim, and I gave a certificate to Dr. John H. Hand, that such was my belief.

Captain John Watts, a citizen of the county of ——, in this State, being duly sworn, answers, on oath, as follows:

Question 1. Do you know of the existence of any company for the purpose of securing Indian claims?

Answer. John Johnson told me that he and Wiley Davis were concerned; and said Davis afterward asked me where John Johnson was: he knows of no other company of his own knowledge. John Johnson showed him a title to one half of the lands to secure claim in the name of the Indian, and he, at the same time, showed him a power of attorney to do as he pleased with the other half: to sell, or dispose of it as he pleased. He saw Hugh McDaniel, who said he was agent for Fisher, at ball plays, surrounded by several hundred Indians, making their marks for them on blank sheets of paper, and, apparently, taking the number of their children, when the Indians themselves did not touch the pen; and the Indians, when he saw this going on, had no interpreter. One instance of this I saw at Garland's old stand, on the old military road. John Johnson told him, four or five weeks since, that he had located two hundred or two hundred and fifty sections of land under claims of this character; and that he had, out of this land, sold one hundred and fifty thousand dollars worth of claims; and that he was then on his way to Washington city, to get his claims confirmed by Congress. He showed him a book, on which he had marked the numbers of the lands he had located; that he had located this land under the 14th article of the treaty of Dancing Rabbit creek, part of which was in Sharkey's survey, and part in Honey island; and he stated that he expected to clear six hundred thousand dollars by the operation; and it is common report, before this, that Johnson is insolvent. Johnson further told him, that he expected Congress to grant those claims, *because* the government had, through their agent, defrauded the Indians by the refusal of the agent to register their names; and that he, the said agent, did refuse to register their names, threw away their sticks, and told them, damn them, he would not register their names; and that they ought to go over the Mississippi: and that four or five pages of the register were torn out. This deponent further saith, that he asked Johnson how he and Fisher got along together, taking names among the same Indians, and he, Johnson, replied that Indian names were difficult to be spelt, and that by spelling them differently, one Indian would be entitled to two reservations; and, furthermore, stated that they had more names than there were Indians.

James Ellis, a member of the legislature, from the county of Nashoba, being duly sworn, answers on oath: That he fully corroborates the statement made by Captain James Watts, with the additional statement that he knew some of the Indians who went west of the Mississippi, who have since returned, or been brought back, and whose names are among those now presented as having a right to reservations. This deponent further states, that Hugh McDaniel, who was engaged in taking these claims, stated, that when the general government left the door open to fraud, it was no harm to make use of it; that William Herbert has located a claim of this fraudulent kind, as said Herbert told deponent himself. And he further told him, if he would introduce no resolution in the

legislature, calculated to bring this fraud before Congress, he would not appear in Jackson, and interfere with him in his county measures. And he states further, that a Mr. Hatch, and two other men, who said they were from Columbus, one of them had *red hair*, came to his house and told him they were concerned in this company; and told him that if he would certify that those Indians had remained, they would give him an interest worthy of his attention, or a section of land.

Additional Testimony.

General Dale, a member of the legislature, from Lauderdale county, in this State, being duly sworn, says, on oath, he knows of locations having been made in his county, at. or about the time of the land sales in Columbus; which locations, he supposes, were made under the article of the treaty referred to, on which no Indian ever has lived, to his knowledge; and on which there is no mark of field or house; and on which he does not believe any Indian had lived for fifty years. And these floats were laid on land on which men were actually settled, who had, before they heard of the location of said floats, gone to Columbus to buy these lands at the public sales,

S. J. Gholson, being duly sworn, saith, he heard D. W. Wright say, that himself, Mr. Fisher, and Mr. Young, and some other persons, were a company for the obtaining of Indian claims, under the 14th article of the treaty of Dancing Rabbit creek. Said Wright further stated, that he believed that a large sum of money could be made by the operation; and that he believed the Indians were entitled to have located for them new land, in lieu of the lands on which they resided at the time of the treaty. Said Wright also stated, that he had had a view to the obtaining of Indian claims of this character ever since the treaty. I heard said Wright speak of a Mr. Johnston, who is said to be engaged in obtaining claims of the Indians, under this article of the treaty, in no very favorable terms. I heard said Wright further state, if there were any fraudulent claims owned by him and the company with which he was connected, he would be glad the same were exposed.

I heard a man who called himself Fisher, say, at Columbus, in November last, that if the settlers then residing on the lands located for the Indians would agree not to oppose the confirmation of the titles to the lands located for the Indians, they, the company, would bind themselves to sell, and convey to the settlers, one quarter-section of land, to include their improvement, at one dollar and twenty-five cents per acre, and the balance of the section at three dollars per acre; and that they, the company, would not require any pay of the settlers until the titles were perfected. Said Fisher also stated that he had no doubt, if the company were let alone, they would be able to get titles to land for all the Indians that had removed in the country, whether they had been registered or not; and that he did not believe that any other signification of intention, on the part of the Indians to become citizens, would be required, than proof of their being in the country at that time.

I heard D. H. Morgan say, that he believed a great many Indians had gone west of the Mississippi in ignorance of their rights under the treaty; and that he believed a company, who were engaged in buying Indian claims, had an agent west of the Mississippi for the purpose of buying Indian claims, and bringing the Indians back to the Choctaw nation. Said Morgan further stated, that it was a first-rate business, and that he had an interest in some of the Choctaw claims.

I also saw a bond from this Mr. Fisher, for the company to which he said he belonged, binding the company to make titles to a section of land, one quarter at one dollar and twenty-five cents per acre, and the balance at three dollars per acre. Said Fisher stated that they, the company, were to get one half for obtaining the lands for the Indians; and that he believed the lands would cost the company about ten cents per acre.

G. W. Bonnell, being duly sworn, saith that, for a few days previous to and during the sales of public lands at Columbus, in November last, the right of Choctaw floats was creating much excitement among the citizens of that town, and others, assembled at that place for the purpose of purchasing lands. The existence of these Choctaw claims was then first publicly known, and was then subject to the general censure of nearly all classes of the community. It was then that I first learned of the existence of this company; and there existed a great excitement against them.

About that time, it was proposed to enlarge the company, for the purpose, as stated to me, of taking in popular men, and allaying the opposition against the company; and, at the same time, allow the sub-company, which was to consist of one hundred individuals, an opportunity of making a pretty handsome speculation themselves. I do not know all the individuals composing the sub-company, but was informed that my own name had been spoken of, together with a great many others, in the town of Columbus and the adjoining county. Believing the claims to be fraudulent, I did not think they would pass, and, consequently, refused to have anything to do with the matter. This information I derived from L. N. Hatch, of Columbus, whom I believe to be the projector of the sub-company. He was not then engaged in the business of the Choctaw floats, but has since engaged in it. Mr. Hatch gave it as his opinion that it was one of the most stupendous frauds that had ever been attempted by any company, and said that the whole scheme could be easily blown up; and that if they did not give him as good a chance as others of the original company, he would set about the business, and he had no doubt that more than enough could be proved to break up the whole affair.

I saw, during the land sales, an instrument, signed by some of the members of the original company, (I think Johnston,) agreeing to convey a quarter-section to each settler who would not attempt to prevent the passage of the claims. There was a public meeting on the subject at Columbus, during the land sales, at which several of these instruments were publicly read, and commented upon. One individual, at the time, I saw pull his certificate from his pocket, tear it up, and asserted he had been induced to believe that it would secure to him a quarter-section of land; that he had been deceived, and signed an agreement which he did not consider binding; that, after hearing the frauds exposed, he had determined to oppose the claims with all his might.

William Dodd, a representative from Atalla county, being duly sworn, deposeth and saith, that he was at Columbus at the land sales in November last, and witnessed the great excitement among the settlers against the Indian floats; that he saw several memoranda given by Davis and Johnston to some of the settlers, showing that the settlers were to have their lands at $1 25 per acre. Most of the land floated in Sharkey's survey was on land of the first quality, and that had never been settled by any Indians. Colonel Boyd, at Atalla county, informed him that certain propositions had been made to him to become interested in those floats; that it was the object of the company to get as many men of influence interested with them as possible, so that all could make a handsome profit; and that those popular men could allay the prejudice and opposition to those claims.

Isaac Jones, representative from Winston county, having been duly sworn, deposeth and saith, that he knows many Indians that had left the country, and went west of the Mississippi river with other Indians, at the expense of the government, and were gone about twelve months, and have returned to this State with the guns they received from the general government; and Mr. Fisher told him he was locating agent for the Indians, and was among the Indians above alluded to; that he knows that there were many sections reserved from sale in Winston

county, by virtue of having been floated on by the Indian claims; that no Indian ever lived on any of these sections, within his knowledge or belief.

Thomas P. Falconer, a member of the senate, being duly sworn, says, that for sometime past he has been acquainted with William and Henry Garvin; that from his own knowledge of their character, and from what he has heard from others, he would not believe them on their oath, when they should testify to any fact in which they are interested.

John C. Thomas, a member of the legislature from Jasper county, being on oath, corroborates the statement of Thomas P. Falconer, relative to the character of William and Henry Garvin, and makes the same statement as regards the character of William Samphire.

John H. Horne, a member of the legislature from Wayne county, being duly sworn, states, on oath, that he sustains the statement made by John C. Thomas, relative to the character of the individuals mentioned in the above statement of said Thomas.

James Ellis, a member of the legislature from Neshoba, being duly sworn, states, on oath, that the Garvins above alluded to by Messrs. Thomas and Falconer told him that he had certified that he would believe an Indian on oath as soon as any person; and that Indians had sworn that they had resided on the land claimed by them. He also states that Rollin Williams informed him that he had certified that these Indians would swear the truth as soon as any white man; and that Johnston had paid him for those certificates; and this deponent further states that he, from his knowledge of their charaoter, cannot believe either of the said Williams or those Indians on their oath.

Stephen Cocke, the senator from the county of Monroe, being before the committee, states, on oath, that as to the justice or injustice of the Indian claims referred to in the preamble and resolutions above, of his own knowledge he knows nothing. But from report and the statements of others, he believes many and great frauds have been attempted to be practised in relation to them. Being requested to state what he may know of persons who are interested in the confirmation of the Indian claims, he states that during the land sales at Columbus, in November, 1835, Charles Fisher, of North Carolina, was before George W. Martin, the locating agent for the Choctaws, obtaining from him certificates of locations of lands for Indians, under the order of the President, of the 13th October, 1834; that he learned from the said Charles Fisher that he was engaged with a company on the subject of urging the claims of the Indians before Congress; that the company had obtained to the amount of about two thousand sections; that the company was to have one half of the land if they succeeded, for their trouble; that the company consisted of the said Charles Fisher, Daniel W. Wright, William W. Gwinn, Alexander F. Young, (I think Wiley P. Davis, and a Mr. Porter of Tennessee.) The statements made by Colonel Fisher were, that the Indians were to have one thousand sections, himself five hundred, and Judge Wright, Doctor Gwinn, Mr. Young, and others, were to have the remaining five hundred sections; but I think there were other small interests to be taken out of the whole for persons who had examined lands and made Indian contracts; of the five hundred sections claimed by Colonel Fisher, he proposed to sell me and others two hundred and fifty sections. But we disagreeing on the subject of the guaranties and the amount of claims that he should be bound to make good, and the like, we did not consummate any agreement.

The said Stephen Cocke states that Lemuel U. Hatch, Henly L. Bennett, and himself, conversed on the subject of the validity of a purchase to be made of the Indians of the remaining half of the claims reserved to the Indians; that they united in opinion that it was as competent for the Indians to sell that half as it was the other half to Charles Fisher and others. They had obtained information that Fisher and others had from the Indians an irrevocable power of attorney to sell for the Indians the half retained for them. They also agreed in the opinion that, notwithstanding the irrevocable power of attorney, the sale of the Indian himself would be good. He states that Lemuel U. Hatch, Henly L. Bennett, T. M. Tucker, Armstrong Hodge, William Humphreys, Briscoe Bennett, and Richard Evans, of Columbus, and David H. Morgan, of Monroe county, and himself, (for a company in Adams county, for whom he had a sum of money to invest,) agreed to examine into the matter, and see if anything profitable could be done, and to that end agree to get Samuel Garland, a suitable interpreter, and that if it was found safe, that contracts should be entered into with the Indians for their lands, if those who should personally attend to the matter should think it proper to do so. And accordingly a list of locations was obtained from the map, and Mr. Morgan, Mr. Hatch, Mr. Bennett, Mr. Evans, and Mr. Garland, went into the nation to attend to the matter, but he has no information as to what has been done, except that he has understood they have made some contracts, but does not know how many, or on what terms. During the time Colonel Martin remained in Columbus, making the locations, there appeared several companies, and a good many individuals, engaged in making locations. So far as his knowledge extends, the locations have been made on lands greatly superior in value to the lands on which the Indians resided at the date of the treaty. He states that he knows several Chickasaw Indians for whom he believes locations of lands were made by the locating agent, as Choctaws, to wit, Nancy Frazier, Molly Frazier, some of the Perrys, and others; that he believes there are a good many of them, and he is satisfied they were known to the Chickasaw Indians at the time they were located as Choctaws; if not by the locating agent, by those who were attending to the location for them. He has thus given the committee his information on the matters required of him.

STEPHEN COCKE.

JACKSON, *January* 12, 1836.

Mr. J. B. Wammoc on oath says: Does not belong to the company in which Wright is engaged, and heard Johnson say that Wright had no connection with the company to which he belonged.

B. A. Ludlow sustains the statement of Mr. Wammoc on oath, and says that Johnson, Davis, and Holsea, form a company distinct from Wright, Fisher & Co.

24TH CONGRESS.] No. 1452. [1ST SESSION.

CONSTRUCTION OF THE LAW GRANTING PRE-EMPTION RIGHTS TO ACTUAL SETTLERS.

COMMUNICATED TO THE SENATE, FEBRUARY 25, 1836.

TREASURY DEPARTMENT, *February* 25, 1836.

SIR: In obedience to the resolution of the Senate, dated the 19th instant, directing "the Secretary of the Treasury to inform the Senate whether he has construed the act of Congress of the 29th May, 1830, entitled, 'An act to grant pre-emption rights to actual settlers,' and an act of the 19th June, 1834, to revive said act, so as to authorize and recognize as lawful, assignments of such claims made before the issuing of the patents; and, if he have, that he communicate to the Senate any legal opinion or authority on file in the department, warranting such construction," I have the honor to enclose copies of certain letters from the Commissioner of the General Land Office, and this department, and the Attorney General, embracing the information called for by the resolution.

I have the honor to be, &c.

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. M. VAN BUREN, *Vice President of the U. S., and President of the Senate.*

TREASURY DEPARTMENT, *February* 20, 1835.

SIR: I enclose to you a letter from the Commissioner of the General Land Office, in relation to the pre-emption law of 19th June, 1834, and respectfully request your opinion on the questions therein presented.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. B. F. BUTLER, *Attorney General, U. S.*

GENERAL LAND OFFICE, *February* 20, 1835.

SIR: I beg leave to call your attention to a question arising under the pre-emption law of the 19th June, 1834, and to ask your opinion and instructions in relation thereto. That act revives, and continues for two years, the act of the 29th May, 1830, the third section of which contains a provision, that all assignments and transfers of the right of pre-emption, prior to the issuance of patents therefor, shall be null and void. A supplementary act, passed on the 23d of January, 1832, abolishes, after that date, the restriction imposed by the act to which it is a supplement, permits the assignment of the certificate of purchase or final receipt, and authorizes the patents to be issued in the name of the assignees.

The question, therefore, presented for consideration is, does the act of 19th June, 1834, revive and continue the provisions of the act of 29th May, 1830, as originally enacted, or is it to be regarded as reviving and continuing those provisions only, as modified by subsequent legislation; in other words, did it revive the act as it originally passd, or only such parts as remained of it?

I am of opinion that the revival is to be considered as embracing the supplementary provisions which the wisdom of Congress had deemed it proper to annex to the original act. Should your opinion upon this subject coincide with mine, it will relieve, to a great extent, the embarrassment and importunities to which this office is now subjected, by calls for patents, out of the regular course of business, which are principally induced by the desire of obtaining assignments, after the patents have been issued, and patents will be issued to the assignees.

With great respect, your obedient servant,

ELIJAH HAYWARD.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

ATTORNEY GENERAL'S OFFICE, *March* 6, 1835.

SIR: I have considered the question stated to you by the Commissioner of the General Land Office, in relation to the effect of the act of the 19th of June, 1834, reviving the pre-emption act of the 29th of May, 1830, and referred to me in your letter of the 20th ultimo, and fully concur with that officer in the opinion that the revival of the original law is to be considered as embracing the provisions ingrafted thereon by the supplementary act of the 23d of January, 1832.

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

B. F. BUTLER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *March* 9, 1835.

SIR: According to the opinion of the Attorney General, the revival of the act of the 29th of May, 1830, by that of the 19th of June last, is to be considered as embracing the provisions ingrafted thereon by the supplementary act of the 23d January, 1832.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

24TH CONGRESS.] No. 1453. [1ST SESSION.

UNSATISFIED MILITARY LAND WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.

TREASURY DEPARTMENT, *March* 2, 1836.

SIR: I have the honor herewith to transmit to the House of Representatives, a report from the Commissioner of the General Land Office, of "the amount of the unsatisfied military land warrants, issued by the United States and the State of Virginia," prepared in pursuance of a resolution of the House of the 13th ultimo.

I am, respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. K POLK, *Speaker House of Representatives.*

GENERAL LAND OFFICE, *March* 1, 1836.

SIR: In obedience to the resolution of the House of Representatives, received at this office on the 16th ultimo, and which is in the following words, viz.:

"*Resolved*, That the Secretary of the Treasury be required to furnish to the House of Representatives a statement to show what is the amount of the unsatisfied military land warrants issued by the United States, and the State of Virginia, respectively, and filed in the Land Office of the United States prior to the first day of September, 1835; also, to state the amount of the land warrants of the same description, which have been filed in the Land Office aforesaid, since the 1st day of September, 1835; and also, what is the probable amount of the outstanding claims to military land warrants on the United States and the State of Virginia, respectively, according to the best means in possession of the Secretary, for making an estimate thereof;"

I have the honor to state, that the quantity of land in warrants issued by the United States, and filed in this office, prior to the 1st of September, 1835, amounted to 7,600 acres; and the quantity of land in warrants issued by the State of Virginia, and filed in this office prior to the 1st of September, 1835, (after deducting such as were ascertained to have been already satisfied,) amounted to 722,529 acres. The quantity of land in warrants issued by the United States, and filed since the 1st of September, 1835, amounts to 600 acres; and the quantity of land in warrants issued by Virginia, and filed since the 1st September, 1835, amounts to 2,600 acres.

The amount of claims for revolutionary military bounty lands, ascertained to be due by the United States on the 22d ultimo, are for 263,000 acres.

The amount of outstanding claims on the State of Virginia I have not the means to ascertain, but the register of the land office at Richmond, whom I addressed in relation thereto, stated in his answer, (received by yesterday's mail,) that there were orders from the executive on file in his office for 55,000 acres, and many claims were not yet acted on by the executive department.

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

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1454. [1ST SESSION.

APPLICATION OF INDIANA FOR THE CESSION OF THE UNRECLAIMED LANDS NEAR VINCENNES, TO THE INHABITANTS OF FRENCH EXTRACTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.

Whereas it appears there are from four to five sections of unreclaimed or inundated lands, situate about six miles below Vincennes, in the county of Knox, yet unentered, belonging to the United States, and described as follows: bounded on the northwest by the Wabash river, on the northeast by the lower prairie, southeast by Gatherinette and Fort Sni prairie, on the southwest by Fort Sni creek. That said unreclaimed land is surrounded by lands owned by citizens of French extraction, descendants of those who rendered the American cause essential service during the campaign of '78 and '86, in conquering and maintaining the western posts against the British and Indians, for which they never have received any remuneration. That, in consequence of the inundation of this tract of land, the said inhabitants are injured in their health and in their agricultural pursuits: wherefore—

Be it resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use due exertions to procure a cession of said unreclaimed land to Lambert Burwois and others, the inhabitants of French extraction, residing in the prairies and lands adjoining said unreclaimed lands, for the purpose of constructing a levee or embankment, to prevent the overflowing of the Wabash into said bottom and adjoining lands.

Resolved, That the governor transmit, &c.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, February 4, 1836.

N. NOBLE.

24TH CONGRESS.] No. 1455. [1ST SESSION.

APPLICATION OF ALABAMA, FOR A GRANT OF LAND TO THE MOBILE BAY AND TENNESSEE VALLEY RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.

To the Honorable the Senate and House of Representatives of the United States of America.

Your memorialists would respectfully represent to your honorable body that, at the present session of the legislature of this State, a bill passed, incorporating a railroad company, for the purpose of connecting the Tennessee valley with the waters of the Mobile bay; that said road will run through a part of the State in which the United States are owners of a greater portion of the land; that said lands, on account of their sterility, have not been sold at the minimum price of the government lands.

Your memorialists think it unnecessary to enter into an argument to show the necessity of a right of ownership in the company to a portion of those lands.

Your memorialists would, therefore, respectfully ask your honorable body to pass a law authorizing said company to condemn, for their own use, lands to the distance of three miles on each side of the line of said railroad, wherever the same may belong to the United States; and that your honorable body would point out the mode of assessing the value of said lands, and direct where the price, when assessed, shall be deposited to the credit of the United States.

Resolved, That the governor be requested to send to each of the senators and representatives in Congress a copy of the foregoing memorial.

J. W. McCLUNG, *Speaker of the House of Representatives.*
SAM. B. MOORE, *President of the Senate.*

Approved, January 9, 1836.

C. C. CLAY.

24TH CONGRESS.] No. 1456. [1ST SESSION.

APPLICATION OF ALABAMA FOR A REDUCTION OF THE PRICE OF THE PUBLIC LANDS AND FOR GRANTING PRE-EMPTION RIGHTS TO ACTUAL SETTLERS, AND AGAINST THE DISTRIBUTION OF THE PROCEEDS OF THE SALE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.

JOINT MEMORIAL to the Congress of the United States.

The memorial of the senate and house of representatives of the State of Alabama respectfully represents to your honorable body: That, in addressing your honorable body on the subject of the present memorial, they are inspired with a confidence in the justice of the cause which they design to advocate, and, therefore, respectfully present your claims for consideration.

At a past session of Congress, "A bill to appropriate, for a limited time, the proceeds of the sales of the lands of the United States," passed both houses, and would have become a law, had not the President of the United States, with that fearless course and clear-sighted policy for which his whole life has been marked with such peculiar distinction, refused it his sanction.

Your memorialists look forward with almost an absolute certainty, that other attempts will be made by the friends of this measure, to force upon the country a system so ruinous to the new States and so destitute of interest to the general government. The advocates of this measure contend that no reduction ought to be made in the price of the public lands, and that the moneys hereafter to be received for them should be distributed among the States for the purposes of education, internal improvements, and the colonization of free persons of color on the western coast of Africa. Your memorialists will not discuss the power of the general government to grant to the States the proceeds of the public lands; but, it is obvious, if the moneys of the United States, arising from the sales of the public lands, can be granted to the States for the purposes of internal improvements and colonization of free persons of color, they can be granted for any other purpose, or to effect any other object; hence, the most dangerous powers would be given by construction to the general government—a construction against which the republicans have contended from the first formation of the Constitution of the United States, and which, if sanctioned, will finally destroy the rights of the States, and will make the United States one great consolidated government. The States in which the lands lie are to receive ten per centum upon the amount of sales, and the rest to be distributed among the several States in the ratio of their federal representative population. Your memorialists believe that this system is founded in error and injustice. Should a policy be adopted which gives the proceeds of the public lands to the different States, the *price* will never be *reduced*, and it will be the interest of the States, as they are to receive the proceeds, to wring from the persevering and meritorious citizen the last dollar, without the prospect of relief. The public domain of the United States was acquired from two sources, donation by patriotic States and by purchase from foreign powers. They are all equally the property of the United States, and subject to the disposition of Congress. The lands belonging to the general government have cost about $50,000,000, from which we may deduct the sum of $45,000,000 for proceeds of lands sold, leaving a balance of five millions yet due the government on this account.

Your memorialists further represent to your honorable body, that they are opposed to the whole system of keeping accounts between the general government and the federal domain. The government of the United States assumes the lofty attitude of being the guardian over the rights of the people, and she ought not, and will not, descend from the elevated and dignified station which she occupies, to the grade of a speculator in lands. Our citizens are the children of a country which they love and cherish. When danger surrounds our government, and we are threatened by a public enemy, they are ready to surrender up life and property for the protection of their country. All good governments will set down to the credit of their citizens the full value of their generous devotion to their country, and they will endeavor to increase the number of their people, ameliorate their condition, extend their means of happiness and usefulness, and excite their love of country. The inhabitants of a government, the proceeds of their labor, and the taxes which they pay, all stand against the value of the lands which they cultivate. The citizens of a state, their wealth, love of country, intellectual and moral worth, constitute the price of the lands—a price which no pecuniary consideration can in any manner equal. How insignificant is the money which has been paid for the lands, compared with the population residing upon them—their value in the social and political system, their power in the field, the taxes they pay to their country, and the long line of posterity which is to succeed them! Lands are not suitable property to be owned by the United States; they are better adapted to the people. In the hands of the general government they are useless; in the possession and occupation of the citizens they constitute the principal wealth of the state. The inutility in the sales of the public lands, and the fallacy of large calculations, are manifested by the history of the public lands of the United States. When they were acquired, it was calculated that their proceeds would pay off the public debt immediately, supply the revenue of the government, and that large sums would be distributed among the States. A thousand millions of dollars was considered less than their value; and the Secretary of the Treasury was considered as having abandoned the interest of his country, for the views contained in his report on this subject in 1791, in which those exorbitant calculations are exposed, and the value of the lands stated to be no more than twenty cents per acre. Fifty years' experience in the sales of the public lands have shown conclusively that there is nothing to be made by the system; and the products of their cultivation have furnished wealth to the country, paid for the lands themselves, and produced a treasury which has supported the government in a style of expenditure never anticipated by the economists who founded it. Since the foundation of the government the lands have produced about $45,000,000, while the revenue of our country, arising from the industry of its citizens, amounts to $650,000,000, which arises from the cultivation of the soil in the hands of agriculturists. Goods are imported upon which the United States receive duties, which constitute the revenues; exports are given in exchange for the goods, and exports are the products of the farms. But this is not all: the cultivation of the soil affords immense exports, upon which the commerce and navigation of the country are founded, supplying all trades and professions connected with these branches of industry. Selling the lands produces very little; it aids no useful employment, and cripples the young States by draining them of money. There is a vast difference between the *sales* and the *cultivation* of the soil; the sale takes place but once, while the revenue arising from cultivation is perpetually increasing with population, and the resuscitation and amelioration of the soils by improvements in the science of agriculture. Your memorialists would further represent, that our citizens who reside upon the public lands in the new States are a poor but meritorious class of people. They cut down the forest, make roads, and furnish accommodations for those who come after them. Their poverty prevents them from purchasing land at the present prices; and, having no settled residence which they can call their own, they cannot improve the land and accumulate property as they could were they the owners of the soil. By reducing the price of the public lands according to their intrinsic value, and granting pre-emption to actual settlers, population would rapidly increase, and thousands in the northern, middle, and eastern States would remove and find homes in a rich and plentiful country, and greatly increase the wealth and strength of the Union by the cultivating of the soil, paying taxes, and increasing in numbers.

Your memorialists, therefore, pray your honorable body to prevent the passage of any bill having for its object the distribution of the proceeds of the public lands among the several States; and to reduce the price of the said lands according to their intrinsic value, and to grant pre-emption to actual settlers; and when lands have been offered for sale for the term of five years, and have not been sold, your memorialists respectfully request that each person who may settle upon the same may be permitted to enter, at the proper land office, one quarter-section free from charge.

Your memorialists would respectfully call the attention of Congress to a class of citizens, who, although entitled to pre-emption rights in that part of the Choctaw nation within the limits of Alabama, the Indian title to which was extinguished by the last treaty with that tribe, have been deprived of the benefits secured to them by the pre-emption law, in consequence of the land on which they resided having been taken by Indian floats or reservations. They pray that a law may be passed giving to all persons within the limits of the Choctaw nation, and whose lands were taken by floats or reservations, a right to enter other lands within any land district within this State or the State of Mississippi.

There is, within the limits of Alabama, a small portion of the Chickasaw lands, which has been settled with an industrious population. They are likely to become a prey to land speculators, who, invited by the provisions of the Chickasaw treaty, have embarked in land speculations on a scale and with a capital sufficient to swallow up the whole of the Chickasaw nation. Your memorialists would present them as worthy of the protection of Congress, and in a condition that requires and demands of Congress and the Executive protection from a class of men that have acquired great wealth in speculating in Indian lands, and who, by the provisions of the late Indian treaties, are likely to become the owners and settlers of the whole of the Indian territory.

Resolved, therefore, That our senators be instructed, and our representatives requested, to use their best exertions to procure the relief requested in the foregoing memorial; and, be it further *Resolved*, That his excellency the governor be requested to forward a copy of this memorial to each of our senators and representatives in Congress.

J. W. McCLUNG, *Speaker of the House of Representatives.*
SAM'L B. MOORE, *President of the Senate.*

Approved, January 9, 1836.

C. C. CLAY.

24TH CONGRESS.] No. 1457. [1ST SESSION.

APPLICATION OF MICHIGAN FOR THE SURVEY AND SALE OF THE PUBLIC LANDS IN MICHIGAN, ESTABLISHMENT OF LAND OFFICES, AND THE EXTENSION OF THE PRE-EMPTION LAW.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.

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

The legislative council of the Territory of Michigan respectfully represents: That the part of the said Territory which lies west of the Mississippi river, and which was acquired by treaty with the Sac and Fox Indians, in the year 1832, is now settling with almost unexampled rapidity, by a highly respectable and enterprising class of citizens from all parts of the United States. Although it is not yet three years since the first emigration into the country, the counties of Dubuque and Desmoines already contain a population estimated, by those best acquainted with their numbers, at ten thousand inhabitants.

These citizens have, in the settlement and improvement of the country, had to encounter all the hardships and difficulties incident to frontier lives. By their spirit of industry and enterprise, they have, in an almost incredibly short time, settled nearly the whole west of the Mississippi to the extent of three hundred miles, and in some parts to the distance of forty miles back from the river. Throughout the whole of this delightful region, where three years since the white man's habitation was not to be found, there have sprung up, as if by enchantment, flourishing villages and cultivated farms, where all the business of commerce, agriculture, and domestic industry, are prospering in a degree unexampled in the history of our country. The settlers of this important and interesting district have relied upon the liberal policy of the general government, heretofore pursued toward the settlers upon the public lands, for protection in the possession of their homes. Many of them have invested all their means in the improvement of the country, and to be put in competition with the speculator for the purchase of their farms and habitations, would bring distress and ruin upon many worthy and industrious families. The country which they have settled is, perhaps, unsurpassed for fertility of soil, salubrity of climate, and commercial facilities; and a portion of it abounds in the richest mines of lead ore. They have, by their industry and enterprise, brought the country into notice, and enhanced its value to an incalculable extent. The town of Dubuque, in the county of that name, and the town of Burlington, in the county of Desmoines, have been regularly surveyed, and are growing up with great rapidity. For population, capital, and commercial business, they are already places of great importance in the western country. As a measure of the first importance to this portion of the Territory, and one calculated to promote the general interest of the country, the council respectfully ask of the Congress of the United States the passage of a law to provide for the survey and sale of the country as early as may be practicable; the establishment of two new land offices, one in the county of Dubuque, and one in the county of Desmoines; and to secure the usual pre-emption rights to all actual settlers who have made improvements prior to the first day of January, 1836. As an act of justice to the citizens of the towns of Dubuque and Burlington, a special pre-emption law should be passed to secure them in the possession of their lots, upon such terms as Congress may deem equitable and just.

It becomes the duty of the legislative council, also, to represent that there is a large district of lands lying in the southeast corner of the Territory, known as the Milwaukee, Root, and Pike river countries; part of this country is as yet unsurveyed, and already contains a large number of inhabitants. The fertility of its soil, the abundance of fine water, the beautiful diversity of prairie and woodland, its contiguity to Lake Michigan, and the salubrity of the climate, give it every advantage that can be desired to make it a prosperous, thriving, and densely populated district. It is now a part of the Green Bay land district, and is so far removed from the land office, that the expense, time, &c., of going and returning, is value equal to that of a good lot of land. This operates peculiarly hard upon the poor man; so much so, as to take from him the power of purchasing his home, particularly when it is considered that he is in a wilderness, where every moment of his time is wanted to shelter himself and family from the inclemency of the winter seasons.

Believing that there is every disposition on the part of the general government to protect, as far as possible, all its citizens, and more particularly the needy, the council considers it one of its first duties to ask that the Green Bay district, which extends something near two hundred and fifty miles from north to south, and about one hundred from east to west, be divided into two land districts, by the line between townships thirteen and fourteen, which would make each district contain about six million four hundred thousand acres of land. It is also a duty to say, that the inhabitants who are now upon the lands not yet brought into market in these districts, and who have undergone all the privations incident to the wilderness, and by first settling thereon have called into notice this country, are without the protection of the law granting the right of pre-emption to settlers.

We, therefore, in their behalf, as well as of those mentioned in the preceding part of this memorial, ask that a law may be passed to secure them in the homes they are now enjoying through the courtesy of the government.

The council would further represent, that the miners, a large and respectable portion of the counties of Iowa and Dubuque, by the operation of laws passed for the government of the mines, and those that have been passed relative to the sale and survey of the public lands, are placed in a position that makes them a prey for the speculator. This want of security damps their industry and enterprise, cramps their operations, and has, to a very great extent, prevented the extending further their exertions to make new discoveries of mineral. The law provides, that where lead mineral may have been discovered previous to the purchase of any lands, that such sale is null and void, manifesting clearly that it was not the original design of the government to dispose of the mineral lands; but that law does not provide any means by which these discoveries can be made known to the register and receiver of public lands in the district where this land lies. The miners, resting satisfied, confiding in the good faith of the government, have, until lately, quietly pursued their occupations, believing, as they do, that in a court of justice it will be decided that the purchasers' title be declared of no effect, and that the title never has been parted with by the government. But as it is the nature of the worthy, industrious, honest man, to avoid law, they have ceased to pursue any further their search for mineral, and have, in most instances, compromised with the purchaser for a temporary right to mine on the lands thus purchased. It is now acceded to on all hands,

that the interest of the mining regions, as well as that of the government, will be best promoted by the sale of these lands. The investment of capital, the introduction of methodical mining, and the regular transaction of business, will render the mining operations more certain; there will be a great saving of labor and expense, and, instead of being a lottery as it is now, it will become a sure, certain, and safe business. So soon as this change is effected, lead may be furnished at less price than at present, whereby the community at large will be benefited, and those employed will be acquiring, by their daily exertions, a competency. The first wish of these people is, that the mineral lands be sold; that those sales already made be revoked; and that the actual possessor who may have obtained the ownership, as recognised under the regulations governing the mines, either by discovery or purchase, be entitled to the right of pre-emption.

The town of Mineral Point, in the county of Iowa, is situated in the heart of the richest part of the mining country, and for population, business, and capital, is the most important inland town in the county. The quarter-section upon which it is situated, is all reserved as mineral lands, except the forty acres upon which the town is built. The citizens have settled upon this forty acres as public lands, without any security to their improvements, except occupancy.

The council would therefore ask, that the right of pre-emption may be extended to the owners of lots in that town, upon such principle as Congress may deem equitable and just.

The limits of this paper will not allow the council to point out the defect of such law: they therefore leave its superintendence in the hands of the people's delegate in Congress, in whom the people, and more especially the miners, have the utmost confidence.

He is one of them, having resided a long time in the mining district.

WILLIAM S HAMILTON, *President of the Legislative Council.*
A. G. ELLIS, *Secretary of the Council.*

24TH CONGRESS.] No. 1458. [1ST SESSION.

OPINION OF THE SUPREME COURT OF THE UNITED STATES UPON CERTAIN CLAIMS TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1836.*

Supreme Court of the United States, January Term, 1836.

JOHN SMITH, T., appellant,
vs.
THE UNITED STATES.
} On appeal from the district court of the United States for the district of Missouri.

Mr Justice Baldwin delivered the opinion of the court:

Pursuant to the provisions of the act of 1824 for the adjustment of land claims in the State of Missouri, John Smith, T., filed his petition in the district court on the 3d October, 1827, claiming a confirmation of his title to 10,000 arpens of land in that State, in virtue of a Spanish concession to James St. Vrain, a resident of Louisiana, legally made before the 10th March, 1804, by the proper authorities. He alleged that his claim was protected by the treaty between France and the United States for the cession of Louisiana, and might have been perfected into a complete title under the laws, usages and customs of the government under which the same originated, had not the sovereignty of the country been transferred to the United States.

His claim is founded on a petition of James St. Vrain to the governor general of Louisiana, in November, 1795, praying for a grant in full property, to him and his heirs, of 10,000 superficial arpens of land, with the special permission to locate in separate pieces, upon different mines of what nature they may be, salines, mill-seats, and any other place that shall appear suitable to his interests, without obliging him to make a settlement, which grant, as prayed for, was granted by the said governor general the 10th February, 1796. He alleges that he became owner of the grant by purchase from St. Vrain and wife, before the act of 1824, and has caused several parts thereof to be located in Missouri, which he specifies in the petition, and prays that the validity of his claim may be examined by the court.

On the face of the petition the petitioner shows a case within the provisions of the first section of the law of 1824, which directs the court to take jurisdiction to hear and determine it.

The petition of St. Vrain to the governor general of Louisiana states, that misfortunes had induced him to settle in Louisiana, at St. Genevieve, where he had rendered himself useful in representing a certain party; that his knowledge of mineralogy had induced his father to make over to him the contract which he had with the government for the supply of a certain quantity of lead. To enable him to comply with this contract, and insure him an honorable existence, he prays for a grant as specified in the petition of the appellant. At the foot of this petition there was the following writing: "New Orleans, 10th February, 1796; granted. The Baron de Carondelet."

The original petition, with this entry upon it, was produced before the land commissioners in Missouri, in 1806; the signature of the Baron was proved to be in his handwriting, and the residue to be that of the secretary of the government.

The original was lost in 1807 or 1808, but a copy certified from the land records, was produced at the hearing in the court below, and competent evidence was given of the existence and loss of the original; the dis-

---

* For the opinions of the Supreme Court in cases of Ch. D. Delassus, Auguste A. Choteau, and the devisees of Auguste Choteau, see antecedent, No. 1334, February 25, 1835.

trict court did not, in their decree, decide on the effect of this evidence, nor do we think it necessary to consider it; for the purposes of this case, the genuineness of the grant and its loss is assumed.

On the 6th February, 1808, St. Vrain and wife, in consideration of five thousand dollars, conveyed the concession to the petitioner by deed duly recorded.

In 1811, the petition caused a survey of 294 arpens of land, to be made by a private surveyor, pursuant to the concession to St. Vrain; other surveys were afterward made in like manner of several tracts specified in the records, varying in quantity from 1,200 to 50 arpens, several of them including lead mines, the one for 50 acres being on a mill-site.

The claim was acted on by the United States board of land commissioners, in Missouri, who, in December, 1811, gave their opinion that it ought not to be confirmed. The district court of Missouri have also rejected it by their final decree, from which the petitioner has taken an appeal to this court, in the manner directed by the act of 1824.

At the January term of this court, in 1830, this cause, with that of Soulard's, was very ably and elaborately argued by the counsel on both sides; they were the first cases which came before us under the law giving jurisdiction to the district court of Missouri, to decide on claims to land in that State, subject to an appeal to this court. The subject was a new one, both to the court and the bar; the titles and tenure of lands in Louisiana had never undergone a judicial investigation, which could give the court such information as could lead them to any satisfactory conclusion. Hence, and notwithstanding the full argument in these cases, there seemed to be much matter for consideration, in the developments to be made of the laws, usages, and customs of Spain, in relation to grants of land in Louisiana: these cases were held under advisement.

At the next term, finding that appeals had been made in cases from Florida, arising under a law authorizing a judicial decision on claims to land in that Territory, on the consideration of which the whole subject of Spanish titles would be thoroughly examined, these cases were further postponed till the ensuing term. One of the Florida cases was then decided on principles which did not apply to them; it was thought that still further information must be presented, in some of the numerous cases before us, for final adjudication; and a further postponement was, therefore, deemed advisable. At each succeeding term since, it has been our duty to decide on claims to land under the government of Spain, if not in all the aspects in which they can be presented, at least in those sufficiently varied, as to enable us to decide this case on principles entirely satisfactory to ourselves. It was never doubted by this court, that property of every description in Louisiana, was protected by the law of nations, the terms of the treaty, and the acts of Congress; nor that in the term "*property*, was comprehended every species of title, inchoate or perfect, embracing those rights which lie in contract, those which are executory, as well as those which are executed. In this aspect, the relation of the inhabitants to their government is not changed. The new government takes the place of that which has passed away." (4 Pet., 512.)

Such, in 1830, was our general view of the Missouri cases. Our difficulty was, in ascertaining the powers of the governor general, of the intendant and his sub-delegates, and the local governors or commandants of posts, to make grants of lands; what acts by either operated by way of *grant, concession, warrant, or order of survey*, so as to sever any portion of land from the royal domain, and create in it a right of property in an individual. The law submitting claims of either of these four descriptions to judicial cognizance, confirmed the court to such as had been legally made, granted or issued, before the tenth of March, 1804, which were protected by the treaty of 1803, and might have been perfected into a complete title, under the laws, usages, and customs of Spain, if she had continued to hold the government of the province.

It was also made the duty of the court to conduct the proceedings on all petitions, according to the rules of a court of equity, and to decide upon them according to the principles of justice, and the laws and ordinances of the government under which the claims originated. In thus consenting to be made defendants in equity, at the suit of every claimant for land in Missouri, the United States waived all rights which the treaty could give them, as purchasers for a valuable consideration without notice. They bound themselves to carry into specific execution by patent, every grant, concession, warrant, or order of survey, which, before the 4th of March, 1804, had created any legal or equitable right of property, in the land so claimed; so that in every case arising under the law, one general question was presented for the consideration of the court. Whether in the given case, a court of equity could, according to its rules and the laws of Spain, consider the conscience of the King to be so affected by his own, or the acts of the lawful authorities of the province, that he had become a trustee for the claimant, and held the land claimed by an equity upon it, amounting to a severance of so much from his domain, before the 10th of March, 1804, in Missouri, and the 24th of January, 1818, in Florida, the proceeds fixed by the law in one case, and the treaty in the other.

In all our adjudications on either class of cases, we have considered the term *lawful authorities*, to refer to the local governors, intendants, or their deputies; *the laws and ordinances* of Spain, as composed of royal orders, of those of the local authorities, and the usage and custom of the provinces respectively under Spain; that any inchoate or perfect title, so made, granted, or issued, *is legally* made by the proper authorities. We have as uniformly held, that in ascertaining what titles would have been perfected, if no cession had been made to the United States, we must refer to the general course of the law of Spain, to local usage and custom, and not to what might have been, or would have been done, by the special favor or arbitrary power of the King or his officers. It has also been distinctly decided in the Florida cases, that the land claimed must have been severed from the general domain of the King, by some grant which gives it locality by its terms, by a reference to some description, or by a vague general grant, with an authority to locate afterward by survey, making it definite, which grant or authority to locate, must have been made before the 24th of January, 1818; that where the grant is descriptive, a survey in any other place is unauthorized, and that where a survey was made of a part of a descriptive grant before that time, an order or permission to survey the residue elsewhere, made afterward, is void, in contravention of the terms of the treaty and the act of Congress, it being in effect and substance, a new grant, made after the power of the governor to make grants had ceased; that where the grant was specific, a survey might be made after the time fixed by the treaty, and where the grant was vague, or contained an authority to locate, which was executed by a survey made before, it was valid. (8 Pet. 466–7, United States *vs.* Clarke.)

The same principles apply to the cases in Missouri, between which and those from Florida, there is (generally speaking) no other difference than that as to the latter the treaty annuls all claims acquired after the 24th January, 1818, while the act of 1824 limits the jurisdiction of the court to cases of claims made in virtue of grants, &c., made before the 10th of March, 1804. This limitation on the power of the court as effectually prohibits their confirmation of grants, &c., subsequently made, or titles acquired, as if they had been declared void by the terms of the law, or the Louisiana treaty.

In his petition to the governor general, St. Vrain asks for a grant, in full property, of 10,000 arpens, to be

located at his pleasure as to place, time, and quantity; it was considered by him as authorizing locations throughout Louisiana, and not only while under the government of Spain, but after its cession to the United States, and its division into the two Territories of Orleans and Missouri.

So it was considered by the petitioner Smith, after he purchased from and held under St. Vrain; and such appears to be the true construction of the petition.

The grant is contained in one word, *granted*, which must be referred to everything prayed for in the petition; its object was not to obtain a grant merely in the upper province, or it would have been addressed to the local governor. It must have been intended to extend to both provinces, as it was addressed to the governor general, whose power was general over both. He, by his grant, without qualification or restriction, has acted in the plenitude of his authority, which authorizes no construction that could limit it to the upper province more than to the lower.

A limitation to either would be by an arbitrary decision, without rule; so would any construction cutting down the concession by striking from it any right or privilege prayed for.

This, then, was the nature and effect of the grant: to vest in the petitioner a title in full property to all the lands in either province, containing saline, mineral, or where there were mill-sites, which he might at any time locate in quantities to suit his own pleasure, or at any other place that might suit his interest.

When the cession of Louisiana was completed, by the surrender to the United States, the title of St. Vrain remained precisely at it was at the date of the grant in 1796; there is no evidence that he had done, or offered to do, any act, or made any claim or demand, asserting or affirming any right under the grant. With all the ungranted salt springs, lead mines, mill-sites, and valuable spots in Louisiana at his command, he held his grant dormant in his pocket for eight years under the Spanish government, without making or attempting to make one location under it.

On the 4th March, 1804, then, no land had been granted to St. Vrain; there was not an arpen on which his right had any local habitation. Until a location was made, it was a mere authority to locate, which he might have exercised at his pleasure, both as to time and place, by the agency of a public surveyor, authorized to separate lands from the royal domain by a survey pursuant to a grant, warrant, or order of survey. At the time of the cession nothing had been so severed, either by a public or private surveyor, or any act done by which the King could be, in any way, considered as a trustee for St. Vrain for any portion of the 10,000 arpens; and there was no spot in the whole ceded territory in which he had or could claim an existing right of property. An indispensable prerequisite to such a right was some act, by which his grant would acquire such locality as to attach to some spot; until this was done, the grant could by no possibility have been perfected into a complete title; it is clear, therefore, that the integrity of the public domain had in no way been affected by this grant in March, 1804. The only pretence of any right was one which extended to every vacant spot in Louisiana, to be located in future at the option of the grantee; it so continued until 1811, when the first location was made by the petitioner, Smith, by a private surveyor, on part of the lands he claims. It is evident that he had no other right to this tract of land in March, 1804, than he had to all the vacant lands in Louisiana. Had his claim been presented to the district court, while it remained thus indefinite, and incapable of definition, there would have been no cause for its jurisdiction under the act of 1824, to confirm or reject the claim. The 6th section provides that on the confirmation of any claim the surveyor should cause the land specified in the decree to be surveyed, a plat thereof to be made, delivered to the party, and a patent to issue therefor; if rejected, the 7th section directs, "the land specified in such claim forthwith be held and taken as a part of the public lands of the United States." By the 11th section, if the lands decreed to any claimant have been sold or disposed of by the United States, or have not been located, the party interested may, after the land has been offered at public sale, enter the like quantity of land in any land office of the State. These provisions show clearly that Congress did not contemplate the submission of any claim to the court, except such as on confirmation could be surveyed and patented, and on rejection, would be thenceforth held and taken to be a part of the public lands.

The cases of claims to make a prospective severance of particular tracts from the general domain, when the grant was wholly indefinite, would require a distinct provision. If confirmed, no land could be specified in the decree—none could be surveyed; nor could land which had never been the subject of specific claim, described in no grant or survey, become a part of the public lands, within the meaning of the law, after the decree, if there had not been some assertion by the claimant of their having been once his property, by a severance by grant. In providing for a case where the land had not been located, it was the evident intention to refer to grants of land by some description, before the 10th of March, 1804, which had not been surveyed; it is certain that it could not apply to this. Should this grant be confirmed, it must follow its tenor and purport: the decree must affirm its validity, not merely to the quantity of the land, but with the right of location according to its express terms, which give St. Vrain the unlimited choice of the most valuable portions of the public lands. It would be in direct violation of those rights which constitute the great value of the claim, which were, not the quantity of land granted, but the unlimited power of selection, to make a decree that they were secured to him by the law of nations, the treaty, and acts of Congress, as inviolable, and in the same decree to limit him to such lands in Missouri as should have been offered at public sale, without any bid beyond the minimum price of the public lands. This would necessarily deprive him of the very spots to which he would be entitled under our decree, whenever he might choose to appropriate them by a lawful survey.

We are therefore clearly of opinion, that no claim to land in Missouri can be confirmed under the acts of 1824 or 1828, unless by a grant, concession, warrant, or order of survey, for some tract of land described therein, to make it capable of some definite location consistently with its terms, made, granted, or issued, before the 11th March, 1804, or by an order to survey any given quantity, without any description or limitation as to place, which shall have been located by a survey made by a proper officer before that time, as was Soulard's case.

Spain never permitted individuals to locate their grants by mere private survey; the grants were an authority to the public surveyor, or his deputy, to make the survey as a public trust, to protect the royal domain from being cut up at the pleasure of the grantees. A grant might be directed to a private person, or a separate official order given to make the survey; but without either it would not be a legal execution of the power. No such survey was made on this grant, so that it had not attached to the land claimed at the time named in the law.

We have, then, to inquire whether a private survey, made in 1811, could be so connected with the grant of 1796 as to operate by relation to make out a title to the land claimed in March, 1804.

The laws of the United States give no authority to an individual to survey his grant or claim to lands; he may make lines to designate the extent and bounds of his claim, but he can acquire no rights thereby; the only effect which we can give to this private survey is to consider it as a selection by the petitioner of that piece of land, as a part of what he was entitled to locate in virtue of his general grant. As the United States have put themselves in the place of Spain, we must view this petition thus made as if Louisiana had never been ceded to

them. But neither in this, or the record of any of the cases which have been before us, have we seen any evidence of any law of Spain, local regulation, law, or usage, which makes a private survey operate to sever any land from the royal domain. On the contrary, all the surveys which have been exhibited in the cases decided, were made by the surveyor general of the province, his deputies, the special order of the governor or intendant, or those who represented them. No government gives any validity to private surveys, of its warrants or orders of survey, and we have no reason to think that Spain was a solitary exception, even as to the general domain, by grants in the ordinary mode, for a specific quantity, to be located in one place. *A fortiori*, where a grant *sui generis* might, by its terms, be so split up as to cover every saline, mineral, and water-power site in the whole territory, of all others, the survey of such a grant ought to be made by an authorized officer. If the grant was a lawful authority for such selections, its execution by survey ought to be made so supervided that the selection should be made in a reasonable time, quantity of land, and number of spots selected.

We cannot believe that Spain would have ever consented to the exercise of such a right, by an individual, over all the most valuable portions of her domain, when she did not permit the appropriation of her ordinary lands to be so made; still less that a claim of this description would have been perfected into a complete title, had she remained in possession of Louisiana, or that it ought so to have been.

The claim was unreasonable in its nature, excluding the government from all control over locations made on a sweeping grant, which, by small subdivisions, might be a monopoly of every valuable spot in both provinces. Such a grant, with such privileges, has no equity in it, as against the government of Spain, or the United States standing in their place. There appears no law, usage, or custom, to authorize it, and it is incompatible with those rights which every government reserves to itself, of directing by its own officers the surveys of its lands, either on specific grants or orders of survey for vacant lands.

The negative evidence in the record is also powerful to lead to the same conclusion. The unprecedented privilege granted to St. Vrain was of immense value, if asserted in time, before other appropriations were made of the places, of which he had the right of selection without limit, but it would become less valuable by waiting till others had obtained grants for them. Neither he, nor the petitioner Smith, has in any way accounted for the delay; they have shown no selection made, no application to a public, or even private surveyor, to make any survey during the eight years which elapsed from the date of the grant till the cession.

The grant does not appear to have been recorded or entered in any Spanish office, exhibited to any Spanish officer, or any notoriety given to it, by any assertion of right under it. With such powerful reasons for action, is it a harsh construction of the conduct of St. Vrain, to attribute it to the conviction that the Spanish authorities would not have sanctioned his claim?

The power of the governor general being supreme, his power would not have been invoked in vain, if the grant was good, and no officer in the province would have disobeyed his order to survey, on the selections being made. It is not for us to say what, if any, acts would have given St. Vrain an equity in any definite piece of ground; it suffices for this case that he had none while the country was under the government of Spain, and that the petitioner Smith has acquired none since the cession by any acts which he has done, or caused to be done, in making the locations specified in his petition. It is for another branch of the government to decide on the claims of the petitioner, under the third section of the act of 1828; with that we have nothing to do; our duty terminates by a decision on the validity of his by any law, treaty, or proceedings under them, according to those principles of justice which govern courts of equity.

Being clearly of opinion that the claim of the petitioner to any of the land claimed by his petition is not valid, and ought not to be confirmed,

The decree of the district court is affirmed.

Supreme Court of the United States, January term, 1836.

ISABELLA MACKAY, widow, and JOHN ZENON MACKAY, and others, heirs of James Mackay, deceased, appellants,
vs.
THE UNITED STATES.

On an appeal from the district court of the United States for the district of Missouri.

Mr. Justice Baldwin delivered the opinion of the court.

This is an appeal from the decree of the district court of Missouri, rejecting the claim of the appellants to 800 arpens of land in that State, for the confirmation of which they had filed their petition, pursuant to the provisions of the act of 1824, for the adjustment of land claims in that State.

The petition was in the form prescribed by the law, presenting a proper case for the jurisdiction of the court.

The claim of the petitioners was founded on an application by James Mackay, to the lieutenant governor of Upper Louisiana, on the 13th September, 1799, for a grant of 800 arpens of land, at a place therein particularly described.

On the 14th of the same month, the application was granted by the lieutenant governor, with directions to make the survey, and put the party into possession.

The grant or concession was proved to have been in the handwriting of the surveyor general; the signature of the lieutenant governor was also proved to be genuine; the claim of the petitioners was rejected by the district court, on the ground that the grant was not consistent with the regulations of O'Reilley, made in 1770, and was invalid for want of authority to make it.

Having heretofore decided that these regulations were not in force in Upper Louisiana, this court cannot consider them as in any way affecting the title of the petitioners; in repeated decisions we have affirmed the authority of the local governors to make grants of lands, and have also affirmed the validity of descriptive grants, though not surveyed before the 10th March, 1804, in Missouri, and the 24th January, 1818, in Florida. But there is another objection to the title of the claimants, which is suggested in the decree of the court below, though it is not assigned as a reason for its rejection.

In the original petition to the lieutenant governor, the land prayed for is described as adjoining the land of Mr. Choteau, whereas the grant to Choteau for the land referred to, was not made till January, 1800, four months after the date of Mackay's application in September, 1799. This was deemed a circumstance tending

to show that his grant was fraudulently antedated, and, had it not been explained, would have induced this court to have directed an issue to the court below, to try its genuineness.

By the record in the case of Choteau's heirs, decided at the last term, (9 Pet. 142-3,) it appears, that by a letter of the 20th May, 1799, the governor general of Louisiana directed the governor of the upper province to favor all the undertakings of Mr. Choteau. In the evidence given in that case, it was established that Mr. Choteau had erected a distillery on the tract granted to him in 1800, as early as 1796, which was occupied and in operation from that time till the date of the grant, after obtaining which he enlarged and continued the establishment at the same place.

It is therefore perfectly consistent with Mackay's application that he should refer to land in the occupation and actual possession of Choteau, though he had not any grant or order of survey. The record in the present case also shows, that the court below have considered this subject, and did not think the reference to Choteau's land was such evidence of fraud or antedation of the grant as to make it their duty to prevent it from being used as evidence of the title to the land claimed.

The final decree was rendered on the 15th January, 1830. On the 16th, "The court ordered that the clerk retain, with the papers on file in this cause, the concession upon which the claim is founded, until its further order." On the 18th, the court "ordered that the petitioners show cause why the concession under which the petitioners claim should not be impounded by the court." This rule was discharged on the 5th February, 1830.

After such evidence as appears on the record in the case of Choteau, and the proceedings of the district court in this case, in relation to the grant to the petitioner, it is fair to presume that that court was satisfied, on their last examination, that the grant to Mackay was genuine, and not open to any impeachment on account of the reference to Choteau's adjoining land. It would be assuming much in this case, for this court to decide, as a matter of fact, that the grant was fraudulent and void; the proof of the signature to, and the handwriting of, the grant, is positive and uncontradicted, and reference to Choteau's land before the date of the grant to him is accounted for.

We, therefore, are of opinion that the grant was genuine, and that the title of the petitioners, derived therefrom, is valid by the law of nations, of the United States, of Spain, under whose government the claim originated, and by the stipulations of the treaty ceding Louisiana to the United States, and ought to be confirmed.

It is therefore ordered, adjudged, and decreed, by this court, that the decree of the district court be and the same is hereby reversed; and, proceeding to render such decree as the said district court ought to have rendered, it is further ordered, adjudged, and decreed, that the title of the petitioners to the land described in their petition to the district court, is valid by the laws and treaty aforesaid, and the same is hereby confirmed as therein described; and that the surveyor of the public lands in Missouri, be and is hereby directed to survey the quantity of land claimed in the place described in the petition and grant or concession; that he deliver to the petitioners a copy or plat of such survey, and also do and perform such other acts and things therein as by law are directed.

Supreme Court of the United States, January term, 1836.

JULIE SOULARD, widow, and JAMES G SOULARD, and others, heirs of ANTOINE SCULARD, deceased, appellants,
vs.
The UNITED STATES.

On appeal from the district court of the United States for the district of Missouri.

Mr. Justice Baldwin delivered the opinion of the court.

This is an appeal from the decree of the district court of Missouri, on the petition of the plaintiffs, praying for the confirmation of their claim to a tract of land, pursuant to the act of 1824, for the settlement of claims to land in that State.

The petition was in due form, setting forth such a case as gave jurisdiction to the court below, who decided the claim to be invalid; the appeal is regularly taken, according to the terms of the law.

It is in full proof that, on the 20th of April, 1796, the lieutenant governor of Upper Louisiana, in consideration of the services rendered to the Spanish government by Antoine Soulard, the ancestor of the petitioners, made a concession or order of survey to him and his heirs forever, of a tract of land of two thousand arpens, French measure, to be surveyed and located on any vacant land in the royal domain. Pursuant to this order, a survey was made in February, 1804, and recorded in the office of the surveyor general of the district, in March following.

To the confirmation of this title various objections were made, on the ground that such concession was not authorized by the law of Spain; but as they have all been fully considered and overruled, in the numerous cases which have been decided by this court, on claims to land in Florida, under the treaty with Spain, and in Missouri, under the treaty with France, and the various acts of Congress on the subject, it is deemed unnecessary to notice them.

To the survey no objections have been made, if the concession is valid, of which we can have no doubt, consistently with the principles heretofore established by this court.

We are, therefore, of opinion that the claim of the petitioners to the land described in the petition is a good and valid title thereto, by the law of nations, the laws, usages, and customs of Spain, under whose government the title originated, the treaty between France and the United States for the cession of Louisiana, and the stipulations thereof, as well as the acts of Congress in relation thereto, and that it ought to be confirmed to the petitioners, agreeably to the prayer of their petition.

The court doth, therefore, finally order, adjudge, and decree, that the decree of the district court of Missouri be, and the same is hereby annulled and reversed, except as to such part or parts of the land surveyed to the said Soulard, pursuant to the aforesaid concession, as had been sold by the United States, before the filing of the petitions in this case, as to which the decree of the district court is hereby affirmed, and the land so sold confirmed to the United States. And this court, proceeding to render such decree as the district court ought to have rendered, doth further order, adjudge, and decree, that the title of the petitioners to all of the said land embraced in said concession and survey, which has not been so sold by the United States, is valid by the laws and treaty aforesaid, and is hereby confirmed to them, agreeably to said concession and survey. And the court doth further order,

adjudge, and decree, that the surveyor of the public lands in the State of Missouri, shall cause the land specified therein, and in this decree, to be surveyed at the expense of the petitioners, and to do such other acts thereto as are enjoined by law on such surveyor. Also, that such surveyor shall certify on the plats and certificates of such survey to be so made, what part or parts of the original survey of such land has been sold as aforesaid by the United States, together with the quantity thereof; which being ascertained, the said petitioners, their heirs or legal representatives, shall have the right to enter the same quantity of land as shall be so certified to have been sold by the United States in any land office in the State of Missouri, after the same shall have been offered for sale, which entry shall be made conformably to the act of Congress in such case made and provided.

24TH CONGRESS.] No. 1459. [1ST SESSION.

RELATIVE TO A REORGANIZATION OF THE GENERAL LAND OFFICE.

COMMUNICATED TO THE SENATE, MARCH 3, 1836.

GENERAL LAND OFFICE, *March* 3, 1836.

SIR: I have the honor to acknowledge the receipt of your note of this morning, requesting that the Committee on Public Lands may be furnished with such information as may be in my power to afford, relative to the proposed reorganization of the General Land Office. In reply, I have the honor herewith to transmit a copy of a communication made to the Secretary of the Treasury on that subject, with copies of the documents therein referred to.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman of the Committee on Public Lands, Senate.*

GENERAL LAND OFFICE, *March* 2, 1836.

SIR: In compliance with your request, upon the application of the Committee on Public Lands of the House of Representatives, made on the 20th of last January, I have the honor to submit a draught of a bill for reorganizing the General Land Office, containing the principles of such a reform as, in my judgment, is adapted to its anomalous nature, and to remedy some of the most apparent defects of its present condition, to impart greater facility and order to its numerous branches of duty, and to insure the efficiency on which so mainly depends a correct and energetic administration of the present multiplied concerns of the land system.

The accompanying exposition of the state of the General Land Office, and some branches of service with which it stands connected, is intended to explain to you and the committee the reasons that have governed in preparing the bill, which has occupied as much care and deliberation as I could devote to the subject, in the midst of incessant and pressing calls upon my attention since your request was made. I hope, sir, that you and the committee will find, in the circumstances in which I am placed, a sufficient apology for the delay of this communication.

In order to furnish you a tolerable idea of the mass of business accumulated and accumulating in the office, it has been computed that from six to eight years' labor of the regular force in the office would be required to bring all business and arrears of the establishment to a close, if the district land offices had been shut at the commencement of this year.

The moneys received from purchasers of public land, during the year 1834, including stock and scrip, amounted to		$6,099,981 04
During the first, second, and third quarters of 1835, to	$8,869,483 57	
Payments into the Treasury for the fourth quarter	5,591,009 86	
		14,460,493 43
Estimated for the year 1836		10,000,000 00
Which constitute an aggregate of payments for three years of		$30,560,474 47

This amount of money would require three hundred and five thousand patents to be issued, on the assumption that the tracts were all half quarter-sections, every hundred dollars requiring one patent; but making a reasonable estimate for the number of tracts sold in sixteenths of sections, the number would be augmented to three hundred and sixty thousand, at least.

The act of the 5th of April, 1832, admitting of the sales of public lands in tracts of forty acres, has, as may well be supposed, greatly increased the number of patents, and every labor preparatory to their issue in the same proportion. The number of sales in such small tracts is large in many districts, and the sum of receipts for them requires double the number of patents that the same amount of money made necessary before the passage of that law.

The pre-emption law of the 19th of June, 1834, has already introduced into the office fifteen hundred cases of complaints and appeals from the decisions of the land officers; and the number is daily increasing.

It is ascertained that one hundred and sixty-nine thousand one hundred and seven certificates of sales (of tracts) remain to be registered in the tract-books of the office, returns from some districts being still deficient, to complete the past year.

The labor yet to be performed in the Bureau of Private Land Claims, in relation to land titles originating

under foreign governments, and required to be consummated by our own, if valid, can only be estimated by years in the best possible organization of the General Land Office. There seems reason to apprehend that, without some change, the next generation of the holders of such claims, unacquainted with its state and the causes of delay which it cannot control, may reproach the officers of this institution with neglect or omission for having left the work unfinished.

This bureau is inevitably charged with thousands of Indian claims, titles, and conveyances, which unforeseen and unexpected causes have cast upon this office, in the midst of its heavy embarrassments, and of a complexity of affairs, that probably enters not, in greater proportion, into the details of any other branch of the public service.

The several commissions instituted in the course of thirty years have not closed the settlement of the private land claims in Louisiana, and some of the most difficult and complicated cases, in law and in fact, remain to be extricated from their involvement, by the General Land Office. In order to exhibit the state of this branch of the business more in detail than would be advisable in this summary, I beg leave to refer you to the accompanying paper, marked No. 1.

In the bureau of Virginia military bounty lands, with which, since the year 1831, the business of issuing scrip has been connected, it may require from three to five years to investigate all the warrants, surveys, and claims of title, now on file, and to execute the singularly tedious task of engrossing the grants on those surveys. The cases require attentive and critical investigation, and continual recurrence to indexes and papers; and these causes, joined with a voluminous correspondence in the numerous cases where scrip has been demanded since the year 1830, inclusive, and concerning which the office has been excessively importuned, have operated, in the meanwhile, to prevent any other than occasional issue of patents on the Virginia military surveys.

The clerk charged with these duties has exercised as much energy and promptitude as is believed to have been possible, in his circumstances, to satisfy the demands upon this branch, and obviate the embarrassment of augmenting arrears. For a more particular detail of this subject, I respectfully refer to the accompanying paper, marked No. 2.

It is respectfully suggested that the surveys are at the base of the land system, and should be directed by the most efficient supervision, for which no adequate provision has been made; the laws on this subject having prescribed the mere outline of rectangular surveying, appear to have left the detail to be filled up by the surveyors general, and to justify the department in recognizing the certificate of each, however variant their notions of proceeding, as definitively conclusive. Hence, a want of uniformity might have been anticipated, in the operations of the several surveying districts, which have reached their present number in the course of —— years by successive additions; and hence the mischiefs which, prior to the year 1831, found their way into the surveying system.

I am led to believe that the appointment of an officer at the seat of government, to superintend, especially, this branch of service, would have been economical and highly beneficial, if such charge had been intrusted soon after the late war, when the immense amount of surveys for military bounty, and sale, in Indiana, Illinois, Missouri, Arkansas, Alabama, &c., were ordered, and even in 1818, before certain regular progressive sales were ordered by Mr. Secretary Crawford. The supervision might have prevented much bad surveying, that a system like the one above described was likely to lead to, and timely correctives might have been applied to the numerous errors that continue to be developed in those old surveys, as the demand for land increases; and it seems to me still proper and necessary that the General Land Office should have the assistance of an officer possessing the peculiar talent and acquirement expected in a surveyor general, to direct future operations, detect incorrect work as occasion may require, and devise and apply the proper correction; to direct and oversee the necessary execution and distinctive coloring of maps, arranging and recording of field-notes, formation of indexes; to place his charge in systematic order, and attend to its particular correspondence—labors that will demand discriminating judgment, devoted and almost exclusive attention, and great industry. Since the commencement of the land system, the law has never referred the operations of surveying the public lands to any supervisory head at the seat of government, unless the commissioner be considered such by implication; and, if he possesses implied powers in this respect, the law has not defined them.

The General Land Office, with its small comparative force, has struggled to obviate and avert as many evils as possible. I am informed that signal benefit has resulted to the public surveys, within the last four years, from instructions emanating from this office in July, 1831, in the shape of a circular to the surveyors general, pointing out all the minutiæ of their duties which past experience indicated to be necessary; which instructions, I understand, had to be matured by the chief clerk, in extra hours, during a period of several months; as no leisure could be found in office hours for digesting a subject involving so many details. A desirable degree of uniformity in field operations, and in returns to this office and to the district land offices, not before existing, has been thus insured for the future; but the defects of the past are not yet adequately provided against. The exposition of these last, with a view to their remedy, would form an important item of the duty of the officer proposed.

In conclusion of this subject, I beg leave to add that the laws concerning the surveys, by a singular oversight, made no early requisition that copies of the field-notes (technically the surveys) should be multiplied. Instead of such copies, the surveyors general were required to furnish, with the township plats, a document called "a description" of the township, which shows the quality of the land on sectional lines, and describes the corner-posts and bearing-trees. These descriptions, however, answer not the purpose of the field-notes, and no protraction can be made from them. The original field-notes are in the offices of the surveyors general; no copies of them are extant by law, and if they should be lost, by conflagration or otherwise, no record of them will exist. After considerable effort on the part of this office, Congress has made extra appropriations for transcripts of the field-notes to be filed here; an operation now in progress, which will be the work of years.

The amount received into the Treasury from the sales of public lands, will have enabled you and the committee to form an opinion of the extent and amount of operations under the land system. The lapse of near a quarter of a century since the General Land Office was organized, has introduced a state of things, in this respect, which could not have been anticipated and provided for in the year 1812. Hence the defects which time has unfolded in the organic law of the General Land Office, which, at this crisis of the system, call upon the legislature for a remedy, in view of all probable exigencies in future.

While I would ask permission to invite the attention of the committee to the vast increase of the land sales, and the proportionate additional labor and responsibility consequent on that increase, I would respectfully desire them to advert especially to the various enactments of the national legislature, which, from time to time, since 1812, have, by gradual progress, imperceptible to the public eye, introduced new and peculiar duties and responsibilities, often necessarily diverting attention and exertion from other current and increasing business, and

very materially affecting the circumstances and conduct of the institution specially appointed to administer the laws regulating the disposal of the public domain.

The swelling amount and diversity of business in the General Land Office justify the suggestion that, if the other means were afforded for issuing patents within a year for the lands sold within a like period, the manual task of affixing to documents, of both parchment and paper, so as to keep pace, nearly, with the other operations, would occupy so many of the Commissioner's hours per diem, as to leave him little time to be devoted to the multifarious and sometimes perplexed subjects of increasing duties that devolve upon him under the present organization.

The committee may well imagine that, in affairs so extensive and ramified as our land concerns, cases important and intricate, in law, and in fact, will arise, demanding time and deliberation; and that the Commissioner, regarding the comparative urgency and importance of the subjects before him, must be compelled to choose which shall shall claim precedence of his attention. They will perceive, on an intimate acquaintance with the state of affairs confided to this office, that it does not now possess the power to silence all complaints by speedy action in every case; since some must, of necessity, be delayed, when no possible diligence and assiduity can accomplish all.

In order that the just expectations of those interested may be complied with in a reasonable degree and time, it is deemed highly expedient and necessary, and almost indispensable, that the assistance of the law officer proposed in the 6th section of the bill submitted, should be afforded to the commissioner for a limited time. The duties of the trust will be arduous, requiring competent legal acquirement and persevering attention and industry.

As the tedious task of signing the patents (which justice to purchasers requires should be expedited,) causes a more constant diversion of the Commissioner's attention from subjects of great interest than any other ordinary occupation in the discharge of his duties, I have thought it advisable that the patents be prepared under the immediate superintendence of an officer to be charged exclusively with that duty; by whose signature, in addition to that of the President, and the seal of the General Land Office, authenticity should be given to the patents. With this relief, added to the assistance of the soliciter proposed, and proper distribution of duties and responsibilities among those placed under his direction, the Commissioner might find time for due investigation of cases and subjects novel or difficult; for promoting order and despatch in the office, and regularity in the routine of business; and, in fine, for performing, in a more efficient manner than present circumstances allow, the proper functions of the head of a great establishment.

In connexion with the subject of the bill which I have the honor herewith to submit, a summary of the views I have taken the liberty to express is subjoined, with great respect, in the following intended arrangement of duties, should the bill proposed become a law. It is believed that the detail is not too minute for the satisfaction of the committee.

First. The office of Commissioner of the General Land Office:

Duties and Clerks.

Principal clerk of the public lands, with one assistant and two recorders.

Accountants.

To examine and adjust the accounts of receivers of public moneys, preparatory to auditing; also to exercise a general direction of the manner of opening the tract-books, and of registering therein, in order to preserve uniformity; and have the care of correspondence with the receivers, under the direction of the commissioner. The duties to be confided to two accountants, with a clerk to record the reports and correspondence.

Book-keepers for registering the land sales.

One for the books of the land districts in Ohio;
One, with an assistant, for the land districts in Indiana;
One, with two assistants, for the land districts in Illinois;
One, with an assistant, for the land districts in Missouri;
One, with two assistants, for the land districts in Alabama;
One, with two assistants, for the land districts in Mississippi;
One, with an assistant, for the land districts in Louisiana;
One, with an assistant, for the land districts in the peninsula of Michigan;
One, with an assistant, for the land districts in western Michigan, Arkansas, and Florida:
Making an aggregate of nine book-keepers, and eleven assistant book-keepers.

Miscellaneous.—Bureau of Patents.

1. The arranging and preparing and keeping the proper checks on the certificates of purchase, after the registry of the sales in the tract-books, prior to handing the same over to the Recorder of the General Land Office.
2. The issuing of donation patents, and patents of other descriptions, required under special laws.
3. The issuing of patents under the credit system.
4. The issuing of patents for military bounty lands, late war.
5. The issuing of patents for exchange military bounty lands.
6. Preparing exemplifications of patents, and the evidences on which they are founded, other than those under the cash system, which would be prepared by the Recorder of the General Land Office.
7. The correction of errors of entry in the district land offices. This branch of business increases in proportion to the increase of the sales of public lands, and the application for changes of entry, and the testimony adduced in their support; requiring rigid investigation, and involving much correspondence.
8. Correction of patents. In consequence of clerical errors at the district land offices in the description of tracts, and in the names of parties in the evidences of title transmitted to the General Land Office, frequently originating in the want of care in the agents of purchasers in filling up the "applications," and sometimes from inadvertence on the part of the land officers, numerous patents, in the course of a year, are, from the foregoing

causes, returned for correction, and much time and great caution are required to effect their correction, and make corresponding alterations otherwise consequent thereon.

9. Overpayments and short payments. It requires considerable time to attend to cases of this description, which sometimes arise from inaccuracies of calculation of contents by the surveyors general, and sometimes from error in calculating the amount of purchase money by the land officers.

10. Examination of the assignments before filing the same with the certificates of the purchase.

11. An extensive miscellaneous correspondence connected with the inquiries of individuals for information in particular cases.

12. The superintendence of the patents handed over by the recorder for the purpose of having the seal affixed.

The foregoing miscellaneous duties of the bureau of patents to be in charge of a superintending clerk and three assistants.

Bureau of private land claims.

Under the immediate supervision of the principal clerk on the private land claims, with four assistants.

The labors of this bureau, as connected with the issuing of patents on about sixteen thousand private claims to lands, originating under foreign governments, and to be consummated by the United States, and also a view of the duties of the General Land Office in relation to Indian lands connected with the same bureau, are set forth in the document marked No. 1, herewith submitted.

Bureau of scrip and for issuing patents for Virginia military bounty lands.

To be in charge of a superintending clerk and four assistants.

The origin of the arrears in this branch, and of the principal embarrassments resulting therefrom, are minutely set forth in the document marked No. 2, herewith submitted: from which it appears that, separate and apart from all duties connected with the issuing of scrip, there have accumulated *between three and four hundred* surveys, the title-papers of which are of very complicated character, requiring great scrutiny and patient investigation, prior to their being carried into grant; and that about *six hundred* of such surveys yet remain afloat, and which may be thrown on the office at the pleasure of the proprietors.

Apart from the numerous letters of inquiry and complaint of delay in issuing patents on the surveys on file *yet to be patented*, there are 150 or 200 pressing letters requiring various kinds of information relative to surveys which *have been patented*, and which inquiries cannot possibly be attended to under existing circumstances. Since the month of October last, not less than three hundred letters have been received on this single branch.

Bureau of pre-emption claims.

There are between 1,500 and 2,000 cases of complaints and appeals from the decisions of land officers in relation to pre-emption claims remaining to be adjudicated. These cases are of very urgent character, but of such nature that it would not be advisable to distribute the duties between more than two agents, lest there should arise conflict of opinion and inconsistency of decision.

Recorder of the General Land Office.

Principal clerk; two principal examiners; and thirty-five clerks to engross and record patents.

It will be necessary to have two sets of examiners, each composed of three persons, to compare together the certificate of purchase, the patent, and the record of the same. Each of the principal examiners must be familiar with the technical language required to be observed in the patents, adapted to the various peculiarities existing in different land districts.

From an investigation made on the 11th of January, it was ascertained, as will appear by the document marked No. 3, herewith submitted, that there were then 169,107 patents to be issued. Numerous heavy returns have since been received, and the number at present is estimated to be about 180,000. Such a number of patents would require the labor of fifty clerks to issue them in a year.

Bureau of surveys.

The existing state of the bureau of surveys, as respects the arrangement of maps, books, and papers, will be found in the paper marked No. 4, herewith submitted.

The force necessary to conduct the duties of this branch in an appropriate manner would be a first clerk, two principal draughtsmen, and one assistant draughtsman.

Messengers and packers.

Messengers and two assistant messengers for the Commissioner; messengers for the recorder; two packers and sealers of packages of blank forms, patents, &c.

Under this organization, the aggregate force in the whole establishment, exclusive of the two principal clerks on the public lands and private claims, also of the recorder and first clerk on the surveys, would be eighty-one clerks, and when an increased force would be requisite on any particular branch or subject, the Commissioner would have it in his power to detail it from ordinary duties, as occasion may require.

I would respectfully invite attention to the accompanying report of the chief clerk, made to me by direction, and the documents therein referred to, marked 1, 2, 3, 4, and 5.

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

E. A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

GENERAL LAND OFFICE, *February*, 1836

SIR: In obedience to your request, I have the honor herewith to submit to you the reports which, by direction, have been prepared by the gentlemen having the immediate supervision of the business of the branches of duty therein named.

No. 1 is the report of Mr. King, on the subject of the arrears and embarrassments in the Bureau of Private Land Claims.

No. 2 is a report of Mr. Keller, who has in charge the duties of the Bureau of Scrip, and for issuing patents on Virginia military lands. Having been appealed to by him, in reference to matters which happened many years ago, I confirm his statements.

No. 3 is the report of Mr Simmons, the senior of the accountants and book-keepers, indicating in a tabular form, the arrears in the settlement of the accounts of the receivers of public moneys; in the duty of registering the sales in the tract-books, and the number of patents to be issued, as ascertained up to the date of his report, since which time many additional thousands of certificates of purchase have been received, making the number of patents to be issued at the present time about 180,000.

No. 4 is the report of the draughtsman, who has thought proper to confine himself to a statement of the existing arrangement in the Bureau of Surveys, and purposely to omit any estimate of the magnitude of the arrears, in consequence of his having but recently taken charge of the duties. Of these arrears a correct estimate cannot be made without occupying more time in the research than would be justifiable in due regard to the other pressing engagements of the bureau; and to make such estimate would necessarily involve an inquiry into the arrears existing in the offices of the several surveyors general of returns now due, and of what returns may be expected in a given time. A vast amount of surveying is in progress, and heavy returns are now due. In the fall of 1833, it was ascertained that six hundred township surveys then remained to be protracted on the connected maps of the land districts. The returns since received, added to those due, and which may shortly be rendered, will more than double that number.

It is proper here to notice the fact, of which you are fully aware, that neither the surveying laws, nor the law of 1812, organizing the General Land Office, point out any specific duties to be performed at the seat of government, in relation to the returns of surveys made by the surveyors general. Prior to the creation of this office, when the subject of the public lands formed part of the duties proper, in the office of the Secretary of the Treasury, Mr. Gallatin directed the practice of constructing district maps, on a suitable scale, from the official returns of survey, from which district maps, State maps could readily be formed, when required. This practice was subsequently continued after the organization of this office, until the year 1829, when (like many other plans and arrangements commenced as official desiderata, and unavoidably discontinued, not without regret) it had to be abandoned for want of aid, consequently the arrears of five years have now accumulated, and should be speedily brought up, unless it be determined to abandon the compilation of such maps altogether.

In due regard, therefore, to what are *assumed* to be the duties proper of the Surveying Bureau, I would respectfully submit the following view of the subjects which it would seem fit to place under its charge, in order to give it the requisite degree of efficiency, and render it a more useful auxiliary to the Commissioner:

1. To place in its charge the correspondence with the surveyors general, under the general directions of the commissioner; a charge which, in the midst of a heavy amount of miscellaneous correspondence, has heretofore principally devolved on the chief clerk, and which he has generally been compelled to attend to out of office hours.

2. To exercise the supervision necessary to ensure a uniform compliance with the instructions as to details in the protracting of the township maps.

3. To superintend the arrangement of the field notes, which (as now provided for by law) are in progress of being transcribed.

4. To examine the accounts of the surveyors general, and compare the charges for the miles surveyed with the returns of surveys prior to the settlement of such accounts.

5. To continue the book of quantities, (on the plan long since commenced, but unavoidably abandoned,) by indicating the amount of public land and private land claims in each township, in order that accurate statements may at all times be rendered on official calls, as to the quantities of land surveyed in the respective districts.

6. The critical examination and comparison with the maps of the designations, as well as the quantities of tracts, as expressed in the certificates of purchase, where such tracts are fractional sections, or legal subdivisions of fractional sections, prior to the engrossing of the patents founded on such certificates.

To designate correctly and technically the parts of fractional sections, or their legal subdivisions, where the same have to be identified by their relative position in the fractional section, and not by a specific number affixed, is frequently found to be a critical matter, wherein a very slight inadvertence or deviation may involve no small consequences to the interests of purchasers, if not to the public, were the same not detected prior to being carried into grant. Such cases are becoming very numerous, and mistakes in such designations are of frequent occurrence at the district land offices in the hurry of business. These examinations and checks would seem more properly a duty belonging to the surveying bureau than to the book-keepers who register the sales, and who have heretofore been required to attend to them, whenever the numerous other requisitions on the time of the draughtsman have prevented him from doing so.

7. The devising of means of correcting the errors in the old surveys, as they are from time to time developed.

8. The compilation of connecting maps of the land districts, protracted on a suitable reduced scale from the official returns of surveys; the preparations of the State maps from those of the land districts, and the copying of draughts.

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

JOHN M. MOORE, *Chief Clerk.*

P. S.—I beg leave to submit herewith document No. 5, being a tabular view of the annual increase of the office from the year 1826 to 1835, inclusive, and showing the annual appropriations made for the execution of all duties required of the General Land Office during the same periods, and would respectfully invite attention to the explanations made on the table, deeming it unnecessary here to repeat the same.

J. M. M.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

No. 1.

The following estimate presents, as accurately as can be ascertained from a cursory examination of the reports, &c., the number of private claims to lands in the several States and Territories which have been *confirmed*, and the number which have been patented, exclusive of those confirmed by the numerous private acts of Congress for the relief of individuals.

State or Territory.	Number of claims confirmed.	Number patented.	Number to be patented.
In Indiana	953	80	873
In Illinois	1,588	385	1,203
In Michigan, east and west	1,119	569	550
In Missouri and Arkansas	3,107	818	2,289
In Mississippi and Alabama	1,200	93	1,107
In Mississippi, not requiring patents	815	...	....
In Louisiana	8,857	463	8,394
In Florida	1,322	65	1,257
Totals	18,961	2,473	15,673

By the foregoing estimate, it will be perceived that nearly 16,000 claims have been confirmed, for which patents have yet to be issued. Before any of those patents can be issued, it is necessary that the certificates and surveys should be critically examined and compared with the confirmatory laws, the reports and official returns of survey, to ascertain whether they are correct; and, as may be supposed, such examinations result in considerable correspondence. The manner in which the claims in Missouri, Arkansas, and Michigan, are represented upon the returns of survey, has rendered it necessary that the lands should be described in each patent by particularly detailing the courses and lengths of all the lines, the nature and position of the bearing-trees, &c.; thus rendering their patenting a very tedious process. In other cases, the tracts being described by their *sectional* numbers, the patents are shorter, but yet involve considerable labor in issuing them.

From the progress which has been made in the surveys, it is supposed that this office is now liable to be called upon, at any moment, for the patent in almost every case of confirmation in Michigan, Indiana, Illinois, Missouri, and Arkansas, and for a large portion of those in Louisiana, Mississippi, Alabama, and Florida, and nothing but the neglect or inattention of the claimants themselves tends to prevent this vast mass of business from being at once thrown upon the office. As those lands are rapidly increasing in value, and as the public attention is becoming more and more drawn to them, we cannot but expect they will, ere long, demand their patents. The allegations of fraud either in procuring the confirmation or surveys of claims, necessarily occasion considerable correspondence and close investigation.

Particular causes have, for a long time past, been operating in Louisiana and Mississippi, to delay the forwarding of the patent certificates for the claims in those States, and also in the southern part of Alabama; but when those causes are removed, the certificates must be expected to be forwarded.

The embarrassments connected with the *confirmed* claims, form only a small part of the business connected with this branch of the General Land Office.

It will be perceived that no estimate has been made of the great number of the unconfirmed claims in the several States and Territories. These claims are the cause of much difficulty and labor; they pass from hand to hand, in the hope of their eventual confirmation, being apparently seldom, if ever, abandoned; and as new boards are, from time to time, opened for their re-examination, under, in some cases, relaxed regulations of law, and also from the right of petitioning Congress in each case, under a hope of succeeding by exparte representations, the office is continually called upon for information which, in the present state of reports, can in many cases be only obtained after tedious and extensive examinations, and in many cases even the information that does exist cannot be afforded from the want of proper indexes, for the preparation of which, time cannot, under the present circumstances, be afforded.

Within the last few years, a considerable portion of the reports have been indexed, so far as to show the names of the individuals who *claimed* the *land* before the officers making those reports; but in no case has the office been enabled to prepare indexes showing the names of the original claimants, or the *intermediate* owners of those lands, so far as they are exhibited by the reports. It therefore results, as a matter of necessity, that unless when an inquiry is made, the name of the individual who claimed the land before those officers is given, the office has no means of ascertaining whether such claim was produced and acted upon or not; but if the office was enabled to make all the indexes required, then a knowledge of the name of any one of the former owners or claimants would enable it to ascertain the nature of action which may have been had respecting such claim. The labor involved in their preparation would be very great, but the results would be far more important.

So far as the reports have been submitted to and been acted upon by Congress, the originals in this office are necessarily the only conclusive evidence respecting the confirmation of each of the particular claims included therein, and their preservation is therefore all-important; but if, as heretofore, we are obliged to be continually referring to them, they must necessarily become so injured and obliterated by constant use, as eventually to render them imperfect. These originals, which are now upon every kind of paper, from the largest size wrapping paper to letter paper, should, therefore, be most carefully and neatly copied into well-bound and durable volumes, which, after being critically examined, should be duly certified, and to these copies the ordinary references should be made, in order that the originals might be carefully preserved, and only used when absolutely required in giving certified copies and extracts to be used for judicial purposes. Another great advantage from adopting this course, would be the possession of such duly-certified copies, in case of the destruction of the originals.

In some districts the door has been opened from time to time, for the last thirty years, for the investigation of land titles, and reports have been made at different periods upon the claims presented, and claims which have been rejected under one law, have been brought up under subsequent acts. To enable the office, therefore, to trace the history of each of those claims, and the decisions which may have been made thereon, it is necessary that all the reports from the same section of country should be compared with each other, and such references

made thereon to the previous and subsequent proceedings in each case, as would show the entire action upon such claim.

The difficulties existing in relation to the surveys of some of the claims, and the issuing of the patent certificates therefor, not necessarily coming under the head of arrearages in the General Land Office, are not now noticed, as they more properly belong to the consideration of other branches of the embarrassments connected with the existing state of the land system.

In the foregoing remarks, any reference to the proceedings under special laws confirming the claims of particular individuals, or granting lands for particular purposes to corporate institutions, or to the States or Territories, has been purposely avoided; not because they have not, in many instances, occasioned great labor, and involved many points of difficulty, but in consequence of their not forming a part of that burden arising out of general legislation, which is to be classed under the general head of private land claims.

Another branch of the business of the office, now connected with the private claims, which has sprung up with unexampled rapidity, and which, although it now forms an extremely heavy part of the business in this branch of the office, promises soon to overwhelm it, is that arising out of the Indian transactions, which have been thrown upon this office. Allusion is made to the location of Indian reservations, and more particularly to their sale by the reservees. Until the late Indian treaties, the reservations were conditionally selected by the Indian agent, and reported to this office and to the register of the proper district, and if no objections were perceived to such selections, they were submitted to the President, for his approval. Most of the reservations being subject to sale with the *approbation* of the President, he has uniformly required that the conveyance should be acknowledged and certified in a particular manner, to meet his approbation, and when so approved, that all such conveyances, with the whole of the evidence in support thereof, should be recorded in full, in this office. Under the late treaties, the locations have been made by special agents appointed by the War Department, but all their locations should not only be compared with the plats and books of this office, before approval, but afterward be permanently marked upon the plats and books, as a check to prevent interfering sales. The total number of reservations which may be granted under the late Choctaw, Chickasaw, and Creek treaties, is not known to this office, but they are to be counted by *thousands;* and if, eventually, this office should have to revise the locations, and the conveyances of those reservations, the labor involved will be beyond estimate.

This branch of the business can, however, be most easily and properly disconnected from this office. The duties of locating, &c., are now performed by persons appointed by the War Department, and acting under its instructions, and who are in no wise responsible to this office, or under its control. All that this office should know, is the designation of the lands reserved; and if, therefore, it was only required to withhold from sale the lands which the War Department might inform it were Indian reservations, it could do so without inconvenience or much labor; and the business connected with the sales of those reservations being transacted by the Indian bureau of the War Department, this office would be almost entirely relieved from this additional source of great and rapidly increasing embarrassment.

Very respectfully, J. D. KING.

CHIEF CLERK *of the General Land Office.*

No. 2.

BUREAU OF SCRIP AND VIRGINIA MILITARY SURVEYS, *February* 1, 1836.

SIR: In compliance with your request, I now proceed to give a statement of the difficulties and embarrassments under which this bureau labors, as respects the duties confided to me, ever since the 1st of April, 1828, up to this day, and of the impossibility to attend to and perform these duties faithfully to the claimants and the government.

In 1828, the duties confided to me were: 1. The issuing of patents on Virginia military surveys.

2. The issuing of patents on United States military warrants granted for Revolutionary services.

3. The issuing of patents on warrants granted to the soldiers of the late war.

4. The issuing of patents for lands selected by soldiers of the late war in exchange for others.

5. The transmission of patents for purchased lands.

Although I had assistance, yet the correspondence arising out of the several branches of business referred to, could no longer be attended to by myself, and the duties enumerated under Nos. 3, 4, and 5, were transferred, in 1830, to the Bureau of Patents, then instituted, where they have ever since been performed; and, to account why the duties stated under Nos. 1 and 2 have not been attended to with the usual requisite promptitude, it may be proper to give a brief history of the events which caused the delay and the present embarrassment.

Colonel Richard C. Anderson, late surveyor of the lands in the Virginia military district in Ohio, died in the latter part of the year 1826, and great difficulty existed in appointing a successor, the President being of opinion that no appointment could be made until Congress had given authority by law, as no such officer had ever been appointed by the Executive. Colonel Anderson having been appointed under the authority of Virginia, by the officers of the Virginia continental line, (who, I believe, were specially convened for that purpose,) held the office for about forty years.

In consequence of Mr. Anderson's decease, very few surveys were returned to this office during the years 1827 and 1828, and even *at that period*, the issuing of patents on those surveys occupied the whole of the time of the clerks in this office who had charge of that branch of business; and in order to discharge the duty promptly, he occasionally, as you well know, required an assistant.

The act of 26th of May, 1826, in relation to the Virginia military lands, required certain formalities to be observed as respected the issuing of patents on surveys surrendered previous, to which the Secretary of War was required to certify that the warrant (on which the survey was made) was granted by Virginia for services, as by the laws of that State passed prior to the cession of the Northwestern Territory, would have entitled such officer, his heirs or assigns, to bounty land. This provision in the law was complied with by the then Secretary of War, until March, 1829, and the surveys that were returned up to that time were, in most instances, disposed of.

On the 24th of February, 1829, Congress passed an act authorizing the President to appoint a successor to Colonel Anderson, and on the 13th of March following, the President commissioned the present incumbent, Allen Latham.

The immediate consequences of the appointment of a surveyor caused the return of a number of surveys for patents, previous to the issuing of which the warrant and surveys had to be submitted to the Secretary of

War for the certificate required by the proviso in the first section of the act above referred to, but the then Secretary refused to certify until evidence authorizing the act was laid before him. In consequence of this refusal, the warrants and surveys were, in almost every instance, returned to the proprietors or agents, with the request to procure the requisite evidence from the Virginia land office, at Richmond, where the warrants emanated. The delay thereby created raised great clamor among the owners, inasmuch as it involved them in considerable expense and loss of time; but before that evidence could be obtained, the summer had passed by, and the papers, together with the evidence, were not returned until the winter of 1829–30; but, notwithstanding all embarrassments, I succeeded in disposing of a great many cases, and Congress being made acquainted with the vexatious delay and expense which the claimants to patents were subjected to, repealed the embarrassing proviso above stated, by the act of the 23d of April, 1830, and I then flattered myself in having a prospect before me to conduct this business with despatch and fidelity to those interested, when Congress passed an act on the 30th of May, 1830, appropriating three hundred and ten thousand acres of land for satisfying Virginia state line and navy warrants, as well as those of the continental line, which had been issued, or were to be issued, by granting scrip therefor.

This law is commonly called the scrip law, and contained, also, provisions for warrants granted by the United States for the latter. I had, heretofore, as above stated, issued the patents, and that labor constituted a very considerable part of my duties.

The execution of this law was confided to the Secretary of the Treasury, but the burden thereof was imposed on the General Land Office, and the active duties necessarily devolved on me. In making the necessary arrangements for the execution of the scrip law, and before the issue of scrip commenced, the summer of that year had passed by, during which the number of surveys had gradually accumulated to three hundred, and the surveyor reported that one thousand yet remained in his office. To dispose of those three hundred would have required my exclusive attention, and that of an assistant, for eighteen months.

This branch of my duties was then laid aside, and the issue of scrip commenced, and the only clerks allowed me were Arthur L. McIntyre and Henry Sylvester; the former copied the correspondence, and the latter was exclusively engaged in recording the scrip and keeping the index, in which, occasionally, when the clamor for scrip was great, another assistant was allowed.

Mr. Sylvester was, in 1832, transferred to another department, and his experience lost to the bureau, which materially embarrassed me, inasmuch as the one who obtained his place possessed no experience in the business. Mr. McIntyre also obtained considerable information, and was of great use and help in the bureau, when subsequent appropriations were made for the same objects. The correspondence and daily inquiries and calls by persons interested increased steadily, and at sundry periods have I been exclusively and most laboriously, day after day, engaged in nothing else than giving verbal explanations and information to claimants, who personally appeared, particularly during the session of Congress; hence, the business arising under that act was not brought to a close until late in 1832, that is, so far as the issuing of scrip was concerned for the land appropriated. The respite which took place was of but short duration, and did not permit me, except in very few instances, to take up a single survey, for I had to prepare statements in order to execute the law subjecting the unlocated lots in the United States military district to private entry.

By the act of 13th of July, 1832, a further appropriation of three hundred thousand acres of land was made, and the issue of scrip under that law commenced in the autumn of that year, which, however, was disposed of in about nine months, but yet no relaxation was afforded; for by the act of 2d March, 1833, another appropriation of two hundred thousand acres was made, which was also disposed of, at the beginning of 1834, leaving only a fraction undisposed of, which was covered by claims suspended for further evidence.

The index and record-books of the proceedings under the several scrip laws, were made in such haste, and subjected to such frequent changes, that they should be renewed, together with the old war-office indexes, which had become very much mutilated and defaced by wear and tear of about forty years' use, and most especially of latter years; and by renewing them in the mode proposed, would afford a comprehensive view of all matters relative to the Virginia military claims, and hereafter would be an effectual check against any imposition that might be attempted.

To carry this proposition into effect, Congress, on the recommendation of the Commissioner, appropriated fifteen hundred dollars for this especial purpose, and I flattered myself then, that Mr. McIntyre would be detailed for this duty; for, independent of his excellent record hand, the general knowledge which he had acquired the preceding years rendered him well qualified for the work; but his suspension from office has compelled me to relinquish the undertaking, and I see no possibility to commence that most desirable work at the present time, because it would require my constant supervision, should a person be appointed without possessing any previous information, however well qualified he might be in all other respects.

The issue of scrip, under the act of 3d of March last, which appropriated six hundred and fifty thousand acres, commenced about the middle of October last, and the recording thereof is intrusted to Mr. Paine, and the copying of letters to Mr. Murray, who, although a very intelligent person, is, from inexperience, as yet of no other use. The daily inquiries relative to the claims and the calls for scrip engross my attention so much, that I can scarcely obtain time to make out applications for scrip; moreover, rival claimants to the scrip embarrass me very much, and lay me open to malicious inferences, and compel me to make constant references to the Commissioner for decisions; and to such extent do these adverse claims exist at this time that no other business can be taken up, and at what time the appropriation will be disposed of, I cannot pretend to say.

The scrip correspondence has already filled up three large books, containing only the record of letters on that subject, and the fourth is more than half filled; and the correspondence arising out of the several laws, even if no further appropriation should be made, will, for many years to come, employ one person exclusively. In the meantime, the surveys are accumulating, and are of more intricate character than heretofore.

Many important cases have been laid over for the Commissioner's decision, and, if obtained, how am I to issue the patents, the engrossing of which cannot be suffered to pass without a critical investigation and comparison of the patent with the record. To supervise this is necessarily my duty, and the same cannot be done, in consequence of continued interruption in the scrip business.

To the foregoing detailed duties, a new and very troublesome one has lately been added, arising out of the incorporation of a banking institution by the State of Ohio, for the purpose, as I am informed, of making loans on real estate; and you well know that the grants for mostly all the lands in that State emanated from the United States. Agencies of the bank are located, I believe, in the principal counties of Ohio, and any individual applying for a loan has to mortgage his estate. To ascertain the legality of the title to his land which the applicants for a loan may offer to mortgage, applications are made for copies of the original patents for lands lying within the military district, and a great part of my time during last summer has been consumed in making out copies.

The demand for such copies increases at a fearful rate. The applicants do not confine themselves to make their own application, because they cannot be attended to agreeably to their own wants and wishes, but they make their applications to members of Congress, and they to this office. The application for such copies, in a single letter, is sometimes for three and four, and the letters are always very urgent, and now amount to eighteen, requiring twenty-seven copies.

The letters which require answers, and some of very great importance, involving most elaborate and critical investigation, amount to one hundred and eighteen, and increase so rapidly that I am no longer able to pay any attention to them. It is almost too late, even with sufficient assistance, to dispose of the arrears, and it cannot be done until the scrip laws are disposed of. Mere manual labor alone cannot relieve me, for I am unable to prepare the work, and most of it I will have to do myself. A sensible relief would be afforded, if I could make a reference of the letters to another clerk, whose experience on the duties would enable him to answer direct inquiries and give information, but this is out of the question; none has sufficient information, and the want of it might only still further embarrass this branch of the business, were I to make such reference without accompanying it with the substance of the necessary answer.

The foregoing exhibits the causes, and my inability to make even a reasonable progress of the several duties confided. In addition, I will state that the surveys on file amount probably to between three and four hundred, of which the title papers to most of them are of a very complex nature, and some will require perhaps a whole day in the examination. The writing of one of this description (the surveys being, in many cases, of a very zigzag shape) will require a whole sheepskin, and a day to engross it, and another to record it; and to despatch all those on hand, of which at least one half are probably imperfect and require consequent correspondence, will demand the attention of two clerks for several years, there being at least six hundred surveys afloat or remaining uncalled for in the surveyor's office. To execute, therefore, this branch of business, and expedite the issuing of the patents, it ought to be committed to some other person, who, at the same time, could attend to the incidental correspondence arising under it, and preparing such copies of patents as may be called for. The issue of scrip, under the several acts of Congress, at the present time requires my undivided attention, the peculiar nature of which does not permit me to employ others, except that of recording the certificates and filing the papers.

The number of warrants surrendered, under the late appropriation, amount to seven hundred and forty, of which two hundred and forty are disposed of, that is, so far as the preparing of the scrip is concerned, but the greater portion of them is not yet issued, as in most of the large claims contest arises between rival agents, compelling me to ask advice from the Commissioner, and then to prepare reports to the Secretary; and here it is necessary to peruse vast numbers of documents, so that it is almost impossible to make out applications for the issue of scrip.

Many warrants are necessarily suspended, and require continual correspondence with the register of the land office at Richmond; so that about three hundred letters remain unanswered, and the number is daily increasing. This branch of business will, even if the present appropriations be disposed of, require for many years the time of one clerk to give information on personal calls, or by letter, and after the appropriations be disposed of, the indexes of these warrants on which scrip has been issued ought to be completed, otherwise the confusion will be such that no information of a correct nature can ever be given by a clerk who may hereafter succeed me. This I have most at heart, for it would be a high gratification for me to leave that business in a state that any person could understand it.

Finally, I would state that there is now a bill pending authorizing the issue of scrip on United States warrant, of which about fifty are already on file, and more may be expected on the enactment of that law.

Your most obedient servant,

FRED. KELLER.

JOHN M. MOORE, Esq., *Chief Clerk of the General Land Office.*

No 3.

Statement showing the arrears of work in the General Land Office, on the 1st day of January, 1836, with an estimate of the number of clerks required to bring it up and perform the current business of the office, in the auditing, book-keeping, and patenting departments or bureaus.

States and Territories.	No. of accounts in arrear to be audited.	Number of entries in arrear to be posted into the ledgers.	Number of patents in arrear to be written, recorded, examined, and sued.		No. of districts in each State and Territory.	Yearly number of accounts to be audited, exclusive of late receivers' accounts.	Number of certificates of purchase received in the year 1835, being the number of entries to be made in the ledgers for that year.
			Number of certificates of purchase of which entries have been made, but for which the patents are yet to be written.	Total number of patents in arrear, being the number of certificates in the two preceding columns.			
Ohio	24	4,616	2,707	7,323	8	32	6,877
Indiana	12	15,097	5,578	20,675	6	24	18,372
Illinois	38	27,296	1,762	29,058	10	40	25,857
Missouri and Kansas school lands	31	8,187	1,918	10,105	6	28	7,403
Alabama and Cherokee school lands	37	23,217	8,824	32,041	8	36	22,175
Mississippi and Choctaw school lands	35	27,321	8,990	36,311	5	24	17,773
Louisiana	17	4,028	115	4,143	4	16	1,425
Michigan Territory	23	19,880	1,415	21,295	5	20	18,964
Arkansas Territory	29	7,261	None.	7,261	5	20	3,961
Florida Territory	5	895	None.	895	2	8	623
Totals	251	137,798	31,309	169,107	59	248	123,440

Estimate of the number of clerks required.

First. The number of accounts unadjusted is 251, nearly the same as the annual number to be audited. One accountant can easily adjust two accounts per week, on an average, or one hundred per annum; consequently, six accountants (the present number in the office) can audit and report on six hundred accounts a year, if not otherwise occupied; but as each of the accountants is also a book-keeper, a great portion of every year is consumed in posting the books.

Secondly. One book-keeper, familiar with the business of posting, may make about one hundred and fifty entries per week, or eight thousand a year. It will therefore require seventeen book-keepers for one year to bring up the arrears of posting; but if no more be employed on the work, the arrears at the end of this year will be nearly as great as at its commencement. As, however, there may be some diminution in the sales of lands this year, as compared with last year, perhaps twelve assistant book-keepers, in addition to the present number of accountants, making eighteen in all in this branch of the business, will be found sufficient to adjust the accounts and post the books; the distribution of the assistant book-keepers to be regulated by the quantum of work assigned to each accountant.

Thirdly. The number of patents in arrear, to be written, recorded, examined, and issued, is one hundred and sixty-nine thousand one hundred and seven, which, according to an estimate made at the Patent Bureau, will require the labor of fifty clerks for one year.

It is hardly possible to say what force the office will require hereafter; but judging from the increase in the sales of lands for several years past, it would seem desirable that the number of clerks in the auditing and posting business should not be less than eighteen, as estimated above, and in the patenting department about forty.

Respectfully submitted.

WM. SIMMONS, *Senior Accountant.*

GENERAL LAND OFFICE, *February*, 1836.

No. 4.

GENERAL LAND OFFICE, *Surveying Bureau.*

SIR: In obedience to your request that I should report on the existing state of the business in this bureau, showing what has been done since my duties commenced therein, I have to state as follows:

That, since the report made from this office in 1833, the duties of this branch of the business appear to have increased to double or triple the amount that they then were; and, as a necessary consequence, the back work has accumulated nearly in the same proportion.

For the six months during which I have had charge of the business, I have only been able, by the closest application and industry, and with the aid of the assistant draughtsman employed out of the appropriation for extra aid in this office, to attend to that part of the current business on this branch, (which could not be delayed without either putting a stop to or essentially interfering with official operations on other branches of the office,) and to place the files in such a state as to enable any one to refer with facility to the maps and other documents which are constantly in requisition, particularly by the book-keepers in registering the sales in the tract-books. During the period above mentioned, (with the exception of fifty-seven volumes previously arranged and bound,) the whole of the township plats on file in the office, amounting in all to 105 volumes, have been carefully arranged and permanently bound into suitable books, with an index to each volume, showing the maps contained therein, and a general index atlas to the whole has been constructed, by which they can be referred to with an ease and facility before unknown. The miscellaneous documents relating to boundaries, mines, salines, and special surveys, have likewise been all arranged by States, according to their subjects, and a table constructed by which they can readily be referred to; also, with the exception of those of the Southern States and the Territory of Florida, sketch maps of each of the States and Territories have been made separately, which answer as indexes to the district, military, and other maps, which are filed in cases arranged along the walls of the room, in all about 170. These index maps exhibit on the face of them not only the present extent of the surveys, but will also show, when completed, the present state of the numerous district maps as to the townships required to be protracted on them in continuation of the protractions previously made. These district maps were in all stages of progress up to the year 1830, but since that period it has not been in the power of the office to make any additions to them, nor will it be practicable to do so until increased means are afforded.

Various expedients or make-shifts appear to have been resorted to in this branch, from time to time, for want of the requisite assistance to enable it to meet the exigencies of the business connected with it, which otherwise would have most materially interfered with, if not positively stayed, many important operations in other branches.

I would take leave to remark, from the experience acquired since my incumbency on this branch of the service, that it appears to me to be utterly impracticable that all the duties which appropriately belong to it can be performed without an entire new organization of the system. The current business alone is more than can be attended to. Neither State nor district maps can be constructed, nor can the bureau attempt to exercise any supervision over the execution of the office work returned by the surveyors general, much less to conduct any portion of the various correspondence connected with the branch, until further provisions of law shall enable it so to do.

I have the honor to remain your obedient servant,

WM. F. STEIGER, *Draughtsman.*

JOHN M. MOORE, Esq., *Chief Clerk of the General Land Office.*

No. 5.

Tabular view of the increase of the labors of the General Land Office from 1826 *to* 1835, *inclusive.*

1st Column.	2d Column.			3d Column.	4th Column.	5th Column.
Years.	Appropriations for regular clerks.	Appropriations for extra cl'ks, patent writing, &c.	Total.	Total number of tracts sold during each year.	Am't. appropriated for clerk-hire for each tract sold in each year.	Required annual appropriation agreeably to rate in 1826.
					Dols. cts. m.	
1826	$22,550	.....	$22,550	$3,708	2 32 2	$22,550
1827 { 1st quarter	5,637½	}	20,225	10,776	1 87 7	25,022
1827 { 2d, 3d, 4th, do	14,587½					
1828	19,450	.....	19,450	10,867	1 78 0	25,233
1829	19,450	.....	19,450	14,281	1 36 2	33,160
1830	19,450	.....	19,450	22,177	87 7	51,495
1831	19,450	$9,000	28,450	30,224	94 1	70,180
1832	19,450	11,600	31,050	36,045	86 1	83,696
1833	19,450	11,481	30,931	54,312	56 9	126,112
1834	19,450	16,000	35,450	61,043	58 0	141,741
1835	19,450	29,500	48,950	124,168	39 4	288,318

REMARKS.

The gradual increase of the labors of the office can probably be best explained and understood by taking into consideration the increase in the number of tracts sold, which multiplies all the labors in a degree proportionate thereto. This table shows (col. 2) the annual appropriations for regular clerks and extra patent writing from the year 1826 to 1835, inclusive; also (col. 3) the total number of tracts sold during each of those years; (col. 4) the amount appropriated for clerk-hire for each tract sold in each year; being the amount of appropriation divided among the number of tracts. The office was reduced in 1827 (from which period its duties have been annually on the increase) from twenty-three to seventeen regular clerks, which is the present number. Taking as the basis of the calculation the appropriation for regular clerk-hire ($22,550) as it stood before 1827, when the reduction took place, and regulating the subsequent annual appropriations in proportion to the tracts sold annually, the 5th column shows what would have been the required annual appropriation, agreeably to the rate in 1826, which annual amounts, as here stated, certainly do not exceed what were the annual requirements for the exigencies of the service.

24TH CONGRESS.] No. 1460. [1ST SESSION.

ON AN APPLICATION FOR A GRANT OF LAND TO AID IN THE CONSTRUCTION OF THE MISSOURI AND MISSISSIPPI RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the memorial of the Missouri and Mississippi Railroad Company, asking a donation of land to aid in the construction of their road, reported:

It appears that a company of individuals have associated themselves together, under the name and style of the Missouri and Mississippi Railroad Company, for the purpose of establishing a railroad—to begin at a point called Marion city, in the county of Marion, in the State of Missouri, on the Mississippi river, which shall extend thence through Palmyra, to a newly-located town in Shelby county, called New York; and thence shall be divided into two branches, the right of which to ascend, between the Mississippi and Charitan rivers, to the northern boundary line of the State; and the other branch to descend, along the course of the East Charitan, to the Missouri, at some point in or near the county of Howard.

Toward the accomplishment of this object, the memorialists state that they have already received, or secured to themselves and their successors, grants of land from the individual proprietors along the contemplated route of the railroad, from the point of beginning to the said town of New York, a distance of nearly fifty miles, and that they had taken a deed of trust for the same.

The memorialists further state, that measures preliminary to the sale of stock have been already taken, and a sufficient sum of money pledged to complete the work from the point of beginning, to that in which it is proposed to subdivide it into two sections; that operations will begin early in the spring of the present year; and that they expect, before its close, to have several miles of the track completed.

The application to Congress is made for the reason, mainly, that the memorialists, in the prosecution of their designs, cannot pass beyond the town of New York, in the county of Shelby, either on the right or left branch of the railroad, without entering on the public land of the United States; and the memorialists ask of Congress, for the purpose of successfully prosecuting and completing the road, the right of way over the public lands of the United States, over which it is necessary to extend the same; and also the right of pre-emption to each alternate section, for the space of ten years.

Your committee are of opinion that Congress should grant the prayer of the memorialists. Such a work is well calculated to enhance the value of the public lands through which it will run, and will, no doubt, be the means of bringing into the market a vast quantity of the public lands, which would otherwise not be noticed for many years to come. The government in the end will be the gainer. The northern branch of the proposed road

will run up what is called the "Grand prairie," which is wide and unsettled, and from the nature of things will continue to remain unsettled for an immense length of time, unless some such scheme should be adopted to attract public attention and give value to the lands. A compliance on the part of Congress with the wishes of the memorialists, will not only make the wide and waste lands of this immense prairie valuable, but it will be the means of attracting a busy and active population to a quarter where now not a human voice is to be heard, and nothing to be seen but the wild beasts of the forest; and it will, too, no doubt, be the means of developing new resources, of starting up new channels of trade and commerce, and giving vigor and life to the agricultural and commercial interests of the country.

Your committee have accordingly reported in conformity with the prayer of the memorialists.

24TH CONGRESS.] No. 1461. [1ST SESSION.

ON A CLAIM FOR A BOUNTY-LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. GALBRAITH, from the Committee on Private Land Claims, to whom was referred the petition of William C. Hazard, of Rhode Island, reported:

That the petitioner represents himself as the only child and heir-at-law of Ezekiel Hazard, a soldier in the army of the United States, who died in said service, while a prisoner of war at Quebec, on the 25th day of February, 1814. The petitioner further states that he never had any legally-qualified guardian who could relinquish his claim for bounty land as minor child and heir of said soldier, and obtain or claim for him to the commutation of five years' half pay, allowed him by law; and that he did not arrive at the age of twenty-one years until the month of June, A. D. 1833. The evidence accompanying the petition satisfactorily proves the facts thus set forth; and it appears that the petition was referred to Congress at the session succeeding the petitioner's arriving at majority.

An act of Congress, passed the 16th day of April, 1816, the second section of which authorized the guardian of any child or children of any non-commissioned officer, musician, or private soldier of the army of the United States, who shall have been killed in battle, or died of wounds or disease while in the service of the United States during the late war, within one year from the passing of the act to relinquish the bounty land to which such non-commissioned officer, musician, or private soldier, had he survived the war, would have been entitled, and in lieu thereof to receive half the monthly pay to which such deceased person was entitled at the time of his death, for and during the term of five years. By an act of Congress, passed the 3d of March, 1817, this provision was extended for two years, and by an act passed the 3d of March, 1819, it was again extended for three years; but the provision was then suffered to expire on the 3d of March, 1822, and has not been since revived. The petitioner now asks to be placed in the same situation that his guardian would have been for him, had one ever been appointed for him, under these acts of Congress; and inasmuch as he never had a guardian, to have now the right in his own person, having reached his majority, of availing himself of the same advantage he would have enjoyed by law if he had had a guardian.

The committee are of opinion that the claim is founded in equity, and report a bill in accordance with the prayer of the petitioner.

24TH CONGRESS.] No. 1462. [1ST SESSION.

ON A CLAIM TO LOTS IN PENSACOLA, FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. LINCOLN, from the Committee on the Public Lands, to whose consideration was referred the petition of Peter Alba, reported:

That, in the year 1817, the Spanish authorities exposed to public sale a number of lots, situated in the city of Pensacola, when one Joseph Sweet, being the highest bidder, became the purchaser of *ten* of said lots. Sweet failing subsequently to comply with the conditions of sale, the present petitioner, upon application to the governor of Pensacola, was permitted, for a valuable consideration, to take up and purchase the *same ten lots*, together with *five* additional lots in said city, and these *fifteen lots* were adjudged and conveyed to him by the said governor.

After the cession of Florida to the United States, the petitioner, Peter Alba, exhibited to the commissioners appointed under the authority of the United States to examine and adjust land titles in that Territory, certain papers under which he claimed title to those lots. These papers appearing to the commissioners to be antedated and fraudulent, the claim of the petitioner to a confirmation of his title was *rejected*.

From communications, addressed to the committee by the Hon. Joseph M. White, who was one of the commissioners, and who is a member of this House, it *now* appears that the legal and sufficient evidence to sustain

the claim of the petitioner, was, for some unexplained cause, withheld, or not produced; but, probably from a hope or expectation of greater advantage, testimony of a suspected and false character was substituted, and attempted to be imposed upon the commissioners. The documents which accompany the petition show satisfactorily that the petitioner had acquired a good and sufficient title to the property in the lots, and Mr. White has certified his opinion that, if Alba had presented this record (one of the above documents) to the commissioners, the title would have been confirmed, as all the other titles depending on that record, and similar in all respects to his, were confirmed. He adds, "that he (Alba) and those who claim under him, now exhibit the same evidence on which similar claims have been confirmed, and he thinks this title ought to be confirmed, and that it is a valid title under the treaty with Spain, and has been so decided by the commissioners and Congress heretofore in other cases in all respects the same."

It further appears to the committee that the petitioner, Alba, assigned, for a valuable consideration, a *bona fide* part of these lots to an innocent purchaser, ignorant of any fraud in the attempt to enlarge or maintain his claim to confirmation before the commissioners by feigned and false papers; and it is further represented to the committee that, since the presentation of this petition to Congress, the said Alba has deceased, leaving heirs interested in the title to the residue of said lots. While, therefore, the committee would be slow to recommend the interposition of the authority of Congress to the relief of one who, having even a good right to property, had attempted to enforce it by dishonest practices, yet, in behalf of honest purchasers, and the rightful heir, innocent of this wrong, they would adopt a measure which should remove the prejudice to which otherwise they might seem to be subjected, under the circumstances, with undue severity. With this latter view the committee report a bill.

24TH CONGRESS.] No. 1463. [1ST SESSION.

ON A CLAIM TO A BOUNTY LAND WARRANT FOR THE MILITARY SERVICES OF A SLAVE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom was referred the resolution of inquiry into the propriety of granting to Benjamin Oden, of Prince George's county, Maryland, a tract of bounty land, reported:

That it appears from the evidence submitted to the committee, that a slave named Frederick ran away from the said Benjamin Oden, his master, in the spring of 1814, and was advertised by the said master in the *National Intelligencer*, as a runaway slave. The said Frederick, on the 5th of April, 1814, was enlisted as a common soldier under the name of William Williams, by Ensign Martin, of the 38th infantry, and continued in the service of the United States until the 19th of March, 1815, when he died in the hospital, at Baltimore, which he entered on the 25th of October, 1814. It appears that said slave was recognized by a friend of the owner; and information communicated to Mr. Oden, the owner, some time in the year 1814, but at what time it is not stated; and that Mr. Oden went in pursuit of his slave to the head of South river, in Anne Arundel county, Maryland, where the troops were supposed to be stationed, but that he did not see him there, as a part of the troops had marched for Baltimore. It does not appear that Mr. Oden pursued him to Baltimore, or did anything more to reclaim his slave; but allowed him to remain in the service of the United States, as a soldier, until his death: though your committee have not learned that there was any obstacle to the discovery, apprehension, and release of his slave.

There was due by the United States, for monthly pay and bounty, a considerable sum of money, but as that subject is not referred to your committee, they forbear to express any opinion about the disposition of it.

The question submitted for the decision of the committee under the circumstances of this case is, is the owner, Benjamin Oden, entitled to receive from the United States the bounty land which said Frederick *alias* William Williams, would have received had he been a free man?

By the acts of Congress regulating the term of enlistment, and the emoluments to the soldiers of the army of the United States, during the last war with Great Britain, and at the time and enlistment of the said Frederick, it was provided, that whenever any soldier shall be discharged from service, who shall have obtained from the commanding officer of the company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service, he shall be allowed and paid in addition to his pay, as bounty, three months' pay, and one hundred and sixty acres of land; and the *heirs and representatives* of those who have been killed in action, or died in the service of the United States, were to be paid and allowed the same bounty and land.

The claim or right of a soldier, under the laws of Congress, to the money, or land bounty, was dependent on a faithful service as a soldier until death, or his discharge from service by the United States. It was one of the great inducements of the government, to insure faithful service on the part of the soldier, so far as was dependent on himself, who was a free contracting citizen, that, at the end of his service, he should receive the bounty, and in case of his death in service, bounty land was to be some provision for the heirs and representatives of an ancestor who had perilled his life, and sacrificed it, in the military service of his country. By the laws of the United States, the enlistment of soldiers for the army was restricted to citizens who were not only willing, but, as free men, competent to contract with their government for a personal service in the army, which was to be enforced for the term of enlistment, under the same penalties of military regulations. It was a service that the individual was not only to perform by the term of his contract, but which the United States could, by all the powers of government, require and enforce, even with the forfeiture of life. Of this service, and the penalties for disobedience, the free man who entered into the contract or enlistment could not complain; as these incidents of service were or ought to have been known to him, when he enlisted, and were essential to the discipline and organization of an army.

The enlistment of a slave was contrary to law; he could make no valid contract with the government, which could be enforced against his consent or that of his master. The contract was one which the master or slave might void whenever either desired it; and the officer having the command would have been under obligations to have such slave dismissed the service, as soon as the fact become known to them that he was a slave; for, being such, he could not be an enlisted soldier of the army of the United States. The law, public policy, and security, forbid the enlistment of a slave, nor can your committee admit that a slave is to be enlisted and trained as a soldier in the army of the United States, even with the consent of his master. To allow slaves to be thus employed and instructed in the discipline of an army, the use of arms, and the other arts of war, would be imparting to them a species of instruction, that might increase much their means of mischief and influence over the other slave population, and endanger the peace and security of our fellow-citizens in the slaveholding States. Such training of slaves would not only familiarize them with the use of arms, but give them a confidence that would encourage insurrection, and make them more formidable in any servile war they might have influence to excite or direct.

The contract of enlistment of a slave should be considered not only void, but as fraudulent and mischievous to the community, and no benefit from such contract ought to be allowed to accrue to either the slave or master who permitted it.

Though the enlistment of the slave Frederick was without the knowledge of his master, and we are to presume against that consent, from the circumstance of his being an absconding slave, yet after such enlistment and detention was made known to Mr. Oden, he does not seem to have used reasonable diligence to recover and remove his slave. Though it was communicated to him, by an officer of the government, that such slave was an enlisted soldier in the 38th infantry, the corps to which he belonged being employed chiefly, if not entirely, in the summer and autumn of 1814, in the State of Maryland, where the master resided; yet the only evidence of pursuit furnished is, that he went once to the head of South river, in Anne Arundel county, Maryland, where the troops were supposed to be stationed; but, on his arrival there, the troops had marched for Baltimore. There is no evidence of pursuit to Baltimore, which would have subjected Mr. Oden to but little expense, trouble, or even loss of time. When he first learned that his slave was in the army is not stated, or at what time he went in pursuit to South river; yet it was probably in the summer or early in the autumn of 1814, as this slave was placed in the United States hospital, at Baltimore, on the 25th of October, 1814, where he remained in the United States service and support until he died, on the 19th of March, 1815, a period of near five months, from which an inference might be reasonably raised that he was either abandoned by his master, or that his master consented that he might be detained as a soldier.

Your committee cannot discover in the circumstances of this case, anything that would except it from the operation of a law and policy opposed to the enlistment of a slave; and as the contract of enlistment was a fraud upon the United States, and against the public peace and security, the master ought not to receive a reward and bounty under a contract which should have been voided by him, as soon as it came to his knowledge.

Entertaining the opinion that the said Benjamin Oden is not entitled to relief, the committee ask to be discharged from the further consideration of this case.

24TH CONGRESS.] No. 1464. [1ST SESSION.

ON A CLAIM TO A BOUNTY LAND-WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the resolution instructing the committee to inquire into the expediency of granting a land warrant to the legal representatives of Daniel Warner, deceased, a soldier of the late war, reported:

That proof has been exhibited to the committee, stating that Daniel Warner, who is now dead, did enlist as a private soldier in the year 1814, in a company of regular troops, commanded by Captain Peters, of the 27th regiment of infantry, and that he, said Daniel Warner, departed this life on the 6th day of December, 1815, leaving a widow and three children; there is also exhibited to the committee a copy of a power of attorney, which purports to have been executed by Daniel Warner, on the 9th day of October, 1817, authorizing A. F. Crain, of the county of Washington, in the district of Columbia, to receive from the Commissioner of the General Land Office a patent founded on a military land warrant, No. 4838, dated the 23d day of May, 1816; there is also in evidence before the committee, a certified copy of a patent issued to Daniel Warner, late a private in Peters's company of the 27th regiment of infantry, for the southeast quarter of section thirty, of township six north, in range two east, containing one hundred and sixty acres, situate in the tract appropriated for military bounties, in the Territory of Illinois, which patent bears date 29th of November, 1817.

From the foregoing statement of facts, it appears evident to the committee, that the power of attorney, which seems to have been executed more than a year and a half after the death of the said Daniel Warner, must be a forgery, and that the patent was obtained through fraud.

The committee, therefore, are of opinion, that the patent which issued to the said Daniel Warner ought to be revoked, and that a patent do issue to his legal representatives, and to that end the committee report a bill.

24TH CONGRESS.] No. 1465. [1ST SESSION.

ON AN APPLICATION FOR A REDUCTION OF THE PRICE OF LANDS SOLD IN ALABAMA, IN 1818 AND 1819, TO THOSE PURCHASERS WHO PAID CASH AT THE SALE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred a memorial from the legislature of Alabama, and a petition from certain inhabitants of that State on the same subject, reported:

That it is stated in the said memorial, and the petitioners set forth, that in the years 1818 and 1819, they became the purchasers of lands at the public sales, which they intended for settlement and cultivation; that these purchases having been made when the public lands were sold under the credit system, they were bid off at the usual high and extravagant prices, at which lands were at that period generally sold.

That although, according to the terms of sale, under the law then regulating the sale of the public lands, a long credit was allowed to purchasers, payable by instalments annually, a few individuals, who were desirous of perfecting complete titles to the lands they purchased for their permanent home, which they wished to improve, instead of availing themselves of the credit allowed by law, paid the full amount of the purchase money, at the time of the sale of those lands, which they bought at prices very greatly beyond their real value.

The well-known embarrassment which became so general among the people in that State who purchased lands under the credit system, at the sales in 1818 and 1819, resulting from the exorbitant prices at which they were sold, together with other causes well understood, as a part of the history of the country during then and the two succeeding years, induced Congress, at the session of 1820 and 1821, to pass a law for the relief of purchasers of the public lands under that system, by which they were permitted, either to relinquish any portion of the lands they had bought, and apply the amount paid on such lands toward other tracts, so as to complete the payment thereof, to pay their lands out in cash at a discount of thirty-seven and a half per cent. from the original cost; or they were permitted to relinquish the original certificates of purchase, and take others of further credit, payable by instalments at six or eight years, according to the amount of the purchase money previously paid.

Soon after this liberal relief, induced from the known hardships attending the purchase of the public lands at that period, it was ascertained that this class of public debtors could never extricate themselves from the ruinous effects of the engagements into which they had been induced, by the extraordinary infatuation of the times, incautiously to enter; and Congress becoming convinced that general ruin and distress would be the certain fate of those individuals if they were required to perform their contracts, accordingly, at the session of 1829 and 1830, passed a law, the effect of which was to relieve almost all those who had availed themselves of the further credit under the former law, from the payment of any additional sum for their lands than what had been paid at the time of purchase, that being one fourth part of the price. By this, and other acts of Congress, all those who had paid any part of the price of any public lands purchased under the credit system, whether paid as a deposit, or as the instalment required in cash at the time of sale, for lands that afterward became forfeited according to the terms of purchase, were allowed to obtain scrip to the amount so paid on such forfeited lands, which was made receivable in payment for any other lands purchased from the United States. These several acts, it is believed, protected every class of purchasers under the credit system, except such as had made full payment, at the time of sale, in cash. The question then arises, whether *they* are not equally entitled to relief.

Your committee believe that the reason and motive which induced the enactment of the several relief laws above alluded to, were not only better to secure the debt due the government from an unfortunate class of debtors, whose circumstances would not enable them to fulfil their ruinous contracts, by allowing them longer time in some cases, and compromising at a less sum in others; but also to do what was conceived to be but justice to a class of citizens who certainly had the strongest claims upon the government to relief. Because, if, as between debtor and creditor, the government acted, in granting relief, *only* with a view of securing, in the best mode, under the embarrassed situation of the debtors, the most they could pay, it is evident that no relief would have been extended to those individuals who had forfeited their lands after the payment of the cash instalments, or who had forfeited the deposit money paid previous to the final purchase; since *they* were not *then* the public debtors, having forfeited the lands. Your committee are therefore urged to the conclusion that these laws were enacted, as well from a sense of justice toward those individuals who were admitted to have purchased the public lands at prices greatly beyond their true value; and that these wild and extravagant purchases were made, in a considerable degree, under the influence of that mistaken policy adopted by the government in disposing of the public lands on credit, as with a view of better securing the debt due the United States.

The abandonment of the credit system, and the reduction of the minimum price of the public lands, necessarily had a tendency to reduce the price of the lands which had been purchased at very high prices under that policy. This afforded one strong ground for the claim of relief, and it is believed to be equally good in favor of every class of purchasers.

Your committee, therefore, while they entertain the most perfect conviction of the correctness of the policy of passing the several relief laws for the purchasers of the public lands under the credit system, and confidently believe that nothing more than justice has been done for that misguided class of individuals; yet they are constrained to say that they have not been able to distinguish between the claims of those who have been relieved, and those who now ask similar benefits, and are in the situation represented in the memorial and petition, unless (which your committee cannot believe) it be a fault to have paid a debt before it could have been legally demanded. Your committee consider all the arguments urged in behalf of those who have been granted relief, to show the justice of their claim upon a government, the policy of which is to protect and not oppress her citizens, applies with equal force in favor of that class of purchasers who now ask the same or similar relief. Acting in conformity with these views, and upon the principle of equal justice, they report a bill, not to allow *all* the advantages to those individuals that have been obtained for some others, but to give them the benefits of the most limited relief that has been granted to any, by permitting all those who purchased lands under the credit system, and paid the full price in cash at the time of sale, to receive a certificate which may be used in payment for any lands subject to private entry, in the same State or Territory, for a sum equal to 37½ per cent. upon the cost of such lands, provided it does not reduce the price below the then minimum price of the government lands; in which case, only so much as will make the cost equal only to such minimum shall be allowed in such scrip.

24TH CONGRESS.] No. 1466. [1ST SESSION.

FRAUDS COMMITTED UNDER THE PRE-EMPTION LAWS.

COMMUNICATED TO THE SENATE, MARCH 10, 1836.

GENERAL LAND OFFICE, *February* 6, 1836.

SIR: I now have the honor to submit, for your information and that of the Committee on Public Lands, a number of documents on the subject of fraudulent practices, evils, and embarrassments, growing out of and essentially connected with the pre-emption principle, which could not be copied in time to submit with the communication I had the honor to make to you on the 28th ultimo.

I would respectfully request your attentive consideration of these papers, so far as your arduous duties will admit, and would remark that these papers afford only a small portion of the evidences which, if time admitted, could be adduced to the national legislature, as to the evils growing out of pre-emption laws.

As connected with the general subject of the pre-emption principle, it is deemed proper to allude specifically to the claim alleged to the tract of land near Chicago, on which the United States troops are garrisoned, said to be worth from half a million to a million of dollars, which formed the subject of a communication from this office, of the 14th of September last, published in the "Globe" newspaper, on the 19th of September, for public information; a copy of which is hereto annexed.

I have the honor to remain, most respectfully, sir, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman Committee on Public Lands, Senate U. S.*

Site of Fort Dearborn, (Chicago,) Illinois.

We have been requested to publish the following letter, from the Commissioner of the General Land Office to a gentleman in the West, for the information of those who take an interest in the subject, and to obviate the necessity of official replies to numerous inquiries of individuals:

GENERAL LAND OFFICE, *September* 14, 1835.

SIR: In reply to your letter of the 25th ultimo, requesting information on the subject of the fractional section, No. 10, in T. 39 N., of range 14 E., adjoining the town of Chicago, and which is the site of Fort Dearborn, in the occupancy of the United States as a garrison, I have the honor to advise you that said fraction was expressly reserved for military purposes, as far back as the year 1824, and has continuously and invariably been regarded ever since by the government as a special reserve for public use. The fraction, it is believed, contains less than the quantity of an eighth of a section, and, as a fractional tract, is regarded as wholly appropriated to the uses for which it was originally reserved.

Several bold attempts have been made to allege a pre-emption right to this valuable tract of land, in the face of all the circumstances which had induced the government, as a matter of necessity and expediency, to reserve it for public use. Those attempts, first through the medium of the land officers at Palestine, and subseqnently that of the officers at Danville, when they respectively had jurisdiction over the lands in that region, were, of course, repelled and discountenanced by the government.

You are aware that all these circumstances occurred before I came into office.

The idea that the views of the government, in relation to this fraction, so fully made known by this office at different periods, and through different channels, had become matter of perfect notoriety, appears, in the midst of the great pressure of the details of business, naturally to have drawn off the attention of this office from issuing any further express instructions relative thereto, when the region of country was detached from the Danville district, and made to form the northeast land district of Illinois. It is surprising that, in the face of all the circumstances, the land officers at Chicago should have admitted this tract, estimated to be worth from half a million to a million of dollars, to be entered under the allegation of a pre-emption right. Such a reprehensible and preposterous act, originating in whatever cause it may, is of course of no sort of validity. As soon as the fact was ascertained, the officers were instantly ordered to correct the proceedings; and the receiver has been directed to refund the amount of purchase-money (a little less than $100) paid by the alleged pre-emptor.

I am, &c.

ETHAN A. BROWN.

POINT COUPEE, LA., *January* 3, 1835.

MY DEAR SIR: I avail myself of this early moment to give you my views of the unprecedented and palpable frauds practised in the land offices in this State, under the provisions (as a cloak) of the act of Congress, approved the 19th June, 1834, reviving the act of the 29th May, 1830, granting pre-emption rights to settlers on the public lands.

Enclosed is a sample for the eye of yourself and Judge Porter, to form your opinions of the loose manner in which honest citizens are deprived of the advantages so kindly held out to them who settled in good faith, and the government swindled out of two thirds, at least, of the best public lands in the State of Louisiana. I was in the land office in New Orleans a short time past, when the enclosed application was made, by handing the paper to the clerk of the register, (the register, as usual, absent,) by Mary Sturgen, and on examining his plat for the sections, township, and range, he said the sections were taken by William Bryan and Sarah Bryan, who proved their occupation and cultivation by William Summers, Hally B. Roundtree, and Samuel Westaker, upon which she replied, that they had all sworn to falsehoods, as she would prove by all her neighbors, that she settled on the land in 1830, and had continued to reside on and cultivate the same until this time, and that no other person had occupied or cultivated this land but herself, and those who worked for her.

I then told this woman to take home her application and testimony, and told the clerk to give her the names of the applicants, witnesses, and justice, who had thus taken her land, and charged her to bring all to me as soon as she learned I had returned home, and I would have the persons apprehended and committed to answer to an indictment for perjury.

A few days past, she came to my house with her son Robert, who appears as an applicant with her, and the sample sheet enclosed, with a list of those names from the clerk of the register. She told me the applicants were gone; I suppose to the usual retreat—Texas. I then told her to go back, remain on her land, and if any person attempted to take it from her, let me know, and I would protect her, and as soon as the government filled the land offices with efficient officers, I would have her testimony taken properly, entitling her to the right to purchase, and if she hears of the perjurers' returning, she is to bring witnesses to enable me to have them arrested.

It has been intimated to me by many, and, I fear, with too much ground of cause, that not only many concerned in the land department, but others high in office and confidence in the State, are deeply interested in this swindling business of land-floating.

When floating assumed a daring stride, and even men, barred by the oaths of office, began to speak without restraint, I made some inquiries for the fountain-head of the floating current, as if wishing to purchase, and was uniformly answered, "Go to Meloden, in New Orleans, and you can get whatever number you wish." Afterward, when in the register's office, filing a claim and testimony for a confirmation of a Spanish title to the land I live on, I saw a man come in and return one of these blank floats and transfer, filled up, as you see the enclosed, with the names of the applicant, witnesses, and justice, but the clerk filled the blanks for section, township, and range, in the float. On this man pointing his finger to the numbers in the plat, he told the clerk he could fill those blanks in the transfer at another time; the clerk answered, "Yes," and lodged them both in his desk.

This man, (who called himself Christie,) it was said, was a deputy surveyor, or had been; that he sold some floats to Meloden for one hundred dollars each, which was too cheap, but that he had done it to get a start to procure more, and for which Meloden should pay higher prices. He introduced himself to me, and proposed furnishing any number if I would furnish the funds, as he knew all the best lands in the State to lay the floats on. I answered him, that he had better examine well the ground he was passing; and that for myself I did not like to dabble in dirty water. I then left him and the clerk in the office. After I returned home, I learned that many floats had floated into Point Coupee for sale; I inquired for some; one or two were soon handed to me. The applicant's name, witness's name, and justice's name, all filled out and signed and certified; but the blanks of the sections, townships, and ranges, yet remaining to be filled. I observed that such swearing to blanks was surely a short cut to floats, and asked the reason why those blanks were still open, being sworn to. The answer was, he did not know where to lay them on good land, as so many had gone before him. I advised the holder to return them, as he might see, as well as myself, that they were obtained by forgery or perjury, as all the writing on the face of the paper was in the same handwriting; and to have nothing to do with this floating business. He has told me since that he has returned them.

Again: a man by the name of Bishop, who said he was of New York, called on me, professing a wish to buy my land, and to know if I and my neighbors intended to save our back concessions. Supposing him a tool or understrapper of the banditti, I asked him if he was attached to the company of Robert J. Walker (of notoriety) in the land-jobbing Green school. He said Mr. Walker was of the company, that he had saved fifty or sixty thousand acres in Arkansas, since the passage of the present pre-emption law. I asked him where Walker got the money to pay for such a quantity of land. He answered, he had paid for all he had bought, and could command money to pay for all he wished to buy; and that he (Bishop) could draw on New York for five hundred thousand dollars, if the quantity of land to be had required it.

This man, Bishop, has been (as I am informed and believe) through all the valuable public land in the State, with hireling surveyors, whether deputies under the surveyor general, (as many allege,) I cannot say; but I do say that I cannot get any deputy, and I have heard other citizens say that they could not get a deputy, to run out old lines, or locate back concessions, without paying three prices, until this banditti of floating speculators is served. And I believe that not more than from fifty to one hundred honest settlers, in good faith, were entitled to a preference for a quarter-section in the parish of Point Coupee. I think that more than five times that number of sections have been covered by floats; and I do believe that this banditti, and many of the villains of Vicksburg notoriety, have combined and confederated together to take the whole of the most valuable lands in the State, as well as elsewhere; the small fry and understrappers to apply for and prove up; then sell to the floating company, and slip off to Texas, leaving this banditti to hold the swindled prize, under that well-intended principle of law, that third innocent purchasers cannot be deprived of their lands, not recollecting that equally wise rule, that titles, obtained through fraud, are void, and no subsequent act of parties can make the same valid.

Again: the practice of obtaining many floats has been for the father, and sons or daughters, perhaps down to the cradle, to claim to have lived together and cultivated on various sections. Thus, taking to the father and first son one quarter jointly, and each a float for eighty acres, and the balance of the family to take floats for the other tracts, purporting to have been cultivated, when not a stick had been cut on the land; and where there are no sons or daughters, the banditti furnish applicants and witnesses, to prove for each other that all lived together, or by twos, on the quarters to be taken jointly, and the others take the floats, when, in numbers of instances, the land has never been seen by any of the parties, except, perhaps, the examining agent, as Bishop, to see if the land is good, or was pointed out by the hired surveyor. As a proof of this kind of family arrangement, Mary Sturgen, applicant in the enclosed sheet, admitted to me that her son Robert, signed as an applicant, was but twelve years old, and, from his appearance, he cannot be more. When I told her that the law allowed no such tricks, she said she was advised that, by using his name, she could get two quarters, and, of course, double the sum she had agreed to sell the one quarter for. She said that Justice Dawson knew the age of her son, and that, when he took the affidavit and testimony for Bryan and his daughter, he knew the girl was under age, and that all of the parties were swearing falsely, as he well knew when she settled on the land, and that no other persons occupied or cultivated it but her or those who worked for her. I will here remark that, when I detected fraud in the register's office, and told Mary Sturgen to go home and remain on her land, that she could not be deprived of her right unless she sold it for a trifle to speculators, as many of the ignorant settlers had done, her speculating purchaser, by the name of Lewis, then at her elbow, told her that she was at liberty to drop the sale to him, on which she said she would do so.

I do think that the true interest of the government requires speedy action in this behalf; that the present inefficient officers either be superseded, or more competent persons, as supervisors, sent to their aid, to overhaul every entry made in the offices under the provisions of the present law, and the testimony re-examined or expunged (as in

many cases must be done,) and new testimony taken; and that all further proceedings in the register's and surveyor's offices, touching locations or entries of pre-emptions or floats, be enjoined or suspended, until a full legal and honest investigation be had on claims made, and to be made, under the provisions of the present law; otherwise, two thirds, at least, of the best land in the State will be lost to honest citizens, or to the government, and be monopolized by a base set of swindling and suborning knavish villains.

I am far from charging public officers with turpitude of intentions, but I feel clear in noticing their negligence and errors which they could have avoided. Mr. Canonge, and Mr. Cannon, the register and receiver at New Orleans, were absent at the North nearly all the summer and fall, when many of these abuses of their offices were committed; leaving their offices under the sole control of their clerks, whom I have ever considered only recorders of such acts and writings as were proper to be recorded in their offices; and as the register and receiver, in certain cases, sitting as a board, were sole judges of the rights of applicants, on the testimony adduced, could not delegate their judicial power to their clerks, therefore the adjudications by the clerks must be void, and, at least, great inconvenience would result. Then the neglect of their offices, and erroneously suffering their clerks to fill their places, and sign their names officially, is, I conceive, highly reprehensible.

I must say that, although neither are competent to the discharge of all the duties of their offices, yet the receiver, when at home, is prompt to attend when called on, but the register can never be found at his office when he can locate himself elsewhere.

These offices should be filled with profound legalists, and good judges of the human character, as well as men of strict attention and integrity to their responsibilities.

The law requires, as well as the written instructions of the Commissioner of the General Land Office, the testimony to be taken before the register and receiver, sitting as a board, unless inconvenient to have the witnesses at the office, when it is to be taken elsewhere, before some justice, I should suppose, or commissioners from a court. These modes have not been pursued by the board at New Orleans, nor has a proper certificate of character been required of applicants or witnesses; the whole has been under the control of the clerk of the register, and he has received them uniformly in the form you see in the enclosed—blanks made out somewhere, and filled up somehow, by honest or dishonest means, we know not which, perhaps both, but under no known sanction of law.

I am, with true esteem, most obediently, your humble servant.

Application to the Register and Receiver of the Land Office for the southeastern district of Louisiana, at New Orleans.

GENTLEMEN: In virtue of an act of Congress, approved on the 19th June, 1834, entitled, "An act to revive the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved on the 29th May, 1830," we apply to become the purchaser of a certain tract of land, situated and lying in township No. 2, of range No. 9 east, designated as, and being, section No. 14, containing —— acres, agreeably to the township plat, on file in the register's office. We cultivated the said tract of land (designated as above) in the year 1833, by raising corn, &c., thereon; and continuing on the same, was in actual possession and peaceable occupancy thereof at the date of the passage of the above-mentioned act. We therefore pray that we may be permitted to enter the said tract according to law.

MARY STURGEN,
ROBERT STURGEN.

Affidavit of applicant.

Personally appeared before me, Thomas Dawson, a justice of the peace, Mary Sturgen and Robert Sturgen, who, being duly sworn, depose and say, that the facts contained and set forth in their foregoing application are true, and that every matter and thing therein stated is strictly correct. So help them God.

MARY STURGEN,
ROBERT STURGEN.

Sworn to and subscribed, at the town of Bayou Tunica, in West Feliciana, this 12th day of December, 1835, before me

THOMAS DAWSON,
A justice of the peace, in and for the parish of West Feliciana, and State of Louisiana.

Corroborative testimony.

Also, personally appeared Jesse L. Sanders and William P. Mulder, of said parish of West Feliciana, who, being duly sworn, declared (in answer to interrogatories to them propounded by me) that they are well acquainted with the said Mary Sturgen and Robert Sturgen, of the parish of Point Coupee; that their within application has been fully read and explained to these deponents, and that all the facts therein contained, in relation to the cultivation and possession, by the said Mary Sturgen and Robert Sturgen, of the land described in the said application, are, to these deponents' knowledge, true.

And these deponents further declare that they are in no manner interested or concerned with the said applicants in the said tract of land.

JESSE L. SANDERS,
W. P. MULDER.

Sworn to and subscribed, this 12th day of December, 1835, before me.

THOMAS DAWSON, *Justice of the Peace.*

Agreeably to the provisions of the 9th section of the act of Congress, approved on the 19th of June, 1834, Mary Sturgen and Robert Sturgen were permitted to take lands elsewhere, in order to make up the quantity the law allowed each. They, in consequence, entered section No. 13, township No. 2, of range No. 9 east; said entry not interfering with other settlers having a right of preference, as it has been satisfactorily proved to the register and receiver, by the following testimony, viz.:

Personally appeared before me, Thomas Dawson, one of the justices of the peace in and for the parish of West Feliciana, Jesse L. Sanders and William P. Mulder, who, being duly sworn, declare that it is to their

knowledge that the above described section is not cultivated or inhabited by any person who is or was entitled to a right of preference.

W. P. MULDER,
JESSE L. SANDERS.

Sworn to and subscribed before me, at Bayou Tunica, in the parish of West Feliciana, this 13th day of December, 1835.

THOMAS DAWSON, *Justice of the Peace.*

I hereby certify that the facts contained on this sheet are, to my knowledge, true, and that all the witnesses are gentlemen and ladies of truth and veracity.

December 12, 1835. THOMAS DAWSON, *Justice of the Peace.*

Further corroborative testimony.

STATE OF LOUISIANA:

Personally appeared before me, the undersigned, justice of the peace, Jesse L. Sanders, William P. Mulder, Mary Sanders, Ann Mulder, William Kean, who, being duly sworn, declare that Mary Sturgen and Robert Sturgen were the first settlers of both the aforesaid described sections, their houses being near the line that divides said sections; and that said applicants settled there about 1830 or 1831, and have kept said sections in cultivation ever since, each having labored on said section, and are now in possession; and that no other person or persons are better or as well entitled to said described land as they are; and that none of these deponents are in any manner interested in said described land.

WILLIAM KEAN,
JESSE L. SANDERS,
MARY A. SANDERS,
FRANCIS FISH,
MARY ANN FISH,
W. P. MULDER,
C. A. MULDER.

Sworn to and subscribed before me, this 12th day of December, 1835.

THOMAS DAWSON, *Justice of the Peace.*

WASHINGTON CITY, *August* 25, 1835.

To ANDREW JACKSON, *President of the United States:*

By an act of Congress, dated 29th of May, 1830, giving to actual settlers and occupants on the public domain the right of pre-emption, according to the requisites stated in said act, and by subsequent acts continuing in force the act of 1830, a new era was introduced on the subject of land claims to the citizens of western Louisiana. Although the legislation of Congress on the subject of public lands is as mild and beneficent as any system on earth, since the government tolerates, in the first instance, a trespass in the citizen which subsequently perfects a *title* in himself; yet, amid this mild and merciful legislation, persons are found perverting the designs of these acts to selfish and corrupt purposes. I will call your attention to a part of these acts, in order more fully to understand my subsequent statement. By the act of Congress of 1830, where two persons live on the same quarter-section, cultivate and improve it, the register and receiver are required, upon due proof exhibited to their satisfaction, to divide the quarter-section between the occupants. Independent of this, the law accords to each of them what is called a pre-emption float of eighty acres each, to be located on any unappropriated lands of the government. It will be supposed for a moment that two pre-emption floats are located as required by law. The rights of the occupants on the first quarter-section, according to the construction of the law which prevailed at the land office at Opelousas, Louisiana, have not yet ceased. The moment they make the location of their pre-emption floats, they are entitled to what is called a back concession, which is the same quantity of land as the pre-emption float itself. These two occupants of a quarter-section have that quarter-section divided equally between them. They acquire by the accident of occupancy a right to 320 acres each.

In addition to this view of the question, if men were strictly honest, it would present no avenues for imposition, frauds, or perjuries. I regret to say, because I religiously believe, that the most shameful frauds, impositions, and perjuries, have been practised upon the land office at Opelousas, Louisiana. I make no imputation upon the official conduct of Mr. King, the late register at Opelousas, nor upon the present receiver; but from my statement it will appear that they must have been most grossly imposed upon, and should have put them more completely upon their guard, so as to have guarded themselves against the wiles of notorious land speculators. I will here mention a construction of the law, which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction: two persons living on a quarter-section, or who pretend that they do, on lands not worth a cent an acre, men who can neither read nor write, men who have never seen a survey made, and know nothing about sections or quarter-sections of land, and who, in point of fact, live five, ten, and, in many instances, twenty miles apart, go before a justice of the peace, as ignorant as themselves, and swear to all the facts required by law to make their entry; this, too, in a section of country never surveyed by the authority of government, nor any competent officer thereof. Would it be believed that any officer of the government would admit an entry under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned by higher authority? Can it be possible that an entry of that kind can either be in conformity with law, justice, or right? I state, of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states positively he knows many of them to be founded upon the same corrupt perjury, persons swearing that they lived on the same quarter-section, when, in truth and in fact, they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole western district of Louisiana; and yet, since the first of January, 1835, up to the 27th of May, there have passed, at the land office at Opelousas, at least 350. And who are the owners of these floats principally? One, or not more than three speculators. Since the first of January, of this year, up to the 27th of May, day after day, week after week, I might say month after month, a

notorious speculator, and who must have been known as such to the officers of the land office at Opelousas, was seen occupying that office to the almost total exclusion of everybody else. No other person appeared to understand how to get pre-emption floats through; and no one did succeed until an event, which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society, in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them, before some justice of the peace, in some remote part of the country. These claims, to an immense extent, are presented and allowed; and upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry. And would it be believed, that the lands where these quarter-sections purported to be located, from the affidavit of the applicants, had never been surveyed by the government, nor any competent officer thereof, nor approved nor returned surveyed? I further state, that there was not even a private survey made. These facts I know; I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above. This state of things had gone on from the first of January until about the middle of April or first of May of the present year, when it was suddenly announced that a more rigid rule would thereafter be adopted; which was this: that a sworn deputy surveyor of the United States should, in all cases, make the survey, in order to ascertain if the parties were on the same quarter-section; and to testify before the register that such was the fact. Besides this, they required the applicants to produce very satisfactory evidence from their neighbors that they had cultivated and improved as stated in their notice. Pre-emption floats, when tested by this rule, were found to be very few indeed. Governments, like corporations, are considered without souls, and according to the code of some people's morality, should be swindled and cheated on every occasion. Whether such a distinction can be reconciled to either morality or law, one thing is certain, that equal protection and advantages are not afforded to all. I would further suggest to your excellency to withhold your signature from all patents when entries have been made, and consequent pre-emption floats have resulted, since the first of June, 1834, to the first of July, 1835; that James Ray, lately appointed register of the land office at Opelousas, Louisiana, and some other competent persons, be appointed a board of commissioners, to examine all the entries from which pre-emptions have resulted during the above period; that the said board of commissioners have the power to administer an oath to all persons who may appear before them desiring to make entries of land; that some qualified attorney be appointed to appear before the said commissioners to represent the interest of the government, to put cross-interrogatories to elicit the facts, whether true or false, in regard to the validity or illegality of the said claims; that this said board of commissioners shall, under the supervision of the said attorney, take down the evidence in each entry, with its consequent pre-emption floats; shall file the same with them; shall give their opinions upon each, respectively, in writing, with references to the evidence and law, and shall forward the same to the Commissioner of the General Land Office; that if said board, upon the examination of any pre-emption claims or floats, which hitherto have been allowed, are satisfied that they were passed upon the affidavit of the parties alone, without other and corroborating evidence, and if they are further satisfied that the land proposed to be entered has not been surveyed by a competent officer of the government, approved and returned to the Land Office, they shall unconditionally reject the said claims, with their consequent pre-emption floats. These suggestions are made, not with the belief that they may be adopted in the investigation that may be ordered, but simply with a hope that they might afford some aid in laying down the rules of that investigation. It may not prove so extensive a fraud, and show such gross impositions upon the officers of the government, and such glaring perjury, as did that Arkansas land speculation; yet the investigation will show enough of each to entitle this administration to the lasting gratitude and approbation of its friends in western Louisiana, as well as a majority of its political opponents.

I am, with great respect, sir, your obedient humble servant,

BENJ. F. LINTON, *District Attorney, Western District of Louisiana.*

Extract of a letter from —— Morgan to Henry H. Johnson, Esq., dated October 6, 1835.

"It is stated, and generally believed, and the receiver's books of public lands will show the fact of the case, if it is one, that spurious claims have covered all the *Atchafalaya railroad*, all the lands on the Granfete bayou, Maringin, Fordorche, Atchafalaya, Latanache bayous, something like one hundred and fifty-four miles in front, with one and a half miles deep, have been located within ninety days by different companies and different men. It may be that the law warrants such locations; there are many things make me believe there is something wrong. As to improvements, none were ever made on not over fifteen of all the one hundred and fifty or sixty miles front; and only a few surveyors and bears ever passed over them. If you believe the information worth the attention of the Patent or Land Office, you are at liberty to communicate the fact; the books, names, and surveys, can easily be examined. If the companies and individuals are acting correctly, this information can do them no harm; if incorrectly, they ought to be stopped at once. I write you this information, as there are big fish engaged in this traffic, though little ones do the business; how it is done, as yet I have not been able to learn, except by lax construing and foul swearing.

"There are yet many small claims been investigated twenty years, not approved of, and the claimants entitled to them; while a set of speculators are getting titles by proving pre-emptions by hundreds where they never were. If it is law, it is an unjust one."

WASHINGTON CITY, *January* 4, 1836.

SIR: I present herewith a number of affidavits in relation to pre-emptions obtained by Gabriel H. Tutt to the southeast quarter, Richard Tutt to the east half of the northeast quarter, and Benjamin Tutt to the west half of the northeast quarter, of section number three west, in the land district of Demopolis, in the State of Alabama. These affidavits have been taken by some of the most respectable men in the State of Alabama, and have been sent on to me for the purpose of procuring the grant of the above pre-emptions to be set aside, on the ground that they were obtained by fraud and imposition; and that this is the fact I entertain no doubt whatever. Shortly before I left Alabama I was in the immediate vicinity of the above lands, and heard a number of persons speaking of the manner in which they had been paid out; and the opinion was general, without exception, that a most shameful

and scandalous imposition had been practised upon the government. There is no doubt that all the lands mentioned were paid out at the instance and for the benefit of James B. Tutt; a man, to *my knowledge*, of notoriously bad character. Gabriel H. Tutt, as the affidavit shows, is a citizen of Greene county, (the county in which I reside myself,) and I know him well, and that he never did reside on the quarter-section paid out in his name, or near it; his residence in Greene county being at least fifteen or twenty miles from the land paid out in his name. Richard Tutt and Benjamin Tutt are, I believe, both *public paupers* and have been so for years—I *am confident* as to one, and am satisfied in my own mind as to the other. I have known them for several years; they have lived in Greene county, and have been supported at the charge and expense of the county. Neither of them, as the affidavits show, have resided on the lands since they were paid out; and Richard Tutt was not on the land paid out in his name until January 1834, and had no improvements whatever in 1833.

I know several of the persons by whom the accompanying affidavits were made, and know them to be men of honesty and integrity. Among the affidavits there is one made by R. Eskridge, in relation to the time at which a man named Brown came to the State of Alabama and went to live with James B. Tutt. If I mistake not, Brown's affidavit was procured and relied on, in paying out these lands; and the object of Eskridge's affidavit, if I understand it, is to show that Brown swore to what he could have known nothing about. It will be observed that Mr. Eskridge, in his affidavit, does not mention the year particularly, but only the month. It is obvious, however, that he meant the year 1834, as that was the year the affidavit was taken. I have written to Alabama to have his affidavit taken over, so as to ascertain the time of Brown's coming to Alabama explicitly.

If, after examining the accompanying affidavits, a doubt should remain as to the fraudulent and improper nature of the transactions they are intended to expose and have set aside, I feel authorized to say, from the high character of the persons who have undertaken the task of having the matter investigated, that upon that doubt being made known by the department, ample additional evidence will be produced to remove it. I feel bound to state, in justice to the gentlemen who have interested themselves in the matter, that they do not pretend to set up any claim whatever to the land, and I am not aware that they have the slightest pecuniary interest in the matter; a shameful fraud, as they honestly believe, has been committed in their immediate neighborhood, and they have come forward to expose and defeat it.

If reckless and unprincipled men can succeed in cheating and defrauding government, by appropriating and securing to their own use public land at the minimum price, under acts of bounty and benevolence, passed for the benefit of honest, enterprising, and industrious settlers, corruption and venality must and will become the order of the day, wherever there is a quarter-section of public land left worth contending for; and it is greatly to be feared that this has become too much the case already. May I ask to be informed of any steps taken by the department in this matter, as early as convenient?

I have the honor to be, your servant, JNO. ERWIN.

Hon. ETHAN A. BROWN, *Commissioner, &c.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Jacob Danner, of said county, who, being sworn, deposes and says that he lived on section 3, township 19, range 3, west, in 1833, and is well acquainted with said section of land, and that one James B. Tutt cultivated and claimed the northeast and southeast quarters of said section of land in 1833, and that no other person, except the said James B. Tutt, cultivated on said quarter-section of land during the year 1833; that one Richard Tutt moved on the northwest quarter of said section about the last day of January, 1834, and that one Austin Prestwood now lives on the southwest quarter of said section, the same this deponent resided on in 1833, and that they, the said Prestwood and Richard Tutt, are the only persons who now reside on said section, and that the said Richard Tutt neither had any improvement or cultivation on said section of land in 1833, either by himself or agent; and he further saith that the said James B. Tutt and the said Richard Tutt are the only persons of that name who reside on or cultivate said section of land.

JACOB DANNER.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, A. D. 1834.

[L. S.] DANIEL WOMACK.

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Marshall Hitt, of said county, who, being duly sworn, deposes and says that he is acquainted with section 3, township 19, range 3, west; that James B. Tutt has a cultivation on the northeast and southeast quarters of said section of land, and that Austin Prestwood lives on the southwest quarter of said section, and has ever since the fall of 1833; that one Richard Tutt settled on the northwest quarter of said section about the last days of January, 1834, and had no cultivation thereon or improvement in 1833, and that the said Richard Tutt is the only person of that name who resides on said section, or ever has resided on said section.

MARSHALL HITT.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, John Hall, of said county, who, being duly sworn, deposes and says that he is acquainted with the number of section 3, township 19, range 3, west, and that one James B. Tutt cultivates on the northeast and southeast quarters of said section, but resides on section 2 of same township and range; that Austin Prestwood resides on the southwest quarter of said section 3, and that one Richard Tutt settled on the northwest quarter of said section 3, he believes, about the last days of January, 1834, and that he, the said Richard Tutt, had no improvement or cultivation thereon in 1833; and that the said Prestwood and Richard Tutt are the only persons who reside on said section, or have resided thereon for the present year.

JOHN HALL.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

I do hereby certify that I am personally acquainted with the men that have signed the nine attached certificates, and that they are all men of good standing in their settlements.

DANIEL WOMACK.

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, William Hall, of said county, who being duly sworn, deposes and says that he knows section three, township nineteen, range three, west, and that one James B. Tutt cultivates on said section, but does not live on the same, and cultivated the same in 1833, and that one Richard Tutt settled on the same section since the first day of January, 1834, he believes about the last day of January last, and that he, the said Richard Tutt, is the only person of the name who resides on the said section, and that there is a house on said section, said to be Gabriel Tutt's; that no person named Gabriel Tutt has ever resided on the same, but that he, the said Gabriel Tutt, resides in Greene county, and never has cultivated on said section to the knowledge of this deponent.

WILLIAM HALL.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificates, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Wade R. Thomas, who, being duly sworn, deposeth and saith that he is acquainted with section three, township nineteen, range three, west, and that James B. Tutt cultivated on the northeast and southeast quarters of said section in 1833, and that he, the said James B. Tutt, was the only person named Tutt who claimed and cultivated on said section in 1833, subsequent to the middle of May; that one Richard Tutt settled on the northwest quarter of said section, between the first of January and the first of March, 1834; and that he, the said Richard Tutt, is the only person named Tutt that now resides on the said section of land.

W. R. THOMAS.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace of said county, Richard Eskridge, of said county, who, being duly sworn, deposes and says that he is acquainted with one Jubia Brown, who now resides with James B. Tutt, of the aforesaid county, and that he was formerly a resident of the State of Kentucky, and that he never moved to the county of Sumter till about the first day of April, and that about the 20th of April, he, the said Brown, commenced living with the said James B. Tutt, in the aforesaid county.

R. ESKRIDGE.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally appeared before me, Philip S. Glover, an acting justice of the peace for said county, Jacob Simms, of said county, who, being duly sworn, deposes and says, that he lives on the adjoining section to section three, township nineteen, range three, west, and is somewhat acquainted with said section three, &c.; that James B. Tutt claimed the southeast quarter of said section, and that Richard Tutt resides on the northwest quarter; that he, the said Richard Tutt, settled on the same about the last days of January, 1834, and had no improvement or cultivation in 1833, either by himself or agent, and that no other person named Tutt ever has lived or cultivated on said section of land.

JACOB SIMMS.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Austin Prestwood, of said county, who, being duly sworn, deposes and says, that he lives on the southwest quarter of section 3, township 19, range 3, west, and is well acquainted with said section of land, and that one James B. Tutt, of the same county, cultivated, in the year 1833, on the southeast and northeast quarters of said section of land, and that no other person except the said James B Tutt cultivated the said quarter-sections of land; and he further deposes and says, that there is a house on the southeast quarter of said section, claimed, as he is informed, by one Gabriel Tutt, and that there is no further improvement, and that the said Gabriel Tutt resides in Greene county, as he is informed; that he, the said Gabriel Tutt, does not reside on said section of land; and that he, the said Gabriel Tutt, has never cultivated said land, either by himself or his agent; and this deponent further saith, that one Richard Tutt resides on the northwest quarter of said section of land, and that he, the said Richard Tutt, settled on the same about the last days of January, 1834; and that the said Richard Tutt had no improvements on said section of land in 1833, either by himself or his agent.

AUSTIN PRESTWOOD.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Lexington, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

24TH CONGRESS.] No. 1467. [1ST SESSION.

ON A CLAIM TO A BOUNTY LAND-WARRANT.

COMMUNICATED TO THE SENATE, MARCH 11, 1836.

Mr. KING, of Georgia, from the Committee on Private Land Claims, to whom was referred the memorial of Eliza Causin and Ann Turner, heirs and representatives of the late Colonel John H. Stone, reported:

That this claim has been several times referred to committees which have concurred in acknowledging the great merit and services of the late Colonel John H. Stone, but have differed upon the propriety of affording the relief prayed by his heirs. For a fuller view of the claim than the committee think it necessary here to present, they refer to document 379, 23d Congress, 1st session, and to document 50, 23d Congress, 2d session.

Colonel Stone resigned his commission in August, 1779, and it is not pretended that he was strictly entitled, under any of the resolutions of Congress passed for the benefit of such officers as should continue in service to the end of the war. But it is insisted that the great merit of the officer, and the laudable and patriotic motive which induced his resignation, should give to his heirs the benefit, at least, of the resolutions of the 15th May, 1778, and of the 16th September, 1776, which said resolutions were in existence at the time of his resignation. By the resolution of the 15th May, 1778, it was resolved as follows: "That all military officers, commissioned by Congress, who now are or hereafter may be in the service of the United States, and shall continue therein during the war, and not hold any office of profit under these States, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one half of the present pay of such officer," &c.

It appears from the evidence before the committee, that Colonel Stone was appointed auditor by the State of Maryland immediately on his resignation; and therefore could not have claimed the benefit of the said resolution, even if he had continued in service to the end of the war.

The resolution of September, 1776, would have entitled Colonel Stone to a bounty of 500 acres of land, if he had continued in service to the end of the war, in terms of said resolution. And the committee have felt

strongly inclined to recommend thus far the relief which seems to be expected by the petitioners; but when the committee considered the great number of meritorious officers who resigned during the war, after doing good service to their country, the delicacy of distinguishing between the merits of such officers, and consequently the great number of claims to which relief, in this case, would give rise; and when they considered further, that all extra pay or military bounty is in its very nature personal; and all claims for it by heirs, much weaker than that of the ancestor, they have thought it inexpedient to make a special exception, even in favor of the descendants of the brave and patriotic Stone.

The committee more readily come to this conclusion, as an unfavorable report was made on the claim at the last session by the Committee on Revolutionary Claims, to whom the subject was more properly referred. And the same committee made an unfavorable report at the present session on the petition of William K. Johnson, executor of George Evans, upon a claim of a character similar to the claim under consideration. (See document 143.) The committee, therefore, propose the adoption of the following resolution:

Resolved, That the prayer of the petitioners be rejected.

24TH CONGRESS.] No. 1468. [1ST SESSION.

REMONSTRANCE OF CITIZENS OF ARKANSAS AGAINST THE CONFIRMATION OF THE SPANISH GRANT OF LAND TO CARLOS DE VILLEMONT.

COMMUNICATED TO THE SENATE, MARCH 11, 1836.

To the Honorable the Senate and House of Representatives of the United States:

The memorial of H. F. Walworth, B. L. Miles, and others, respectfully showeth: That your memorialists and other citizens of the United States and of the Territory of Arkansas, feel themselves much interested in a portion of what they conceive to be the public lands of the government within the said territory, but which is claimed by certain individuals under a pretended Spanish grant to a certain Carlos de Villemont.

Your memorialists and other citizens, many years ago, encouraged by the pre-emption laws of the United States, believing that the title to this land had passed to the United States, and finding it unoccupied, and as far as they had any opportunity of knowing, unclaimed, made their settlements and improvements thereon, at great labor and expense, and subjected themselves to all the hardships incident to a new settlement; and now that they find themselves established in comfortable homes, and improved plantations, with every prospect of having their titles to the land they thus occupy confirmed according to the provisions of the laws under which they were invited to improve them, they learn that an old stale claim under a Spanish paper, dated in 1795—which never had been followed by any possession on the part of the grantee, nor even surveyed, or in any manner recognized by the Spanish government, at the time of the cession of this territory to the government of the United States, but which, if it ever gave any right to the grantee, gave only the right to do certain acts within a limited time, in order to obtain thereby a title to the land, no one of which acts ever was done, so as to impose any obligation upon either the Spanish or American government to grant the said land to the person named in the said paper—hath been set up by certain speculators or purchasers of the said pretended title, to defeat the just rights of your memorialists and of the public.

Your memorialists state that, although under a former commission to report on the validity of Spanish grants, this claim was rejected, yet it hath at last, by dint of importunity, and without a full and sufficient opportunity given to your memorialists to contest it, received a favorable report from the commissioners now acting under the authority of Congress in reporting on those grants.

This concession, as it is called, with the approval of the said commissioners, appears in the report of claims acted on by them, and reported to the last session of Congress, recommending that it be confirmed for two leagues in front by one league in depth, without any survey having been made, or any particular and definite location being given to it, or any principle established by which its location can be fixed; so that your memorialists are utterly at a loss to know what particular portions of land may be covered by the claim; the terms of description used in the paper being so loose and indefinite, as to create alarm and apprehension among all the occupants of the public lands in that part of the territory; so that your memorialists would contend, if there were no other objections to the paper, and if it were in fact a grant regularly issued, that it was void for uncertainty. It does not describe the land so that it could be located; it being entirely uncertain whether it was to be on the island of Chicot, or on either or which side of the river, and, no doubt, was thus vaguely, purposely expressed, that the party in whose favor it was executed might select the location he preferred—the paper being not a grant, but a mere promise to grant thereafter, if the party should comply with the prescribed conditions within the limited time, establish himself upon the land, and exhibit a plat and certificate of survey. These are the express terms of the paper which has been thus recommended to be confirmed, and it is not pretended that at the time of the cession any such possession had been taken, or location selected, or survey made, although the paper bears date in 1795, and one of the conditions was required to be performed "in the peremptory term of one year," and the whole to be null, if the land should not be established "at the expiration of the precise term of three years."

As to the performance of these conditions, some proof was attempted to be offered to the commissioners of a settlement by Villemont, prior to 1803, and his having an agent there in that year; but this was contradicted by two of the claimant's own witnesses, Vaugine and Bougy, who swear that there could be no settlement there till 1803, on account of the hostility of the Indians. Opposed to this contradictory evidence on the part of the claimants, your memorialists are prepared with abundant and undoubted evidence, to show that neither De Villemont, nor any of his agents or family, attempted a settlement at Point Chicot, until 1810 or 1811; that for years after

the cession to the United States, he never imagined that this paper, under which he had leave to establish himself upon the land, the precise location of which he was to determine, and which he knew he had never done an act to entitle himself to, could be set up against the United States as a grant which, under the cession, they were bound to acknowledge. It was not until then, upon some suggestion, no doubt, from persons who supposed that something might be made out of the claim, that he was seen to make his first movement toward complying with the conditions on which he was to be allowed a grant by the Spanish government, or to set up any pretensions to a title under this antiquated paper.

The commissioners say, in their report, that this claim ought to be confirmed according to the concession, reference being had to the opinion of Judge Smith, as afterward sustained by the decision of the Supreme Court of the United States, in the case of Arredondo and others against the United States.

Your memorialists are advised that there is nothing in the case thus referred to, that can give any sanction to this claim. On the contrary, the principles there decided will show that this concession can have no validity.

In the case of Arredondo, it was held by the court that, at the date of the Spanish treaty, the time for fulfilling the conditions of the grant had not expired; that the eighth article of the treaty provided that in all cases further time should be allowed the grantees to fulfil the conditions, equal in extent to the time originally allowed them by the terms of the concession from the Spanish government; and further, that the performance of the conditions was rendered impracticable after the cession of the lands to the American government, so that the grantees could not be held, in a court of equity, to have forfeited their title by the non-performance of the conditions.

In the present case, not one of these grounds for sustaining the claim by an extension of the time of performing the conditions, or dispensing with the performance, can be found.

The concession was dated in 1795, limiting the time of performing the conditions to one and three years. Spain retained the dominion of the country for five years; so that at the time of the cession to France, the year 1800, it had become null and void by its terms. While France retained the dominion of the country, nothing was done to perform the conditions, or to obtain any recognition by that government of the validity of the concession.

In 1803, therefore, when the lands were ceded to the United States, there could be no original Spanish claim which had become more entirely extinct; and if this should be confirmed, there can no doubt be found hundreds of others which had been extinguished, equally entitled to be revived.

But if the time for performing these conditions had not expired in 1803, still there would be no such provision for extending that time as is contained in the eighth article of the Florida treaty.

And again, if there was, and the United States could be considered as in any manner bound to allow the grantee the same time originally provided in the original concession for the performance of the conditions, that is, one and three years from the time of the cession, that time, thus extended, having expired from 1803, before the grantee complied with the conditions, would again and equally nullify the claim.

The remaining ground taken in the case of Arredondo is also inapplicable here. There, the conditions were, the removal and establishing on the lands, two hundred Spanish families; and this was held a condition rendered impossible or immaterial after the treaty brought the lands within the dominion of the United States, so that the title of the grantees could not be forfeited when the grantor had, by the cession of the territory to another power, virtually dispensed with the condition of the grant.

But here the condition was, that the grantee should take possession, establish and improve the land, and return a survey and plat. De Villemont, after 1803, might have done this. His own proof shows that there were then no hostile Indians, nor any other pretext for delaying the performance of these conditions. Had he remained in the territory after 1803, and—claiming to be excused for not entering upon, designating, and improving the lands before then, on account of the hostility of the Indians—proceeded then to fulfil the terms of the concession by taking possession, procuring a survey, and claiming the confirmation of his title, he might possibly have been enabled to show some claim to have his pretensions fairly considered.

But if, instead of this, on the cession and the establishment of the American government in the territory thus acquired, he retires within the Spanish government in Florida, (as can be proved to have been the case,) makes no claim under this expired concession, nor any effort to take possession of the lands, and so remains in the Spanish dominions until 1809 or 1810, how can he, or those who claim under him, expect to be listened to when they attempt to set up this doubly-extinguished and long-abandoned concession?

Your memorialists therefore object to the confirmation of this paper—

1st. Because it is vague and indefinite in its terms, and instead of having that reasonable certainty required to the validity of a grant, is not susceptible of location;

2d. Because the limitation for the performance of the conditions had expired before the cession from Spain in 1800; and

3d. Because, on the acquisition of the territory by the United States in 1803, the grantee, instead of making his claim and attempting to perform the conditions, abandoned the country and his claim.

Your memorialists, therefore, trust that an obsolete and abandoned claim, under a paper requiring a fulfilment of its terms, and looking to a completion of title on such fulfilment in 1790, and declared to be null if by that time no such fulfilment should appear, shall no longer be allowed to interfere with the just rights of your memorialists, and the interest and policy of the government in the settlement, sale, and improvement of the public lands.

These lands, your memorialists beg leave to state, were surveyed as other public lands, in the year 1823; and some portions which have been supposed to lie within what are understood to be claimed as the limits of this pretended grant, have been sold and patented by the government. On other portions of the land so understood to be claimed, many citizens of the United States have been long settled; many ever since the survey in 1823, and many long before; and the improvement and settlement of this part of the territory is greatly retarded by the doubts necessarily existing as to the ultimate disposition of these lands.

They therefore respectfully ask that this claim be rejected, and the lands declared open for sale and entry, according to the provisions of the land laws of the United States.

They present herewith certain depositions which they had no opportunity of laying before the commissioners, and will be prepared to sustain the statements herein made by other evidence, if required.

HORACE F. WALWORTH,
BENJ. L. MILES,
And others.

Depositions.

The deposition of John A. Holton, taken at the office of Lewis Madison, in the city of Louisville, to be read before the Congress of the United States, in support of a remonstrance of Horace F. Walworth against the claim of Don Carlos de Villemont to a tract of land on Point Chicot, in the Territory of Arkansas, the deponent being sworn to tell the truth and nothing but the truth.

Being interrogated, he states that his first acquaintance at Point Chicot was in 1809, but he had been down the river in 1808, but does not recollect anything of Point Chicot until July or August, 1809. I landed the barge Eliza, then in distress, on account of the sickness of the crew, and remained twenty-nine days. There was a settlement or a house built on the bank, I think a log-cabin, occupied by a Spaniard named Malbrough; it being the only settlement on the point, with the exception of one, about a mile lower down the river. I thought it was a very recent settlement, and was confined to a small rail fence around the cabin. I do not know that they raised anything. It is my impression that they did not. It was a small cabin. I thought the Spaniard appeared to live by hunting, and trading with boats passing up and down the river. I did not see the settlement said to be about a mile below the Spaniard's, but was told by the men on my boat that it was occupied by an Englishman. I understood it was such a settlement as Malbrough's, and not a plantation or place under cultivation. And further this deponent saith not.

JOHN A. HOLTON.

STATE OF KENTUCKY, *Jefferson County, ss.:*

The foregoing deposition of John A. Holton was this day taken, subscribed, and sworn to, by the said John A. Holton, before the undersigned, a justice of the peace for said county, and one of the judges of the county court of Jefferson county.

The deponent was examined, cautioned, and sworn, and his deposition wholly written by me, at the time and for the purpose stated in the caption thereof.

Given under my hand, this 18th day of February, 1836. LEWIS MADISON, *J. P. J. C.*

I have sealed and addressed this deposition to the Congress of the United States.

LEWIS MADISON.

TERRITORY OF ARKANSAS, *County of Chicot:*

Personally appeared before me, an acting justice of the peace, Henry Baker, of lawful age, who, being duly sworn, deposeth that, in the year of 1809, about the month of February, he cut and put in a raft of timber of cypress-trees, on section 24, township 155, 1 west, and section 18, township 15, 1 east, and the intermediate fractions of section 13, 1 west, as now appears from public surveys, now made, and further states that there were no settlements on what is now known as Point Chicot, except John Baptist, alias Malbrough, alias Daigle, and Joseph Huttsel, who were living upon what is now known as sections 4 and 5; and there were no other settlements between the mouth of White river and the mouth of the Yazoo, and the said Malbrough, alias Daigle, and Joseph Huttsel, lived in picket camps; and neither of those settlers were known or surmised as agents of Don Carlos de Villemont; and the deponent further states that there were no road or roads from Point Chicot to the post of Arkansas, and there is not to this day any public road from Point Chicot to the post; and the deponent further states that he was acquainted on the river as early as 1805, and that there was no serious danger to be apprehended from the Indians. And further deponent saith not.

his
HENRY × BAKER.
mark.

Sworn to, and subscribed before me, this 24th day of November, 1835.

JAMES BLAINE, *J. P.*

TERRITORY OF ARKANSAS, *County of Chicot:*

I, James Blaine, clerk of the circuit county court, and ex-officio recorder within and for the county aforesaid, do hereby certify that James Blaine, whose name is subscribed to the annexed affidavit, as the officer before whom the same was made, is, and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due and ought of right to be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 24th day of November, A. D. 1835, and of the independence of the United States the sixtieth.

[L. S.] JAMES BLAINE, *Clerk.*

UNITED STATES OF AMERICA, *Territory of Arkansas, County of Chicot:*

Personally appeared before me, an acting justice of the peace for the county of Chicot, Joseph Egg, who, being duly sworn, deposeth that he commenced ascending and descending the Mississippi, in 1804, as a bargeman, and continued as a bargeman regularly until 1808, and says that there was no improvement or settler at Point Chicot, or, to the best of his knowledge, there was no improvement from the mouth of the St. Francis to the Yazoo.

JOSEPH EGG.

Sworn to, and subscribed before me, an acting justice of the peace for Chicot county, this 20th day of July, 1835.

[L. S.] W. P. REYBURN, *J. P.*

UNITED STATES OF AMERICA, *Territory of Arkansas, County of Chicot:*

Personally appeared before me, an acting justice of the peace for the county and Territory aforesaid, Isaac Moore, who, being duly sworn, says that, in October, 1811, his father, as the agent of Don Carlos de Villemont, settled at Point Chicot; that, at the time of the arrival of his father, Amos Moore, at Point Chicot, there appeared to have been a small improvement of about a half acre, which appeared to have been made about one year; and that his father, Amos Moore, remained there until 1819; and further deponent saith not.

ISAAC MOORE.

Sworn to, and subscribed before me, a justice of the peace for the county and Territory above written, this 21st day of October, A. D., 1834.

W. P. REYBURN, *J. P.*

TERRITORY OF ARKANSAS, *County of Chicot:*

I, James Blaine, clerk of the circuit and county courts, and ex-officio recorder within and for the county aforesaid, do hereby certify that William P. Reyburn, whose name is subscribed to the foregoing affidavit, as the officer before whom the same was made, is, and was at the time of taking the same, an acting justice of the peace within and for the county aforesaid, duly commissioned and qualified, and that full faith and credit are due, and ought of right be given, to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 24th day day of November, in the year of our Lord one thousand eight hundred and thirty, and of the independence of the United States the sixtieth.

[L. S.] JAMES BLAINE, *Clerk, &c.*

The deposition of Gabriel Winter, taken in the city of Louisville, State of Kentucky, on the 30th day of September, 1835, before Gabriel J. Johnston, a justice of the peace and judge of the county court of Jefferson county, in the State of Kentucky, to be read as evidence before the Congress of the United States, in support of the remonstrance of Horace F. Walworth against the confirmation of the claim of Don Carlos de Villemont, to a tract of land on Point Chicot, in the Territory of Arkansas.

The deponent, being of lawful age, and first duly sworn, deposes and says, that he was at the post of Arkansas, in the spring of 1798, and was well acquainted with Don Carlos de Villemont, (who was the military commandant of said post, and a captain in the service of his Majesty, the King of Spain.) He frequently heard said Don Carlos de Villemont speak of a grant which he had for a tract of land at Point Chicot, on the Mississippi river, situated immediately below a large cypress swamp or bend, having a front of two leagues by one league in depth; that in the spring of 1803 he was on said land, and there was not at that time any appearance of improvement on the said point, nor did he, at any time up to that period, understand that any improvements had been made, nor was there any roads, leirs, house, or inhabitants, on the said river, between Little prairie and the Walnut hills; that in 1809, the said Villemont informed him, (the deponent,) in New Orleans, that he was then going up to make a settlement and live upon said land. Deponent further states that, in his opinion, and to the best of his recollection, there was no improvement made on said land previous to 1809; and further saith not.

GAB. WINTER.

STATE OF KENTUCKY, *Jefferson County, ss.:*

I, G. J. Johnston, a justice of the peace and one of the judges of the county court of said county, do hereby certify that the foregoing deposition of Gabriel Winter was reduced to writing by me, in the presence of said Winter, and having been carefully read over by me to him, was then subscribed and sworn to by him in my presence, at the time and place, for the purpose stated in the caption thereof.

Given under my hand and seal, this September 30, 1835.

[L. S.] G. J. JOHNSTON, *J. P. J. C.*

I, Worden Pope, clerk of the county court of Jefferson county, in the State of Kentucky, and keeper of the seal of said county, do certify that G. J. Johnston, esq., who has signed the above certificate, was, at the date thereof, an acting justice of the peace in and for said county, duly commissioned and sworn, and that full faith and credit are due to all his official acts.

In witness whereof, I have hereto set my hand and the said seal, this 7th day of December, 1835, and in the 44th year of the commonwealth.

[L. S.] WORDEN POPE.

ST. LOUIS, *October* 4, 1813.

Carlos de Villemont, claiming two leagues of land in front by one league in depth, situate at fifteen miles below the mouth of Arkansas, on the Mississippi, at a place called Island of Chicot, produces concession from Baron Carondelet, dated 17th June, 1795.

Joseph Bougy, duly sworn, says that, in 1795, claimant proposed to witness to settle on this tract, promising to give him the choice of situations on it, a tract for his own use; witness declined, on account of the supposed danger from the Indians. Indeed, the neighboring Indians were at that time so hostile as to render it unsafe—they often committed outrages, even in the village. Claimant was known as a Spanish officer, and commandant of the post of Arkansas, from the year 1794 till 1802. The danger from the Indians continued until the year 1803.

Francis de Vaugine, duly sworn, says that the Indians continued so unfriendly, or rather, hostile, as to make it altogether unsafe to settle at the Isle of Chicot, till the year 1803.

SATURDAY, *November* 1, 1834.

The board met, pursuant to adjournment. Present: F. R Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

Carlos de Villemont, claiming two leagues of land in front by one league in depth, situate at Point Chicot, (see record-book F, page 1; Bates's minutes, page 58; Bates's decisions, page 24,) produces a paper purporting to be an original concession from the Baron de Carondelet, governor general of Louisiana, dated 17th June, 1795.

M. P. Leduc, duly sworn, says that the signature to the concession is in the true handwriting of the said Baron de Carondelet.

Adjourned until Monday next, at nine o'clock, A. M.

F. R. CONWAY,
JAMES S. MAYFIELD,
JAMES H. RELFE.

TUESDAY, *December* 2, 1834.

The board met, pursuant to adjournment. Present: F. R. Conway, J. H. Relfe, and J. S. Mayfield, commissioners.

In the case of Carlos de Villemont, claiming two leagues in front by one league in depth. (See book No. 7, page 62.)

Pierre Chouteau, senior, duly sworn, says, that the signature to the concession is in the true handwriting of

the Baron de Carondelet; that he, Chouteau, first became acquainted with said De Villemont in the year 1776 or 1777; that he knows that said De Villemont was captain in the Spanish service; that, in 1802, witness, going down to New Orleans in a boat, stopped at the mouth of Arkansas river, having some business to transact with Joseph Bougy, senior, who lived at the post of Arkansas; that said Bougy told witness that De Villemont (who was Bougy's son-in-law) had made a settlement at Point Chicot; that witness, on his return in the summer of 1803, stopped at Point Chicot, expecting to meet with De Villemont, but De Villemont had gone down to New Orleans; that his agent, living at Point Chicot, gave witness vegetables of all kinds, poultry, &c.; that the improvements witness saw consisted of log-houses and gardens—he did not see any fields—they might have been further in the interior; the houses, as well as he can recollect, had the appearance of having been built two or three years before.

Witness further says, that he was well acquainted with Joseph Bougy, senior, who testified in this case before Recorder Bates, that said Bougy, senior, was a man of good character, known by everybody for a man of veracity, and who could be relied upon.

Witness further says, that the De Villemont family resided on said place, but does not know how long.

Adjourned until to-morrow, at nine o'clock, A. M.

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

WEDNESDAY, *December* 3, 1834.

The board met, pursuant to adjournment. Present: F. R. Conway, J. S. Mayfield, and J. H. Relfe, commissioners.

253. Carlos de Villemont, claiming two leagues in front by one league in depth. (See No. 7, page 62.)

The board are unanimously of opinion that this claim ought to be confirmed to the said Carlos de Villemont, or to his legal representatives, according to the concession, reference being had to the opinion of Hon. Joseph L. Smith, judge of the superior court for the district of East Florida, as afterward sustained by the decision of the Supreme Court of the United States, in the case of Arredondo and others, against the United States.

The board adjourned until to-morrow, at ten o'clock, A. M.

F. R. CONWAY,
JAMES H. RELFE,
JAMES S. MAYFIELD.

RECORDER'S OFFICE, *St. Louis, Missouri, April* 9, 1835.

The foregoing is truly extracted from the minutes of record in this office.

F. R. CONWAY, *Recorder of Land Titles.*

Opinions of the Recorder of Land Titles.

Warrant or order of survey.	Survey.	Notice to recorder.	Land claimed.	Where situated.	Possession, inhabitation, or cultivation.	Opinions of the recorder.
Baron Carondelet, June 17, 1795.	Special location.	Carlos de Villemont.	Two leagues in front by one league in depth.	Opposite Isle Chicot, 15 miles below mouth of the Arkansas river.	Danger from Indians prevented settlement.	Not confirmed, conditions not complied with, F. P. 1.

RECORDER'S OFFICE, *St. Louis, Missouri, October* 18, 1830.

I certify that the foregoing is truly extracted from the decisions of Frederick Bates, esq., (then recorder of land titles,) on land claims, since the adjournment of the board of commissioners for adjusting claims to land, as appears in book No. 2, page 24, in this office.

F. R. CONWAY, *Recorder of Land Titles.*

FORT ST. ESTEVAN, (ST. STEPHEN,) *Arkansas, May* 10, 1795.

To the Governor General:

Don Carlos de Villemont, captain in the regiment of infantry of Louisiana, civil and military commandant of the post of Arkansas and its districts, with due respect states to your lordship that, wishing to establish a plantation and a stock farm, in order to supply the consumption of this post, in which the scarcity of horned cattle is so great that, during many months in the year meat cannot be procured, although it is an indispensable article to life, he supplicates your lordship to be pleased to grant to him a tract of land of two leagues in front by one league in depth, to be comprised within parallel lines, in the place called Chicot island, at the distance of twenty-five leagues below the mouth of Arkansas river; the cypress swamp of Chicot island is to serve as upper limit; a favor which he expects to receive of your lordship's benevolence.

CARLOS DE VILLEMONT.

NEW ORLEANS, *June* 17, 1795.

The surveyor general of this province, or one appointed by him, shall put this party (the petitioner) in possession of the tract of land, of two leagues in front by one league in depth, which he solicits, in the place designated in the foregoing memorial, provided they are vacant and do not cause prejudice to any one, under the

express condition to make the road and regular clearing in the peremptory term of one year; and this concession to be null if, at the expiration of three (years) the said land should not be established; during which time, it shall not be alienable. Under which conditions, the plat and certificate of survey shall be made out in continuation, in order to provide the interested with the corresponding title in form.

EL BARON DE CARONDELET.

Registered.

ST. LOUIS, *November* 9, 1833.

Truly translated from a copy of the records, certified by F. R. Conway, recorder of land titles.

JULIUS DE MUN, *T. B. C.*

24TH CONGRESS.] No. 1469. [1ST SESSION.

APPLICATION OF KENTUCKY FOR LAND TO OFFICERS AND THOSE WHO SERVED IN THE LATE WAR WITH GREAT BRITAIN LESS THAN FIVE YEARS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1836.

RESOLUTIONS for the benefit of the commissioned officers of the United States army, who served in the last war with Great Britain.

Whereas, the non-commissioned officers and privates of the United States army who served in the last war with Great Britain, have received from the bounty of the national government suitable portions of public lands as a just reward for their many perils and privations, as a resting-place and a home, while the commissioned officers and soldiers who served for a less term than five years, of that army, who braved the same perils, and suffered the same privations, had the mortification to find themselves disbanded, at the close of the war, without any such remuneration: And whereas, there still remains a large portion of the national domain unappropriated, which, it is believed, cannot be devoted to a more laudable purpose than furnishing homes for the declining age of those who have given so much of their youth and manhood to its glory and defence: Therefore,

Be it resolved by the general assembly of the commonwealth of Kentucky, That our senators in Congress be instructed, and our representatives requested, to exert themselves in procuring the passage of a law of Congress, to place the commissioned officers and soldiers who served for a less term than five years in the United States army, who served in the last war with Great Britain, on a just equality with the soldiers of that army, in the distribution of the public lands, due regard being had to their relative rank.

And be it further resolved, That his excellency the lieutenant and acting governor be, and he is hereby requested to transmit a copy of the above preamble and resolutions to each of our senators and representatives in Congress.

JNO. L. HELM, *Speaker of the House of Representatives.*

W. B. BLACKBURN, *Speaker of the Senate.*

Approved, February, 1836.

J. T. MOREHEAD.

By the lieutenant and acting governor.

WM. OWSLEY, *Secretary.*

24TH CONGRESS.] No. 1470. [1ST SESSION.

APPLICATION OF LOUISIANA FOR THE ESTABLISHMENT OF A NEW LAND OFFICE AT NATCHITOCHES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1836.

Resolved by the senate and house of representatives of the State of Louisiana, in general assembly convened, That our senators in Congress be instructed, and our representatives requested, to use their best exertions in Congress to procure the passage of a law establishing a land office at Natchitoches, to be named the "Red River Land Office."

And be it further resolved, That the governor of the State transmit copies of these resolutions to our senators and representatives in Congress.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*

C. DERBIGNY, *President of the Senate.*

Approved, January 26, 1836.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1471. [1ST SESSION.

APPLICATION OF LOUISIANA FOR AN INCREASE OF THE COMPENSATION OF THE OFFICERS ATTACHED TO THE LAND OFFICES IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 11, 1836.

Resolved by the senate and house of representatives of the State of Louisiana, in general assembly convened, That our senators in Congress be instructed, and our representatives be requested, to use their best exertions to effect the passage of an act of Congress, increasing the salaries of the different officers of the United States attached to the land offices of this State, on the grounds of the entire inadequacy of the compensation now allowed to those officers, and further allowing additional sums to the surveyors general of Louisiana, to enable the employment of an increased number of extra clerks, which is deemed indispensably necessary.

And be it further resolved, That the governor of this State be requested to forward copies of the foregoing resolution to each of our senators and representatives in Congress, without delay.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
C. DERBIGNY, *President of the Senate.*

Approved, January 26, 1836.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1472. [1ST SESSION.

CONSTRUCTION OF THE PRE-EMPTION LAWS OF MAY 29, 1830, AND JUNE 19, 1834.

COMMUNICATED TO THE SENATE, MARCH 14, 1836.

TREASURY DEPARTMENT, *March* 14, 1832.

SIR: In compliance with a resolution of the Senate of the 9th instant, I have the honor to transmit a communication from the Commissioner of the General Land Office, together with copies of the instructions issued from the Land Office, for the purpose of carrying into effect the act of the 29th May, 1830, and 19th June, 1834, containing the information required by the resolution.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. M. VAN BUREN, *Vice President of the U. S., and President of the Senate.*

GENERAL LAND OFFICE, *March* 11, 1836.

SIR: Having been requested by you to report on the subject of the resolution of the Senate of 9th instant, which is in the following words, viz.: "*Resolved,* That the Secretary of the Treasury inform the Senate whether the acts of Congress, granting rights of pre-emption to settlers inhabiting and cultivating the public lands at certain periods, have been so construed as to extend to such of the public lands as had been offered for sale and were subject to entry at private sale, and if so, to communicate such instructions to the Senate," I have the honor to state, that the act of Congress, passed the 19th June, 1834, entitled, "An act to revive the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved May 29, 1830," extends its provisions, in terms, to all public lands except such as have been reserved or appropriated, and that the provisions have been construed to extend to lands which had been offered at public sale, and subject to private entry at the date of the act, and also to lands which should be offered at public sale at any period during the two years to which its operations are restricted, provided that pre-emptions to lands offered at public sale within such term, shall be satisfactorily proved and paid for before the day appointed by the President's proclamation for the commencement of the public sale of lands, including the tract or tracts on which such right of pre-emption is claimed.

Herewith are submitted copies of the printed instructions emanating from this office in order to carry into effect the acts of the 29th May, 1830, and 19th June, 1834, on the subject of pre-emption rights, papers marked A, B, C, and D.

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

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A.

[Circular.]

GENERAL LAND OFFICE, *June* 10, 1830.

GENTLEMEN: Annexed you have a copy of the act of Congress approved on the 29th ultimo, entitled, "An act to grant pre-emption rights to settlers on the public lands."

This act grants to any person who actually *cultivated* a tract of the public lands in the year 1829, and who, continuing thereon, was in the *actual possession* of that tract at the date of the passage of the act, a pre-emption right to the lands at $1 25 per acre.

The fact of the *cultivation* in 1829, and that of the *possession* of the land applied for, on the 29th of May, 1830, must be established by the affidavit of the occupant, supported by such corroborative testimony as may be entirely satisfactory to you both. The evidence must be taken by a justice of the peace, *in the presence* of the register and receiver, and be in answer to such interrogatories propounded by them as may be best calculated to elicit the truth. The whole of the evidence must be carefully filed in the office of the register.

All lands *not otherwise appropriated*, of which the township plats are, or may be, on file in the register's office, prior to the expiration of the law, are subject to entry under the act.

Where the whole of the improvement is embraced in the limits of a *quarter-section*, the occupant must be confined to the entry of that particular "*quarter-section;*" but where the improvement is situated in different quarter-sections, then the occupant is entitled to enter the two adjacent legal subdivisions or half-quarters in which the improvement may lie, not exceeding one hundred and sixty acres in the whole.

In making your usual returns to this office you will, in all cases of purchase under this act, designate them by marking on the returns and the certificate of purchase, "Pre-emption act of 1830."

With great respect, gentlemen, your obedient servant,

GEORGE GRAHAM, *Commissioner*.

REGISTER and RECEIVER *of the land office at* ———.

AN ACT to grant pre-emption rights to settlers on the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be and he is hereby authorized to enter with the register of the land office for the district in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty, or a quarter-section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however*, That no entry or sale of any lands shall be made, under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States, in which any of the public lands may be situated.

SEC. 2. *And be it further enacted*, That if two or more persons be settled upon the same quarter-section, the same may be divided between the two first actual settlers, if by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SEC. 3. *And be it further enacted*, That, prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose; which register and receiver shall each be entitled to receive fifty cents for his services therein; and that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been or may be appointed for that purpose by the President's proclamation; nor shall any of the provisions of this act be available to any person or persons who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption contemplated by this act extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever.

SEC. 5. *And be it further enacted*, That this act shall be and remain in force for one year from and after its passage.

Approved, May 29, 1830.

ANDREW JACKSON.

B.

[Circular.]

GENERAL LAND OFFICE, *September* 14, 1830.

GENTLEMEN: Numerous interrogatories having been propounded in relation to the act of 29th May last, entitled, "An act granting pre-emption rights to settlers on the public lands," I subjoin the following replies for your information and government, embracing, it is believed, all the prominent points which have yet arisen; and have to add that, if any case shall occur at your office which, after a careful perusal, appears to you not provided for in the present or former circular letter, in relation to that law, you will make it a subject of a joint communication.

1. In cases where more than two persons were settled on the same quarter-section, the first two actual settlers only are entitled to the right of pre-emption under the second section of the act, and none others are provided for.

2. As the law grants to any settler on the public lands, who was in possession thereof at the date of the act, and cultivated the same in 1829, a right of pre-emption to lands which, having been offered at public sale, were subject to private entry at the same date, and has provided the term of one year for its operation, the question arises whether the ordinary private entries of such lands are to be suspended until the 29th of May, 1831, when the occupant's claims shall have been proved and filed, or whether the ordinary private entries can proceed at the hazard of interfering with the occupant within the year. This being a difficulty against which the law has omitted to provide, and it not being believed to be the intention of its framers that the ordinary private entries should be suspended for the term of one year, we must, therefore, so act as to make the law available to the occupant, to its full extent as to time, and also permit the ordinary private entries to proceed. It is, therefore, to be expressly understood that every purchase of a tract of land, at ordinary private sale, to which a pre-emption

claim shall be proved and filed according to law, at any time *prior* to the 30th May, 1831, is to be either null and void, (the purchase money thereof being refundable under instructions hereafter to be given,) or subject to any future legislative provisions.

Therefore, prior to your permitting any entries of land, you will have to exercise every possible precaution to prevent such interference. The only precaution that can be pointed out to you is, to require the oath of the applicant, that, to the best of his knowledge and belief, no claim exists to the same land as a pre-emption under the act of 29th May, 1830.

The right to enter pre-emptions within any tract of country offered at public sale *subsequent* to the date of the act, ceases at the time of the commencement of such public sale. Therefore, all tracts remaining unsold after such public sale are, of course, liable to private entry in the same manner as if the pre-emption law had not been passed.

You are requested to make a report to this office on the 1st of November next, of all private sales which shall, up to that period, be found to conflict with pre-emption rights; and *monthly* reports of the same character are requested thereafter.

3. The settler has the right to select any one of several tracts which he may have actually occupied at the date of the act, and cultivated in 1829.

4. It is the intention and object of the law, that where two persons are settled on a quarter-section, each of them should obtain his own improvements as near as practicable, and if this can be done by dividing the quarter-section by an east or west or a north and south line, the register and receiver will proceed to make the division; but if such division would deprive either party of a material portion of his improvement, then the parties may be permitted to take the whole quarter-section jointly, and make such division among themselves as they may prefer for their mutual interest. The entries in your books, the receiver's receipt, and the register's certificate, in such case, are to be in the *joint names* of the parties, and the patent will be issued to them as tenants in common.

5. When two or more persons have settled on a quarter-section, and have relinquished their claims to one person prior to the date of the act, those who have relinquished have no claim to a pre-emption.

6. The act of 31st March, 1830, entitled, "An act for the relief of the purchasers of the public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," has provided the special privilege of pre-emption to the purchasers, their heirs or assignees, of all lands relinquished under any of the laws passed for the relief of purchasers of the public lands, and of such lands further credited under the relief laws passed in the years 1821, 1822, or 1823, as have since reverted to the United States by reason of non-payment, which right extends to the 4th day of July, 1831. The privilege of entering any such lands under the general pre-emption law of 29th May, 1830, does not exist. The right of pre-emption under the act of 29th May, 1830, may, however, be claimed on that description of lands remaining unsold, *which were not further credited* under any of the relief laws above mentioned, and which *have reverted* to the United States for non-payment under the act of 10th May, 1800.

7. It being the intention of the law to confine the privilege of pre-emption to the *tract* occupied and cultivated, to a *maximum quantity of one quarter-section*, it results that where such tract is a *fraction* containing *less* than the quantity of a quarter-section, the right of pre-emption does not extend beyond the quantity of such fraction. In cases, however, where the fraction exceeds the maximum quantity, the entry is to be made conformably to the legal subdivisions, in such manner as to obtain the quantity as nearly as circumstances will admit, and to include the improvements of the occupant.

8. Although a quarter-section may be found to contain rather more than the ordinary quantity of one hundred and sixty acres, the right of pre-emption is to extend to the full quantity of such quarter-section. If, however, such quarter section (situate on the north or west sides of the township in which the excesses of quantity are thrown agreeably to law) should contain so large an excess as to have rendered it necessary for the surveyor general to subdivide the same into three or more lots of eighty acres each, the party in such case is to take two adjoining lots, including his improvements.

9. The law contemplates that payment be made for the lands claimed by the pre-emption right, at the period when the proof shall be filed.

10. Possession at the date of the act, and cultivation in 1829, are both essentially necessary to the conferring of the pre-emption privilege. The absence of either of these requisites will vitiate the claim. The building of a mill is a "*possession*," but without actual cultivation, it does not confer the pre-emption privilege under the law. The extent and nature of the *cultivation* are points concerning which the law is silent. The ordinary culture of the soil, with the view to the raising of a crop for *farming purposes*, either of Indian corn, small grains, clover, cotton, tobacco, or esculent roots, is all that is to be looked to as regards the requisite "*cultivation*."

11. An individual who mediately or immediately has acquired a title to a tract of public land which he occupies and cultivates, and who, either by accident or design, has so constructed his fence as to include part of any adjoining tract of public land, does not thereby acquire a right of pre-emption, under the law, to such adjoining tract.

12. When the occupant is unable to pay for a full quarter-section, he may be permitted to enter the half-quarter which shall include his improvements, to be either the east or west half of such quarter, the divisional line running north and south, in the ordinary mode prescribed by the act of 24th April, 1820.

I am, very respectfully, gentlemen, your obedient servant,

JOHN M. MOORE, *Acting Commissioner.*

REGISTER and RECEIVER *of the land office at* ———

P. S.—To the RECEIVER: You are requested hereafter to render your quarterly accounts in a book form of the foolscap size, the sheets of paper to be securely stitched together, and all receipts for incidental expenses, and for register's salary and commission, to be written on one or more of the last pages of the account.

C.

Circular to registers and receivers of the United States land offices, by order of the Secretary of the Treasury.

GENERAL LAND OFFICE, *July* 22, 1834.

GENTLEMEN: Annexed is a copy of an act of Congress, approved 19th June, 1834, entitled 'An act to revive the act entitled 'An act to grant pre-emption rights to settlers on the public lands,' approved May 29th, 1830," together with a copy of the former act.

1. The recent act provides, "that every settler or occupant of the public lands, prior to the passage of this act, who is now in possession and cultivated any part thereof in the year 1833, shall be entitled to all the benefits and privileges provided by the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved May 29, 1830, and the said act is hereby revived and shall continue in force two years from the passage of this act, and no longer," to wit, to the 19th June, 1836.

2. The fact of *cultivation* in *eighteen hundred and thirty-three*, and that of *possession* of the land applied for *on the nineteenth June, eighteen hundred and thirty-four*, must be established by the affidavit of the claimant, supported by such corroborative testimony of disinterested witnesses as shall be satisfactory to you both. The evidence must be taken by a justice of the peace, *in the presence* of the register and receiver, wherever convenient, and be in answer to such interrogatories, to be propounded by them, as may be best calculated to elicit the truth; and when not convenient for the witnesses to attend before the register and receiver, the evidence is to be taken by a justice of the peace, and be in answer to such interrogatories, to be propounded by him, as shall be best calculated to elicit the truth.

The credibility of the testimony is to be certified by the justice of the peace, and by such other persons of the neighborhood as can certify the same.

3. Possession on 19th June, 1834, and cultivation in 1833, are both essentially necessary to the conferring of the pre-emption privilege, the absence of either of which requisites will vitiate the claim. The building of a *mill* is a "*possession*," but without actual cultivation, it does not confer the privilege under the law. The extent and nature of the *cultivation* are points concerning which the law is silent. The cultivation of a crop of grain, esculent roots, or other vegetables of ordinary culture in the peculiar section of the country, is to be regarded as sufficient as respects the requisite of "*cultivation*," together with the ordinary fence or other suitable enclosure; or, when no crop or product has been taken from the land, and it shall appear to your satisfaction that the claimant has, in good faith, made the usual preparations for a crop, as, when he shall have cleared ground and enclosed the field, and ploughed the soil preparatory to the ensuing seed-time, and with intent to sow or plant, such shall be regarded and taken as a sufficient cultivation to entitle him to the benefit of the act.

The erection of a dwelling-house for the purposes of habitation, will be regarded as a requisite of "possession."

4. The provisions of the act are not available to any person or persons who shall fail to make the proof and payment required, before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor can the right of pre-emption extend to any land which is reserved from sale by act of Congress, or by order of the President, or which by law may have been appropriated for any purpose whatsoever.

5. Should any tract of land, subject to private entry at the date of the act, be entered at ordinary private sale, and a pre-emption claim be duly established thereto within the term of two years from the date of the act, the former entry is null and void; and the register and receiver are hereby required to make *monthly reports* of all such interfering sales, designating the tract, date of sale, name of purchaser, quantity of acres, and purchase money; also, name of pre-emptor and date when satisfactory proof of pre-emption was admitted. On such reports, orders for repayment will be issued.

6. Where a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other, at his discretion, provided such occupant shall designate, within *six months* from the passage of this act, (viz., from 19th June, 1834,) the quarter-section of which he claims the pre-emption, and file in the office of the register a relinquishment of the right of entry to the other; but in all cases where those six months will expire before the date of the public sale of the township including such claim, the designation and relinquishment must be made prior to the day of such sale.

7. Where an improvement is situate in different quarter-sections, the claimant is entitled to enter such two adjacent legal subdivisions, viz., the east and west half-quarters, as will include his improvement.

8. Where an improvement is situate on a fraction containing less than the quantity of a quarter-section, such fraction must be taken *in lieu of an entire quarter-section*. Should the fraction contain more than the quantity of a quarter-section, the claimant will be permitted to take, *according to the legal sub-divisions* of such fraction, so as to include his improvements, and obtain the quantity of one hundred and sixty acres, as nearly as practicable, without any further subdivision.

9. In cases where two or more persons are settled on the same quarter-section, the two *first actual settlers* who cultivated in 1833, and had possession on 19th June, 1834, are entitled to the right of pre-emption. If an equal division of such quarter by a north and south or east and west line, will not secure to each party his improvements, they must become joint *purchasers* and *patentees* of the entire quarter-section; if otherwise, it will be divided so as to secure to the parties respectively their improvements. In either case, the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere, in said land district, so as not to interfere with other settlers having a right of preference.

10. You are requested to make monthly reports of those cases where two persons obtain a pre-emption on the same quarter-section.

11. Transfers of pre-emption rights, prior to the issuing of patents, will not be recognized.

12. The act of 29th May, 1830, applied only to lands to which the Indian title was extinguished *at that date*. Hence the right of pre-emption to lands to which the Indian title was extinguished *subsequent to that date*, can be claimed only in virtue of cultivation in 1833, and possession on 19th June, 1834.

13. In making your usual returns to this office, you will, in all cases of purchases under this act, designate them by marking on the returns the certificate of purchase and receipt, thus, "*Pre-emption act of* 1834." Separate returns, and distinct series of numbers for pre-emption "receipts" and "certificates," are *not admissible*.

14. Inasmuch as the ordinary private entry of lands subject thereto at the date of the act, must be permitted to proceed at the hazard of interfering with the pre-emption claims which may be established within the two years allowed by the act, it is indispensably necessary, by way of precaution, to require each applicant at private sale, to file with his written "application," an affidavit to the following effect, to wit:

"I do solemnly swear, (or affirm,) that since the 1st day of January, 1834, viz., on or about the ——— day of ———, I personally inspected the tract of land designated in the annexed application, viz, the ——— quarter of section No. ——, in township No. ——, of range No. ——, in the district of lands subject to sale at ———, and that there was not, at that time, any person residing thereon, or cultivating the same; and I do not believe that any pre-emption right exists thereto, either under the act of 29th May, 1830, or that of 19th June, 1834."

In case the *party applying* to purchase did not personally inspect the tract, he may be permitted to file, in the above form, the oath or affirmation of any person who alleges to have made such personal inspection; and in all cases, you must be satisfied of the credibility of such testimony.

15. Where the occupant alleges that he is unable or unwilling to pay for a full quarter-section, he may be permitted to enter the half-quarter which shall include his improvements; to be either the east or west half of such quarter; the divisional line running north and south, in the mode prescribed by the act of 24th April, 1820; but in such case he will be required to file a relinquishment of his further right of pre-emption for the quantity authorized by the act.

16. You are each entitled by law to receive from the party interested, a fee of fifty cents on each case of pre-emption admitted under the act.

17. The evidences adduced in support of pre-emption rights admitted under this act, and also the oaths required of purchasers at ordinary private sale, are to be carefully enclosed in the appropriate certificates of purchase, and transmitted therewith to this office, accompanied by your joint certificate *as to the credibility of the witnesses.*

The evidences adduced in support of *cases not admitted,* are to be carefully filed in the register's office, with suitable endorsements thereon.

18. By the 3d section of the act of 19th June, 1834, persons residing on the public lands, and cultivating the same, prior to the year 1829, but who were deprived of the advantage of the act of 29th May, 1830, by reason of the construction given to the same by the Secretary of the Treasury, are authorized to enter, at the minimum price, one quarter-section of the public lands within said land district. This provision can be available only to those whose right to a pre-emption in virtue of cultivation and possession prior to 1829, shall be established by satisfactory proof; and who, from any cause originating in the restrictions and limitations imposed by the Secretary of the Treasury, which have not had a remedy by the act of 14th July, 1832, or that of 2d March, 1833, have been deprived of the advantages of the act of 1830. When such cases shall be presented, you will specially report them, with all the testimony, for the decision of the department.

19. Where floating rights to eighty acres are granted under this act, they must be located and paid for at the time of entry of the tracts on which such floating rights accrue.

In the execution of the act, the utmost vigilance and diligence on your part are requisite to detect fraud, and determine the character and credibility of the testimony. A faithful and impartial discharge of your duty are alike essential to protect the government from imposition, and the honest claimant in his right.

I am, very respectfully, gentlemen, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

P. S.—It will be proper to give publicity to the law, and to these instructions, by distributing copies of this circular throughout your land district; for which purpose a number of copies will be furnished. It is also desirable that the newspapers published in your district should *gratuitously* publish the same, for the information of the community.

The forms of journal and ledger now used by the register and receiver, will be discontinued from and after the 1st of October next. A form of *ledger* to be substituted by the receiver will be furnished as soon as practicable.

AN ACT to revive the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved, May 29, 1830.

Be it enacted, &c., That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof, in the year 1833, shall be entitled to all the benefits and privileges provided by the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved, May 29, 1830; and the said act is hereby revived, and shall continue in force two years from the passage of this act, and no longer.

SEC. 2. *And be it further enacted,* That when a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other at his discretion: *Provided,* Such occupant shall designate, within six months from the passage of this act, the quarter-section of which he claims the pre-emption under the same.

SEC. 3. *And be it further enacted,* That all persons residing on the public lands, and cultivating the same, prior to the year 1829, and who were deprived of the advantages of the law passed on the 29th May, 1830, by the constructions placed on said law by the Secretary of the Treasury, be and they are hereby authorized to enter at the minimum price of the government, one quarter-section of the public lands within said land district.

Approved, June 19, 1834.

ANDREW JACKSON.

AN ACT to grant pre-emption rights to settlers on the public lands.

Be it enacted, &c., That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby, authorized to enter, with the register of the land office for the district in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty, or a quarter-section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however,* That no entry or sale of any lands shall be made under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States in which any of the public lands may be situated.

SEC. 2. *And be it further enacted,* That if two or more persons be settled upon the same quarter-section, the same may be divided between the two first actual settlers, if, by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SEC. 3. *And be it further enacted*, That prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose, which register and receiver shall each be entitled to receive fifty cents for his services therein. And that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed for that purpose, by the President's proclamation; nor shall any of the provisions of this act be available to any person or persons who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatever.

SEC. 5. *And be it further enacted*, That this act shall be and remain in force for one year from and after its passage.

Approved, May 29, 1830. ANDREW JACKSON.

D.

To Registers and Receivers of United States Land Offices. Supplemental instructions under the pre-emption law of 19th June, 1834, by order of the Secretary of the Treasury.

GENERAL LAND OFFICE, *October* 23, 1834.

GENTLEMEN: In consequence of representations made to the department respecting the operation of the third clause of the instructions contained in the circular letter of 22d July last, I have to inform you that the Secretary of the Treasury, unwilling to withhold the advantages of the late pre-emption law from applicants who may have meritorious and substantial claims to its benefits, and who, by reason of circumstances peculiar in their character, have no actual residence on the land claimed, has concluded so to modify the instruction complained of, as to admit as exceptions from the general principle, such cases of the character referred to, as in the exercise of a sound and liberal discretion on your part, shall appear from facts, satisfactorily proved, to come within the meaning and intent of the act. The following are cited as examples of the cases expressly referred to:

Where the cultivation may have been made by an unmarried person, without family, boarding and lodging with another family resident on a tract adjoining or in the immediate vicinity of his improvements, or by a married person living in a similar manner; where there has been actual and bonafide intention to reside on the land cultivated, but where the preparation was not complete, or the intention was frustrated by unavoidable accident; where the tract cultivated may have been a necessary and integral portion of a farm or plantation of an individual residing on an adjoining tract, and where, without the aid of the proceeds of such additional cultivation, he could not have maintained himself and family, and continued to reside where he did; or where, by reason of the unhealthy location of the lands cultivated, the individual may have fixed his residence on a neighboring tract—in all these cases, and others analogous in their circumstances and spirit, where the facts are distinctly proved, and where, in the exercise of a sound and liberal discretion, you are satisfied that they come within the meaning and intent of the law, the third clause of the circular letter referred to, which regards the erection of a dwelling-house for the purposes of habitation as a requisite of "*possession*," is modified so as to admit the right of entry.

2. No pre-emption right to section No. 16, reserved for schools, can be sustained under existing laws, nor will the act of 19th June, 1834, admit of a floating right of pre-emption elsewhere, in virtue of a settlement and improvement in the sixteenth section. Individual claimants considering themselves aggrieved under such circumstances, will have to prefer their claims to Congress.

3. Where an individual establishes a right of pre-emption to a fractional section containing less than one hundred and sixty acres, or to a half-quarter section, the other half of which was sold previous to the date of the act or to a *residuary* quarter-quarter of a section, (which residuary quarter-quarter must have been made such by locations made under the act of 5th April, 1832, inasmuch as quarter-quarters of sections cannot originally be selected, as such, under the pre-emption law,) in all such cases, the fraction—the half-quarter, or the quarter quarter—is to be regarded as a separate and distinct tract, beyond the quantity of which the party can claim no right to locate elsewhere, or on adjoining lands; but in cases where two or more individuals are settled on any one such tract, the *first two actual settlers* are entitled to enter *in their joint names*, and each of these two is entitled to receive a floating right to eighty acres elsewhere.

4. Where A settled on and cultivated a tract of public land in 1833, and prior to the 19th June, 1834, sold his right to B, who continued to improve and occupy the same, on that day, B is regarded as entitled to the benefits of the act.

5. Where A cultivated a tract of public land in 1833, and had placed B thereon, as tenant in possession, who continued to improve and cultivate the same on the 19th June, 1834, A is regarded as entitled to the right of pre-emption, on due proof of cultivation and occupancy as required by the act. But in case A, *prior* to the year 1833, had placed a tenant on a tract of public land, who cultivated and possessed, agreeably to the tenor of the act, the right of pre-emption is to accrue to the tenant.

6. The testimony heretofore required to be taken before a justice of the peace, may also be taken before a notary public, or any other officer duly qualified to administer oaths.

7. Where there were more than two actual settlers on a tract, floating rights accrue to the *first two* actual settlers, and to *none of the others*.

8. Quarter-quarters of sections are created only by the operation of the act of the 5th of April, 1832, entitled, an "Act supplementary to the several laws for the sale of public lands."

The right to enter and make payment for quarter-quarters of sections, (lots of forty acres,) under the act of the 19th June, 1834, can be claimed only in cases where residuary quarter-quarters are found to exist in a section, they having been created separate and distinct legal subdivisions by the peculiar operation of the act of 1832.

While on this subject, I have to mention that, on inspecting the names of purchasers, it is apprehended that due caution is not observed by registers in operating under the act of 1832, which provides that no one individual can enter more than eighty acres in tracts of forty acres. Increased vigilance is strictly enjoined in this respect,

and in order to *insure* a strict compliance with the law, the register is hereby required to keep an alphabetical list of the names of purchasers of quarter-quarters of sections, which list must always be referred to as a check prior to the admission of entries of land in that mode under the act aforesaid.

9. In cases where individuals have settled on public lands since the passage of the act of the 19th June, 1834, the form of affidavit prescribed in the 14th clause of the circular letter of the 22d July last, may be varied to suit the pecular circumstances of such cases, by striking out the words "*and that there was not, at that time, any person residing thereon or cultivating the same*," and inserting in lieu thereof, all the facts in the case as they are found to exist.

10. Military land scrip cannot, under existing laws, be located on any public lands settled, or occupied, "*without the written consent of such settlers or occupants* as may be actually residing on said land at the time the same shall be entered or applied for." Such settlements or occupancy, therefore, although it may or may not have reference to any existing pre-emption privilege, is a bar to the location of scrip, without the written consent of the settler or occupant. The form of the affidavit prescribed for such cases by the circular letter of the 2d of October, 1833, will substantially remain unaltered; but in cases where individuals are desirous of locating scrip, it is not deemed necessary to require from them two separate affidavits; one under the circular of the 2d October, 1833, and another under the 14th clause of the circular of the 22d July last; but the substance of both those forms may be incorporated into one affidavit.

11. Payment is to be required in all cases arising under the late pre-emption law *at the time the right of entry is admitted.* In cases arising under the third section, or in such as may be of doubtful character, and which you may deem it necessary to refer for the decision of the department, payment will not be required until a favorable decision is communicated. Meanwhile the land claimed is to be withheld from sale.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

P. S. It has been the usual practice of this office to acknowledge the receipt of the monthly and quarterly returns. Henceforward that practice, which consumes time and creates unnecessary labor, will be discontinued. If returns are not promptly rendered, the reason of the delay will be promptly demanded.

The register is requested to report to the surveyor general, lists of such township plats as require renewal in consequence of mutilation or defacement, and also to forward to this office a copy of such report.

The "*quarterly account-book*," described in the circular letter of the 28th August last, for the use of receivers, and also a supply of *printed blanks* for making quarterly returns to this office, (in lieu of the form of quarterly accounts heretofore in use,) have both been forwarded by mail some weeks since.

24TH CONGRESS.] No. 1473. [1ST SESSION.

APPLICATION OF PENNSYLVANIA FOR THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, MARCH 21, 1836.

Whereas, by the official statements from the Treasury Department of the United States, it appears there will be an unappropriated balance in the Treasury, above the ordinary demands of the government, subject to the action of Congress during the present session: and whereas, it is presumed that the wisdom of Congress will not suffer that fund to accumulate in the Treasury without devising means by which it can be usefully employed for the benefit of the people of this Union: and whereas, some of our sister States deny to Congress the constitutional power of making internal improvements in the several States, while all seem to admit the power and propriety of distributing the proceeds arising, or which may have arisen, from the sale of the public lands, among the several States, subject to the control of their respective legislatures: and whereas, the proportion to which Pennsylvania would be entitled, should such distribution be made, would enable her to complete her public works, and establish a fund for the support of common schools, which would preclude the necessity of taxation for either purpose: and whereas, it is the policy of our government to guard against the increase of executive patronage, and especially against the accumulation of large sums of money in the Treasury unappropriated: and whereas, a very large proportion of surplus revenue arises from the sales of the public lands, the joint property of all the States, which is regarded as a source of revenue which ought to be applied in the promotion of education, by establishing a system of common schools, to the purposes of internal improvement, or such other purposes as will best promote the interests of the States respectively; therefore,

Resolved, by the senate and house of representatives of the commonwealth of Pennsylvania, in general assembly met, That our senators in Congress be instructed, and our representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, among the several States, in proportion to the number of members from each State in the House of Representatives of the United States.

Resolved, That our senators in Congress be instructed, and our representatives be recommended, to vote for a liberal and judicious expenditure of public money for the completion and construction of fortifications for the common defence.

Resolved, That the governor be requested to forward to each of our senators and members of Congress from Pennsylvania, a copy of the foregoing preamble and resolutions; and also, to the governors of the several States, with a request that they shall be laid before their State legislatures, requesting their co-operation.

NER MIDDLESWARTH, *Speaker of the House of Representatives.*
THOMAS S. CUNNINGHAM, *Speaker of the Senate.*

Approved, the 15th day of March, 1836.

JOSEPH RITNER.

24TH CONGRESS.] No. 1474. [1ST SESSION.

STATEMENT OF LANDS UNSOLD ON THE LINE OF THE ROAD FROM NEW ALBANY TO VINCENNES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, submitted the following documents:

GENERAL LAND OFFICE, *March* 14, 1836.

SIR: In reply to your letter of the 3d instant, desiring for the information of the Committee on Roads and Canals, to know the quantity of public lands on and near the main stage road from Louisville to St. Louis, *via* Vincennes, I herewith transmit a statement (marked A) of lands in the State of Indiana, remaining vacant in those townships which are intersected by the road as laid down on Tanner's map, making one township in width. The quantities exhibited in the list are taken from the returns made to this office up to the 1st of February last, and may therefore be depended on as correct to that date.

I regret exceedingly that, owing to the arrears of the tract books in which the sales are registered, it is not in my power to furnish a similar list of the public lands contiguous to the road in Illinois, and that I am only enabled to state the amount vacant at the close of 1834, which was, for Palestine, 179½ sections; Vandalia, 235; Edwardsville, 200½—615 sections; which, at 640 each, is 393,600 acres.

This last statement cannot, I fear, serve any useful purpose, since the immense sales that have been made in those districts subsequent to the close of 1834, preclude the idea of arriving at a correct estimate by the rules of proportion.

I have the honor to remain, your obedient servant, ETHAN A. BROWN.

Hon. JOHN REYNOLDS, *Committee on Roads and Canals, House of Representatives.*

A.

Statement of the quantity of Public Land unsold in the Districts of Jeffersonville and Vincennes, Indiana, adjacent to the road from New Albany to Vincennes, on the first day of February, for the former, and the first day of January, for the latter.

District.	No. of sections unsold, including parts.	Township.	Range.	Quantity.
				Acres.
Jeffersonville	2 1 2/16	2 S.	6 E.	1,757
do.	0 1 5/16	2 S.	5 E.	598.12
do.	10 1 5/16	1 S.	4 E.	6,751 85
do.	17 5/16	1 N.	3 E.	11,964.48
do.	7 1 5/16	1 N.	2 E.	4,999.96
do.	10 1 3/16	....	1 E.	6,861.37
Total	50½			32,932.78
Vincennes	20 1 3/16	1 N.	1 W.	13,275.09
do.	9 1 2/16	2 N.	2 W.	6,522.72
do.	31 6/16	2 N.	3 W.	20,078.41
do.	26 8/16	2 N.	4 W.	17,021.10
do.	31 8/16	2 N.	5 W.	20,120.50
do.	21 3/16	3 N.	6 W.	13,728.70
do.	11 9/16	3 N.	7 W.	7,376.21
do.	3 4/16	3 N.	8 W.	2,030.35
do.	....	3 N.	9 W.	.....
do.	0 8/16	3 N.	10 W.	345.93
Total	156 7/16			100,499.01

Recapitulation.

In Jeffersonville district, 50½ sections, containing			32,932.78
In Vincennes do. 156 7/16 do. do.			100,499.01
Total..... 206 5/16 sections.		Acres.....	133,431.79

24TH CONGRESS.] No. 1475. [1ST SESSION.

APPLICATION OF FLORIDA FOR A GRANT OF LAND TO THE EAST FLORIDA RAILROAD COMPANY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

To the Senate and House of Representatives of the United States:

The governor and legislative council of the Territory of Florida, beg leave respectfully to represent to Congress, That a company, entitled "The East Florida Railroad Company," has been chartered by them at their present session, having for its object the establishment of an expeditious and efficient communication between the Atlantic ocean and the gulf of Mexico. That, from the evidence communicated to them, they fully believe that this company is prepared to commence and complete the work with all convenient despatch, provided that Congress will, at its present session, make the grant of lands which they now solicit.

It is, therefore, resolved, by the governor and legislative council of the Territory of Florida, That the delegate in Congress be requested to obtain from the Congress of the United States the relinquishment, on the part of the United States, to the East Florida Railroad Company, (of) one section of land at each end of the route of their railroad; and also the relinquishment on the part of the Congress of the United States of three hundred feet in width of the land throughout the line which may be selected for the said railroad to the said company: *Provided*, That when the route of said road shall be surveyed and determined, the same shall prove to be public land, or wherever the route of the said road shall pass through the public lands. Also, the right and privilege to obtain and use any timber, stone, or other materials, which may be suitable for their purposes on public lands.

It is further resolved, That the delegate in Congress be requested to obtain from Congress such other donations of public land as they may, in consideration of promoting and aiding an object of so much utility, and which promises great national benefits, be pleased to grant to this company.

It is further resolved, That the foregoing resolutions, when signed by the governor and the president of the legislative council, shall be certified by the chief clerk, and forwarded to the delegate in Congress.

I, JOSEPH B. LANCASTER, chief clerk of the legislative council of the Territory of Florida, do hereby certify that the above and foregoing resolutions were duly passed by the legislative council, signed by the president thereof, and approved and signed by the governor of Florida, at and during the session of the legislative council held in the year of our Lord one thousand eight hundred and thirty-five; and that the same is a true copy.

Given under my hand this 13th day of February, 1836.

JOSEPH B. LANCASTER, *Chief Clerk, Legislative Council.*

24TH CONGRESS.] No. 1476. [1ST SESSION.

ON A CLAIM TO A CHOCTAW RESERVATION UNDER THE FOURTEENTH ARTICLE OF THE TREATY OF DANCING RABBIT CREEK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

MR. EVERETT, from the Committee on Indian Affairs, to whom was committed the petition of Jubal B. Hancock, reported:

The petitioner claims two and a quarter sections of land, under the 14th section of the treaty of Dancing Rabbit creek, made with the Choctaw nation on the 27th September, 1830, and ratified 24th February, 1831.

That article is as follows: "Article xiv. Each Choctaw head of a family, being desirous to remain and become a citizen of the State, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half the quantity for each unmarried child which is living with him, over ten years of age, and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the State, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The petitioner claims, as a "*Choctaw head of a family*," one section for himself, two half-sections for his two unmarried children over ten years of age, then living with him, and a quarter-section for a child under ten years of age.

The rights of the children depend on that of the father, and his right depends on the questions, 1, whether he was, at the date of the treaty, a Choctaw head of a family; and 2, whether, within six months from the date of the treaty, he gave notice to the agent of his intention to remain and become a citizen of the State. In relation to these questions the petitioner and the United States are the only parties whose rights can be taken into consideration; other questions may arise in the case in which the rights of the petitioner may conflict with those of third persons.

In relation to the first question, it appears from the testimony that the petitioner is a white native-born citizen of the United States, and before becoming a member of the Choctaw nation, was a resident of the State

of Tennessee, when he married a woman of Choctaw descent, by whom he had children; that long before the treaty of 1830, he removed to and became a member of the Choctaw nation, and at the date of the treaty was the head of a Choctaw family.

The question is, then, reduced to this: whether the head of a Choctaw family, on the facts stated, is a Choctaw head of a family, within the fair construction of the treaty. It would be unworthy of the justice of the United States to avail itself of the technical sense of the word, or of its position in the construction of a sentence, contrary to the manifest intention of the other party to a treaty, and especially in a treaty with a nation with whom it treats on unequal terms. With the Indian nations, treaties are made in our language. They are, however, assented to through the medium of interpreters, of our own interpreters; and without imputing any intention of error, it would have been difficult to have explained to their understanding the difference, if any can be supposed to exist, between a Choctaw head of a family, and a head of a Choctaw family. They had no reason to make a distinction between members of their nation, whether members by blood or by adoption, nor between members by adoption, whether previously citizens of the United States, aliens, or members of other tribes. Nor is there, in the opinion of the committee, any reason why the United States should make any such distinction.

The treaty was made with the Choctaw nation, and, as a consequence, with every member of that nation. It was competent for that nation to determine who should be entitled to the privileges, who should be members of the nation; and every person who, at the date of the treaty, was, in good faith, a member of the Choctaw nation, was a Choctaw within the meaning of the 14th article; and if the head of a family, was a Choctaw head of a family. Nor is it material whether the head, or the family, or both, were Choctaws by blood or by adoption. In either case, as members of the nation, they were entitled to remove west or remain, and such as chose to remove were entitled to a share of the annuities, and such as remained, being heads of families, to reservations.

The absurdity of a distinction will be obvious from its consequences. It is well known that there were, among the Choctaws, as in other tribes, many intermarriages between white persons and native Indians, and the consequent half-breeds; if none are Choctaws but those who are so by blood, then it would follow that the wife and children must remove because they were Choctaws, and the husband remain. The wife would not be entitled to a reservation because she is not the head of a family, nor the husband because he is not a Choctaw by blood.

The abstract question of natural allegiance and its consequences cannot be supposed to have been either thought of or understood by the Indians when they concluded the treaty. They well knew who in fact were members of their nation; and that all, without distinction, were subject to their laws, and entitled to equal protection and to equal privileges; and that all, whether adopted native-born citizens of the United States, foreigners, or Indians of other tribes, were equally, with the native Choctaws, subject or not, to the laws of the State in which the nation was located.

While members of the Indian nation, they were not regarded as citizens of the State To entitle them to reservations, each head of a family was to signify his intention "to remain," (the words which follow are but the consequence,) "and become a citizen of the State."

Were there, however, doubts as to the construction of this article, the committee might refer to the provision in the eighteenth article, viz.: "and further, it is agreed that in the construction of this treaty, wherever well founded doubts shall arise, it shall be construed most favorably toward the Choctaws."

The committee are then of opinion that the petitioner was entitled, under the treaty, to claim a section of land in his own right, as a Choctaw head of a family.

In relation to the petitioner in right of his children, the words of the treaty are "in like manner" (such head of a family) "shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age; and a quarter-section to such child as may be under ten years of age." It appears from the testimony that at the date of the treaty the petitioner had two children over ten years of age, and one under that age; that the eldest resided in his house, and the two younger elsewhere, but that they were under his care and control. He had at that time separated from his wife, who had returned to Tennessee. It does not appear that the younger children resided with her, or where they resided, or under what circumstances they were under the care and control of the petitioner.

All the relations between a parent and child are presumed to continue until the contrary is shown, and the children, wherever actually residing, will be considered as a part of the family of the parent so long as they are under his care and control; and in this sense the term "*residing with him*" is used in the treaty. His reservations are given to him as a head of a family, and also in right of the members of his family, who, it was to be expected, would remain if he remained. The committee are therefore of opinion that the petitioner was entitled to claim two and a quarter sections in right of his children.

The committee do not consider the right affected by the fact proved, that the petitioner did not live with his wife at the date of the treaty, or that he has since married another woman. It was not necessary to constitute him the head of a family that he should have had a wife then living, or that his children should even have been legitimate: much less would his subsequent misconduct have impaired any right vested in him by the treaty.

In relation to the second question, whether the petitioner, within six months after the ratification of the treaty, (24th February, 1831,) signified to the agent his intention to remain and become a citizen of the States. All that was necessary to entitle him to the reservation was, that he should signify such intention to the agent: that being done, the right vested in him could not be divested by any neglect of the agent. The treaty having provided that the notice should be given to the agent, the government looked to the agent for the evidence of the fact, and by a regulation directed him to return a register of all such notices.

It appears by the testimony, that the petitioner did, within six months, (viz., on the 12th August, 1831,) signify to the agent his intention to remain and become a citizen of the States, and claimed, and has ever since claimed, his right under the treaty; and that his name was entered by the agent, or the register, but, by accident or mistake, was not returned to the War Department. He had thus perfected his right to the two and a quarter sections of land.

It further appears, that on the 1st of January, 1832, the petitioner applied to the Secretary of War for a location of his reservations under the treaty; to which an answer was given, that "the name of J. B. Hancock is not upon the list of Choctaws entitled to reservations returned by the agent." The petitioner then furnished evidence to the department of his having clearly given the notice required by the treaty, and of his being a Choctaw head of a family, &c.; and in consequence of this, on the 3d February, 1834, the following instructions were given to the locating agent, and of which notice on the same day was given to the petitioner:

DEPARTMENT OF WAR, *Office of Indian Affairs, February* 3, 1834.

SIR: Juba B. Hancock has transmitted to this office papers to establish his claim to reservations for himself and two children, under the 14th article of the treaty of September 27, 1830. He states, that he is a white man, married to a Choctaw woman, the mother of these children; that his son, William Mitchell, was twelve years old on the 1st day of September, 1830, and his daughter, Mary Melinda, was ten years old on the 14th of February, 1830; that his name and theirs were registered by Col. Ward in August, 1831, but the leaf on which they were registered was lost. This statement is supported by the affidavit of Giles Thompson; and David Folsom and P. P. Pitchlynn certify that the claimant was for many years prior to the treaty, a citizen, and entitled to all the privileges of a citizen.

You are requested to inquire of Col. Ward whether these circumstances are truly stated; and if they are, you will locate a section for the father, and a half-section for each of the children, and apprise the department of the result.

Very respectfully, &c.

ELBERT HERRING.

Col. GEORGE W. MARTIN, *Columbus, Mississippi.*

P. S.—There is a third child, Caroline Delia, who is now about ten years of age, and, of course, entitled to a quarter-section.

On the 29th September, 1834, the petitioner applied to the locating agent to locate his reservations on No. 13, 12, and remainder in No. 11, who answered that he had "not seen Colonel Ward, nor received any satisfactory evidence of the fact of Hancock's registration from him, and that he did not feel himself authorized by his instructions to receive proof of the fact from any source except from Colonel Ward, the witness to whom he was referred in his instructions, and declined to make or authorize the location applied for without further instructions."

On the 16th October, 1834, Colonel Ward gave a deposition giving the facts required by the instructions of the 3d February, which was forwarded immediately to the War Department.

The department having thus recognized the right of the petitioner as a head of a Choctaw family, in his own right and in right of his children, and being furnished with the proof it required of his having duly signified his intention to remain under the fourteenth section, there appears then no reason why the location should not have been made by order of the department, and according to the provisions of the treaty; on what lands other than on such as should include his improvement or a portion of it, was subject to the discretion of the Department, with the restriction of boundaries by sectional lines of survey.

During the time thus spent in procuring testimony, other Indian reservations were located which conflicted with the claim of the petitioner. His improvement was on the southeast quarter-section of No. 13, township 19, range 3 west. Jerry Fulson, an Indian reservee, whose improvement was on the southwest quarter-section of said No. 13, located his reservation on said southeast quarter-section of No. 13, covering the whole of the petitioner's improvement, and on the west half of the northeast quarter-section of said No. 13, and on the west half of the southeast quarter-section of said No. 13, and the residue on No. 11 and 14. Israel Fulson, whose improvement was on No. 18, township 19, range 2 west, and adjoining the improvement of the petitioner, located his improvement on No. 18 and 7, and on southeast half of the southeast quarter-section one, on the south quarter of the northeast quarter section of said No. 12, and another Indian (whether a reservee or not does not appear) had an improvement on the west half of the northeast quarter of section No. 13, so that by these two locations all lands adjoining the improvement of the petitioner and his improvement itself were covered; and on portions of Nos. 12 and 36, in township 19, floats and pre-emption rights were claimed. In some cases the land was entered by the pre-emption claimants, the purchase money paid, and pre-emption certificates issued by the register of the land office.

Thus circumstanced, the petitioner, on the 21st October, 1834, procured the locating agent to locate and mark on the map his reservations on No. 1, and on the east half of the southeast quarter of the southwest quarter of section No. 2, aud on the west half and northeast quarter of the northeast quarter of section No. 12, township 19, range 3 west; and on the south half of section No. 36, in township 20, range 3 west; and in consequence of this location the lands have been secured from sale. It appears by a certificate of the register, that the locating agent had, before that time, made a location, in some parts differing from the one above mentioned, not, however, including any part of his improvement, but when, or by whose directions it was made, does not appear.

None of the Indian locations of reservations, or pre-emption or float claims, have been confirmed, and until confirmed, the executive is at liberty to direct a relocation of the reservations of the Fulsons and of the petitioner, to be made in such manner as will give each his right according to the provisions of the treaty, and their locations might be so made as to give to each a portion of his improvement, and might be laid to each in an entire tract, unless the pre-emption claimants have, in the meantime, acquired rights superior to those of the reservees.

The rights of the reservees originated from the treaty, and accrued to them when they gave notice to remain and become citizens. His right to have his reservation located conformably to the treaty, became perfect, and Congress could pass no law that could impair this right, nor have they passed a law of that character.

The act of the 19th June, 1834, revives the act of 1830, and extends its benefits to settlers of 1833, &c. The act of 1830 contains a proviso, that no entry or sale of any lands shall be made under the provisions of that act, which shall have been reserved for the use of the United States. By the treaty of 1830, the lands necessary to satisfy the reservation were reserved to the United States, to be by them appropriated for that purpose. They remained in the United States subject to this use; when the Choctaw head of a family gave notice of his intention to remain, the use becomes instantly vested to, at least so much of his improvements as would be contained in the least tract that could be bounded by sectional lines, and to the right to have the remainder located; when his location was made and approved, he was entitled to occupy it as long as he should choose; and when he should have resided on it five years, he was entitled to a grant in fee simple.

The right of the reservees is, therefore, prior and paramount to any claim or right that could be acquired under the act of 1834, and no right is vested in the pre-emption claimants that entitles them to interpose between the United States and the petitioner, on the question of location.

The petitioner asks a confirmation of his last location, on the ground that he supposes it to be wholly invalid, because it did not include his improvement, and that location cannot now be made that will include his improvement.

The committee are not satisfied of the correctness of either of the positions taken. The locations after

made by the locating agent are subject to the determination of the executive, when affirmed, and then only are they irrevocably made. Until confirmed, they may be altered, in whole or in part, and it is yet competent for the President to direct a new location, so as to include the improvement of the petitioner, and to confirm so much of his several locations, as shall make up the whole quantity to which he is entitled.

The treaty guarantees a section of land, to include his improvements; by the term section is not meant an entire section, but a quantity equal to that contained in a section, or 640 acres, which is to be bounded by sectional lines, and sectional lines are not descriptive only of those lines which bound entire sections, but also of those which divide sections, and those divisions are into halves, quarters, eighths, and sixteenths. It follows, then, that it is not necessary that the location should be in one entire tract; wherever practicable, it would be laid in one entire tract. But this may be impossible. Such may be the situation of adjoining improvements, that the reservation of every reservee could not be located in one tract, without taking the whole of the improvements of others; so if prior locations should surround a quarter-section on which was the improvement of a reservee, he could take only that quarter-section, unless permitted to locate the residue elsewhere.

In the case of the petitioner, his improvement was on the southeast quarter of section 13. To this he is entitled of right. The question as to where the residue shall be located, is open between him and the Executive, and without disturbing the locations of either of the Fulsons or other reservees, further than depriving Israel Fulson of the southeast quarter-section of 13, and for which he would be entitled to an equal quantity elsewhere, the Executive may locate the residue of the petitioner's reservation on any other sections not before located, in an entire or separate tract, as convenience may require. This construction is necessary to the execution of the treaty, and it is not perceived that any injustice can flow from it.

As between the United States and the reservee, the whole question of location is open. The provision that the reservation shall include the improvement is, in this treaty, solely for the benefit of the reservee. No provision is made that the United States should pay for improvements abandoned. It is competent, then, for the reservee, with the consent of the United States, to relinquish this privilege, and to take other lands in exchange, and it may be competent for Congress to give such assent. The committee, however, do not recommend a confirmation of his location, but that a relocation should be made, on the ground that it should be so made as to interfere with the claims of others as little as possible.

The five years having expired, the petitioner, if now entitled to a relocation, is also entitled to a grant in fee. To this an objection is made, on the ground that he did not reside on the reservation during the whole of the five years.

It appears, by the testimony, that his improvement was claimed by an Indian reservee under a location; that in January, 1835, he attempted to erect a house on a part of his localities, but was driven off by force by some of the pre-emption claimants and others; that in February or March, 1835, having resided on his improvement until that time, he left it, and has since resided at Livingston, about five miles distant, without any intention to abandon his claim or citizenship.

The issue of abandonment is between the petitioner and the United States. The petitioner gave notice to the agent according to the treaty; he has done everything on his part to prove a location of his reservation; and that it was not done in due time and manner is wholly the fault of the agents of the United States. The embarrassments into which the petitioner has been thrown are consequences of that default, and of which the United States cannot, in justice, take any advantage. His leaving his improvement, in 1835, was the effect of a supposed necessity; his improvement being taken by a prior location, and when he attempted to settle on his location he was driven off by force.

On a view, then, of the whole case, the committee are of opinion that the petitioner is entitled to his reservation, notwithstanding the agent neglected to return his name to the War Department; and now to a grant in fee, notwithstanding that, under the circumstances stated, he removed from his improvement before the expiration of the five years, and report a bill accordingly for his relief. With a view to avoid, if possible, a conflict with existing claims, they have provided that on his relinquishment of his right to a location, according to the treaty, he may locate on any lands required by the treaty, not subject to prior locations or pre-emption claims.

24TH CONGRESS.] No. 1477. [1ST SESSION.

ON A CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

Mr. KENNON, from the Committee on the Public Lands, to whom was referred the petition of Solomon Sturges, reported:

That it appears from a letter of the Commissioner of the General Land Office, directed to the committee, that on the 30th of April, 1832, the petitioner and Rezin Frazier entered the northwest quarter of section 9, township 4, of range 5, military land, in the Zanesville land district, Ohio, the east half by Rezin Frazier, with bounty land scrip, and west half by the petitioner, with cash and forfeited land stock; that on the same day, James Laughlin, under the act of the 15th of April, 1832, claimed the south half of said quarter, being two quarter quarter-sections, including his improvements, and was permitted, by the receiver of public moneys at Zanesville, to enter the same. That Frazier assigned, in due form of law, before said receiver to the petitioner, all this interest of said Frazier in said east half of said quarter-section of land. The amount paid by the petitioner for the west half of said quarter was refunded to him by the Secretary of the Treasury. The petitioner applied to the Secretary to have the amount paid by Frazier refunded to him, as assignee of Frazier; but the same having been paid in bounty land scrip, there was no law authorizing such relief. It will be perceived that the entry by Sturges and Frazier, was made —— days after the passage of the pre-emption law, under which

Laughlin claimed, but the circular of instructions for the Treasury Department to the land officer were not issued until the 8th of May following. The petitioner states, that at the time of the entry of said east half of said quarter by said Frazier, the pre-emption law was not promulgated, and that the remaining half of said east half of said quarter-section, is not desirable, and he prays permission to enter eighty acres of any of the lands in the Zanesville district, subject to sale by private entry, in lieu of said east half of said quarter. Your committee are of opinion that the prayer of the petitioner is reasonable, and report a bill accordingly.

24TH CONGRESS.] No. 1478. [1ST SESSION.

ON APPLICATION OF THE WOODWARD HIGH SCHOOL IN CINCINNATI, OHIO, FOR A GRANT OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

Mr. KENNON, from the Committee on Public Lands, to whom was referred the petition of the trustees of the Woodward High School of Cincinnati, in the State of Ohio, reported :

That said petitioners state, that William Woodward, of Cincinnati, has conveyed to the trustees, real estate in said city of the value of $60,000, in trust for the endowment of a literary institution, with the above title. That the trustees leased said property, at the sum of $1,600 per annum, subject to a re-valuation every fifteen years, and that after the year 1845, it is confidently expected, the annual proceeds of said real estate will amount to the sum of $6,000. That they have obtained an act of incorporation from the legislature of the State of Ohio, with the above title, and that, according to the said act, as well as according to the deed executed by said William Woodward, the funds of the institution are to be applied to the gratuitous education of young men of promise, who have not the means of defraying the expenses of an education; that the rich patronise the institution, by paying tuition fees, at a rate that will justify their admission, without doing injustice to those for whose benefit the endowment was especially made.

The petitioners further state, that they have proceeded to erect on a lot of said land, reserved for that purpose, one wing of the building originally contemplated for the institution, which wing is 40 by 60 feet, two stories and a basement in height; that there is a competent faculty provided for said institution, consisting of a professor of mathematics and philosophy, a professor of languages, and a teacher in the primary departments, embracing a general course of classics, scientific, and business instruction. That there have been seventy-five scholars gratuitously taught in said institution, since its commencement in September, 1831, and that there are now twenty-eight of that number regular students, who, but for the advantages thus furnished, would be deprived of the means of education. That, by the original grant and the charter, the institution is prevented from ever becoming sectarian in any degree. The petitioners state that this is the only incorporated literary institution in what is called the Miami or Symmes's purchase, now in operation, or that is likely to be, where general education is furnished, and that it is so located as to be convenient to the residence of more than half the entire population of said purchase, and to afford the best facility for education to its whole population.

The petitioners claim that by the original terms of sale by Congress to Symmes, and by Symmes to the different persons under whom the citizens of the Miami purchase claim, it was expressly stipulated, that one entire township of land should be reserved for the purpose of establishing an academy and other public schools and seminaries of learning, within said purchase. They insist that the terms of said contracts have not been fulfilled according to the just expectations of the inhabitants of Miami purchase, and pray that a township of land may be granted for the purpose of endowing said Woodward High School of Cincinnati. Your committee find in an act of Congress, passed the 5th of May, 1792, authorizing the conveyance to John Cleves Symmes and his associates, of said Miami purchase, a clause empowering the President to grant to said Symmes and his associates, their heirs and assigns, in trust, for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township of land, comformably to an order of Congress, of the second of October, 1787, made in consequence of the application of said Symmes, for the purchase aforesaid.

They also find in the deed executed by the President in September, 1794, conveying to said Symmes and his associates the land known as the Miami purchase, a clause in these words, to wit: It is hereby declared that one complete township or tract of land of six miles square, to be located with the approbation of the governor for the time being of the territory northwest of the river Ohio, and in the manner and within the term of five years aforesaid, as nearly as may be, in the *centre* of the land herein before granted, had been, and is granted, and shall be holden in trust, to and for the sole and exclusive intent and purpose of erecting and establishing *thereon* an academy, and other public schools and seminaries of learning, and endowing and supporting the same, and to and for no other intent or purpose whatever. The township thus to be located by the governor for the time being of the territory northwest of the river Ohio, as nearly as might be, in the centre of the tract of land conveyed to Symmes, was never applied to the purpose for which it was intended; Symmes failed to execute the trust thus reposed in him, and the object of the conveyance of said township entirely defeated.

In March, 1803, Congress passed another act in relation to this township of land, the fourth section of which is in these words, to wit: That one complete township in the State of Ohio, and district of Cincinnati, or so much of one complete township within the same as may remain unsold, together with as many adjoining sections as shall have been sold in the said township, so as to make in the whole thirty-six sections, to be located under the direction of the legislature of the said State, on or before the first day of October next, with the register of the land office at Cincinnati, be, and the same is hereby vested in the legislature of the State of Ohio, for the purpose of establishing an academy, in *lieu* of the township already granted for the same purpose, by virtue of an act entitled, "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates;" by the same act, the attorney general for the time being, was authorized and empowered to locate and accept from John Cleves Symmes, and his associates, any one complete township within the boundary of the

patent of Symmes and his associates, so as to secure the same for the purpose of establishing an academy in conformity to the provisions of the said patent; and in case of a non-compliance, to take, or direct to be taken, such measures as would compel an execution of the trust, and in case the township should be secured within five years' time, the township to be located by the legislature to revert to the United States. The attorney general did not succeed in securing an execution of the trust by Symmes and his associates, and thirty-six sections were located under the direction of the legislature of the State of Ohio, within the Cincinnati land district, and near to said Miami purchase, and the legislature of the State of Ohio here directed the proceeds of said township to be applied to the support of the *Miami University*, a college located, as your committee believe, in said township. Your committee have thought it unnecessary in their report, to refer to the contract entered into by the board of the treasury, with said Symmes and his associates, relative to said Miami purchase, or to the cause which led to a total failure of the execution of the trust on the part of Symmes and his associates. They are satisfied that said township was intended for the benefit especially of those who might be interested in the soil included in said purchase, and to induce persons to make purchases there. The only question presented for the consideration of the committee is, whether the United States has complied substantially with all the obligations binding upon her, by reason of said sale to Symmes and his associates; there is no complaint that the township located by the legislature of the State of Ohio is or was of less value than the one near the centre of said purchase, but it is alleged that the Miami college is located without the limits of said purchase, and is of no more value to the inhabitants thereof than if it were in another State.

Your committee are of opinion, that in granting the second township of land, of equal value of the first, and vesting the same in the legislature of the State of Ohio, in trust, for the purposes, and in lieu, of the one granted to Symmes and his associates, the United States has substantially complied with all obligations which may have attached to her, in relation to said township of land.

Congress has no security that the Woodward High School of Cincinnati would more faithfully discharge that trust than the legislature of the State of Ohio; nor that some other institution might not hereafter claim a third township, upon the ground that the Woodward institution had not executed the trust, according to the original intent of the grant to Symmes and his associates.

The committee recommend the adoption of the following resolution:

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

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

The memorial of the trustees of the Woodward High School of Cincinnati respectfully represents, that during the years 1826, 1828, and 1830, William Woodward, of the city of Cincinnati, executed three several deeds to Samuel Lewis and others, of land and real estate in said city, now estimated to be worth $60,000, in trust for the endowment of a literary institution, with the title of the "Woodward High School of Cincinnati.

The trustees, at the time of receiving such conveyances, took measures to rent the land so conveyed, at the highest prices that could then be obtained, on leases that were made subject to revaluation every fifteen years; securing, by this means, the benefit of future rise in the value of the property. Nineteen-twentieths of the whole property was thus leased, at prices that would at this time be thought reduced. The actual revenue accruing therefrom is $1,600 per annum, and it cannot exceed that sum, until the expiration of the first term, when the revenue it is expected will not be less than $6,000 per annum; and supposing the future increase of the city to be equal to one fifth what it has been in the past, the revenue of the institution must go on increasing until it is equal to the support of a literary institution as large and useful as any now in the United States.

Your memorialists further represent, that they have obtained an act of incorporation from the legislature of the State of Ohio, with the above title; that they have proceeded to erect on a lot of the land above conveyed, reserved for that purpose, one wing of the building originally contemplated for the institution, which wing is sixty feet by forty, and two stories and a basement in height.

In September, 1831, they commenced instruction therein with a competent faculty, consisting of a professor of mathematics and philosophy, a professor of languages, and a teacher in the preparatory department, embracing a general course of classical, scientific, and business instruction.

By the terms of the deeds and the charter, the funds of the institution are applied to the gratuitous education of young men of promise, who have not the means of defraying the expense of an education; so that the endowment instead of going into the general treasury to enable the school, by reducing prices, to compete with rival institutions, is applied altogether to the deserving poor. The rich patronize the institution by paying tuition fees, fixed at a rate that will justify their admission without doing injustice to those for whose good the endowment was especially made.

Pursuing this plan, there have been seventy-five scholars gratuitously taught in said institution since its commencement, and there are now twenty-eight of that number regular students, who, but for the advantages thus furnished, would be deprived of the means of education. Your memorialists have found such an institution in a city of much more value than it could be in the country, as many parents could afford to board and clothe their children themselves, while they were receiving a gratuitous education, who could not afford to pay their board elsewhere, though the other advantages might be the same.

Your memorialists beg leave further to state, that in their present location they are satisfied the very best opportunities will be furnished to put in practice a system of manual labor in connection with study, on such a plan as to make the student a practical mechanic as well as a man of learning, which cannot but prove of especial advantage to the progress of mechanical improvement. Your memorialists have, however, gone as far as is possible for them to go, until the expiration of the first fifteen years, when the revaluation will take place, unless they can procure assistance to enable them to purchase a library, make arrangements to carry the manual labor system into operation, put up the remainder of the building originally contemplated, and increase their endowments, so that something may be added to their present revenue. With such aid they could immediately enlarge the sphere of the school's usefulness, and extend their operations, commensurate with the increased means that their present endowment will afford them after the year 1845.

By the terms of the original grant and by the charter, the institution is prevented from ever becoming sectarian in any degree, and to render this more secure, a majority of the trustees hold their office under appointment from the city council of Cincinnati, who are elected by the popular suffrages of the citizens.

The Woodward High School of Cincinnati is the only incorporated literary institution in the Miami, or Symmes' purchase, now in operation, or that is likely to be in operation, where general education is furnished.

It is so located as to be convenient to the residence of more than one half of the entire population of said purchase, and affords the best facilities for education to the whole population of the purchase.

Thus your memorialists respectfully show that the said institution is prepared to receive and give the most effective utility to any and every grant in said purchase, which they, in common with the whole population, have an equitable right to claim at the hands of the Congress of these United States; and as a pledge of this, they beg leave to state, that they think the funds committed to their care have been expended so as to produce as much, if not more, good than the like sum expended in any other institution in this or any other country.

Your memorialists respectfully represent that, by the original terms of sale by Congress to Symmes, and by Symmes to the different persons under whom the citizens of the Miami purchase claim, either by descent or purchase, it was expressly stipulated that one entire township of land should be reserved for the purpose of establishing an academy, and other public schools and seminaries of learning in said purchase, as appears by the order of Congress made October 2d, 1787, and as is also recognized by all the acts and correspondence on said subject of the purchase of said Symmes. And your memorialists beg leave further to state, that the whole of the said purchase of Symmes had been by him sold, with the full assurance that Congress would see that one township of land within said limits should be reserved for the establishment and maintenance of a literary institution suited to the wants of the country. And they insist that the right to such an institution, so established and supported, is clearly a privilege belonging to each and every holder of the lands within said purchase; that it was not among the least of the inducements for the rapid purchase and settlement of said tract of country which has produced so much influence and facility in the subsequent settlement of the entire western country. To prove the justice of this claim, your memorialists beg leave to refer to the application of John C. Symmes, by petition, dated at New York, 29th August, 1787, 1 U. S. L. 494; the order of Congress, 2d October, 1787; application of John C. Symmes for alteration of boundary, &c., 1 U. S. L. 495; the act authorizing the alteration, April 19th, 1792, 2 U. S. L. 270; the act authorizing the patent, May 5th, 1792, 2 U. S. L. 287; patent to Symmes, September 30th, 1794, 1 U. S. L. 497.

Your memorialists are aware that since that time a law has been passed, giving the State of Ohio a township without the limits of said purchase, and placing it in the control of the State, in lieu of the one to have been reserved as above, that one having been sold on an execution against said Symmes, and Congress having thus ratified the sale. Which township, so given as above, has been appropriated to the support of a university, without the limits of said purchase, so that the inhabitants of said purchase derive no more actual benefit from such township reservation than if it had been located and appropriated in another State. Your memorialists beg leave to be excused from a recitation of the different measures that have produced this result, any further than to state that Congress has been a party to a principal part of them, and all have been so far and so long sanctioned by Congress that it would be useless, if not unjust, to attempt to interfere with the Miami University, the institution now supported by the proceeds of said township.

If, however, your honorable body should be satisfied that an equitable right exists in favor of the citizens of the said Miami purchase for a township of land, or its equivalent, for the purposes aforesaid, your memorialists respectfully suggest that the proceeds of an unimproved township of land would not be sufficient of itself to establish and sustain a literary institution suited to the increased wants of the country entitled to its benefits, and the sum thus raised could only be rendered efficient by joining it to the fund of some institution already endowed and in operation.

In consideration of these premises, your memorialists would respectfully ask that a township of land may be given to the aforesaid Woodward High School of Cincinnati, an institution which is here shown to be the only one which can receive the same with any assurance of making the grant efficient in promoting education in our growing and needy district.

All of which your memorialists respectfully submit.

WILLIAM GREENE, *President of the Board of Trustees, &c.*
SAMUEL LEWIS,
O. COGSWELL,
OLIVER LOVELL,
JOHN P. FOOTE,
Trustees of the Woodward High School.

24TH CONGRESS.] No. 1479. [1ST SESSION.

ON A CLAIM FOR A CHOCTAW RESERVATION, UNDER THE TREATY OF DANCING RABBIT CREEK.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 21, 1836.

Mr. HAYNES, from the Committee on Indian Affairs, to whom was referred the petition of Allen Yates, and Milley, his wife, reported:

The petitioners represent, that Allen Yates is a white man, who has long lived and been naturalized in the Choctaw tribe of Indians, and that his wife, Milley, is a native of that tribe. They further represent, that after the conclusion of the treaty with the Choctaws, at Dancing Rabbit creek, on the 27th of September, 1830, it was proposed that supplemental articles should be added, providing reservations of land to certain individuals of the tribe, among whom was the petitioner, Allen Yates; that after the supplemental articles had been agreed upon, by the commissioners of the United States and the chiefs of the Choctaws, by one of which the right to two sections was reserved to the said Allen Yates; that the Chief Nit-uk-cha-chee insisted that two sections should also be secured to the petitioner, Milley Yates, in consideration of her having taught the women of the tribe to spin, weave, &c.; that in compliance with the said supplemental articles, four sections of land, in legal subdivisions,

were located for them by Col. George W. Martin, the agent appointed to locate reserves under the treaty; and that, in due time, they exhibited his certificate to the register and receiver at St. Stephens, in whose district the locations had been made, and requested that the lands described in the certificate might be marked on the map, and reserved from sale. But this, their reasonable request, was disregarded, and a large portion of the lands thus located were exposed to sale, and purchased by persons having full knowledge of their claim. This sale having been made on the alleged ground that the petitioners were only entitled to two sections, instead of the four secured to them by the supplemental articles of the treaty. They further state, that according to the custom of the Choctaws, the husband and wife are not considered one person in law, but hold separate and distinct property, wholly independent of each other; and they pray Congress to grant them such relief as to equity and justice shall appertain.

Your committee, after a due examination of the original and supplemental articles of the treaty, are satisfied that if doubt existed as to the rights of the petitioner, Milley Yates, she is entitled to the most liberal interpretation of that instrument. But, without such interpretation, they are convinced by the certificate of the Chief Nit-uk-cha-chee, bearing date the 1st of December, 1835, and attested by R. M. Jones, United States interpreter, and William Armstrong, Choctaw agent, which certificate, they ask, may be taken as part of this report, that the Choctaw custom of separate rights and property between husband and wife is as it has been stated by the petitioners; and that in the final arrangement of the supplemental articles of the treaty, it was the intention of the contracting parties to secure two sections of land each to the petitioners, of two of which they have been deprived, as alleged in their petition. Although your committee have no doubt that the petitioner, Milley Yates, has been unjustly deprived of the benefit of locations secured to her by the treaty, and believe the lands so located have passed into the possession of persons probably acquainted with her rights; forasmuch as expense and litigation might arise from an attempt to secure to her the lands located for her by Colonel Martin, they would recommend the passage of an act authorizing the location of two sections of land, in the name, and for the use of, the said Milley Yates, on any of the public lands within the country acquired by that treaty, and not previously located to any Choctaw reservee, nor subject to any pre-emption claim; and for this purpose they report a bill.

FORT TOWSON, CHOCTAW NATION, *December* 1, 1835.

I certify, that at the late treaty made between John H. Eaton and John Coffee, commissioners on the part of the United States, and the Mengoes Chiefs, and of the Choctaw Nation, concluded at Dancing Rabbit creek, September 28, 1830, I called on John H. Eaton, and stated that for services rendered in instructing the Choctaw women to weave, spin, &c., I was desirous that the wife of Allen Yates should be separately provided for; that I was aware that the family was provided for, yet, for the reasons above stated, I wished her separately provided for; and it was at my request, at the conclusion of the treaty, that the alteration was made, giving to Allen Yates and wife each two sections of land.

NIT-UK-CHA-CHEE, his × mark.

Witness:
R. M. JONES, *United States Interpreter.*

The within statement of the Chief Nit-uk-cha-chee was interpreted to him by R. M. Jones, United States interpreter; by him acknowledged to be his understanding of the treaty, and what Allen Yates and his wife were entitled to.

WILLIAM ARMSTRONG, *Choctaw Agent.*

24TH CONGRESS.] No. 1480. [1ST SESSION.

ON CLAIMS TO RESERVATIONS OF LAND UNDER THE FOURTEENTH ARTICLE OF THE TREATY OF DANCING RABBIT CREEK WITH THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE, MARCH 22, 1836.

Mr. BLACK, from the Committee on Private Land Claims, to whom was referred the petition of several persons stating themselves to have been Choctaw heads of families at the time of making a treaty between the United States and the Choctaw Indians, at Dancing Rabbit, on the 27th September, A. D. 1830, and entitled to reservations under and by the provisions of the 14th article of that treaty, having complied on their part with all the requisitions and conditions of that article; resolutions of the legislature of the State of Mississippi, and memorials of many of the citizens of that State, in relation to these claims, together with the testimony of witnesses, which the legislature of that State, in the exercise of a proper vigilance over the public interest, have thought fit to have taken and submitted for the consideration of Congress—finding, on examination, that all the questions arising upon the petition, resolutions, and memorials, have a common origin, relate to the same subject, and are intimately connected, reported:

The claims set up by the petition to reservations of land, and to which the resolutions and memorials have reference, are predicated on the 14th article of the treaty of Dancing Rabbit creek, made with the Choctaws, on the 27th September, A. D. 1830, and ratified by the Senate on 21st February, A. D. 1831, which article is in these words:

Art. 14. "Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age, and a quarter-section to such child as may

be under ten years of age, to adjoin the location of the parent; if they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the *present improvement* of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The petitioners allege that they have complied with the requisitions of the treaty, by applying to be registered by the agent within the time limited, with the intention of remaining and becoming citizens of the States; but that their names, by accident, or the neglect of the agent, were omitted in the register which he kept, and they have put on file proof to sustain their claims. They also undertake to speak for many others, who do not now apply to Congress for relief, and request that a board may be created to determine their claims.

The first question, therefore, which naturally suggested itself to the committee, was the propriety of granting this request; for, if it were determined that a board ought to be established for this purpose, the duty of further investigation, on the part of the committee, would cease, and all questions arising under the treaty as to its proper construction and meaning, as well as the decision of all facts, would devolve upon such board. But, they are not of opinion, after a careful consideration of all the circumstances attending these claims, that this board ought to be created. They are aware that such boards have from time to time been created, under different treaties with Spain, for the adjudicating, settling, and locating numerous claims to lands by grants from that government, and inchoate rights acquired] before the making of the treaties, under the usages and customs of the Spanish government; also, for the purpose of deciding on claims to donations, on account of habitation and cultivation; and, also, that the registers and receivers of the different land offices have been from time to time clothed with authority to decide on the rights of pre-emptioners, under the several acts of Congress heretofore passed, but it is to be remembered that the claims under each of the above-enumerated heads were very numerous, and, in very many cases, conflicting, so that it was impossible that they could have been decided by any committee of Congress, or by the Treasury Department, with a due regard to what might be considered an economy of time and expense, or a proper respect for the convenience of the claimants themselves. These claims to reservation, set up by some of the Choctaw Indians, do not, from the number of them which can, by any possibility, be just, nor from any of the other considerations alluded to, require that a board shall be established for the decision of them. And there are other considerations arising out of the facts stated by the witnesses examined by a committee of the legislature of the State of Mississippi, under their order, and referred to the committee, which they will hereafter take the liberty of referring to, which leave on their minds no doubt that it would not, under present circumstances, be judicious.

The committee have, therefore, proceeded to consider the merits of the different claims of the petitioners, and all those on file in the War Department, and to allow all of them which, from the testimony, appear to have equity. In doing this, it became necessary to ascertain what are the rights of the Choctaws under the fourteenth article of the treaty above recited, by a just, and, at the same time, liberal interpretation of it. To constitute a good and valid claim under this article of the treaty, the following facts, in the opinion of the committee, must be established:

1. It must appear that the claimant was, at the time of making the treaty, *a Choctaw head of a family.*

2. It must appear that, being such Choctaw head of a family, he did signify his intention to become a citizen of the States, by an application to the Indian agent to register his name, within the time prescribed in the treaty, viz., prior to the 21st of August, A. D. 1831.

3. It must appear that such head of a family had, at the time of making the treaty, within the territory ceded, "an improvement," inasmuch as the location must, by the terms of the treaty, include "the improvement, or a portion of it." If there was no improvement, there would be nothing to which this provision of the treaty could attach, or by which the locality of the reservation could be fixed.

It appears to the committee that the application for registration to secure the reservation, should have been made either by the claimant himself, or some one for him, in his name, having from him competent authority to make it. The claimant must have had an *improvement* for the reason stated. This provision of the fourteenth article of the treaty was made with an especial view to those who had advanced somewhat in the agricultural art —who had farms which they might be unwilling to leave. It was not intended for the advantage of the wild, uncivilized hunting Indian, who, from his habits of living, and his aversion to the pursuits of civilized life, was peculiarly unfitted to become a citizen of the States. This description of Indians it was especially the object of the government to remove west of the Mississippi river, considering such removal necessary, both for their own preservation, by placing them beyond the operation of the laws of the States, and to relieve the several States, within the territorial limits of which they were, of a useless and burdensome population.

This privilege of having one section of land set off for each Indian head of a family, as secured by the treaty, for the purpose of residing upon it, becoming citizens of the States, and receiving a title in fee simple to the land, after a residence of five years, appears to be "personal," which can be claimed by no one, except the Indian head of a family himself. His title in fee depends upon the performance of the condition precedent, of five years' residence, which no one but himself can perform. In case of death, or abandonment, the land reverts to the United States. No one can, therefore, acquire an interest in these claims by purchase. Upon this view of the rights of these claimants, an important consideration arises from the facts brought to light by the testimony taken by authority and order of the legislature of the State of Mississippi, laid before the Senate, and referred to the committee, to which the committee would call the attention of the Senate.

It appears that certain individuals, influenced by a desire of gain, have associated themselves into companies, with divisions into what they are pleased to call sub-companies, and purchased, for a trifling consideration, the claims of many of the Choctaw Indians; and through the agency and instrumentality of these persons, the agent of the government, by an evident misconstruction of the orders of the President of the United States, has been induced to withhold from the late public sales in Mississippi and Alabama, an enormous quantity of land, supposed largely to exceed one million of acres. The committee have not been able to ascertain the precise quantity of land so reserved from sale, no returns having as yet been made; but they have no doubt that it will not fall short of the quantity above stated. The terms upon which these persons have contracted for these claims to reservations (if they are equitable), are most disadvantageous to the Indians. It appears by the testimony, that they have agreed with the Indians to pay them for one-half the quantity of land which they may secure, at the rate of one dollar and a quarter per acre; the other half these companies are to receive for what they are pleased to call their services. This is the arrangement, as they state it themselves; and it is more than probable that many purchases have been effected at a much lower rate. Powers of attorney have been procured from the Indians, irrevocable, to locate these claims, and to sell and dispose of the half promised to the Indians, in any manner, and at any price, these "agents" may think proper. Not satisfied with this to them profitable arrange-

ment with all the Indians who could be found on this side of the river Mississippi, these companies have sent agents among those Indians who had, in pursuance of the stipulations of the treaty, gone west of the river to their new homes assigned them by the government, and have procured their return to the States of Mississippi and Alabama, in great numbers, for the purpose of setting up these claims, which they themselves had never thought of previously to their removal. It also appears that these companies, in order to quiet any opposition to these claims on the part of the settlers on the public lands, many of whom would be deprived of pre-emptions, under the act of Congress of 1834, have, in many cases, entered into agreements to permit them to have one hundred and sixty acres at one dollar and a quarter per acre, and the remainder of the section at three dollars per acre. They have induced the locating agent to reserve from sale a great quantity of land of the best and richest quality in that part of the State of Mississippi—taking none but the most fertile, upon which there is no pretence that any Indian ever lived or had an improvement, for the purpose of satisfying these pretended claims.

In addition to what has been said on the construction of the 14th article of the treaty, the committee will, in relation to those Choctaws who had gone west of the Mississippi, call the attention of the Senate to other provisions of this treaty, which they think, in a legal point of view, preclude them all. By the 14th article, all those taking reservations under it are deprived of any participation in the annuity paid to that tribe. By the 17th article, it is also provided that ten thousand dollars shall be distributed among those not receiving reservations under any of the provisions of the treaty. All the Choctaws who have removed west of the Mississippi have received the full advantage of the annuity, and the proportionate dividend of the ten thousand dollars, and may be fairly presumed to have made their election between the advantage of remaining among the whites and removing with the tribe and participating in the benefits of the treaty, common to all.

They cannot be permitted to share in the dividends of the annuities and the ten thousand dollars, and then come back and take reservations also. To permit this would be to defeat the policy of the government and the stipulations of the treaty—would again burden the States with a population which it was one of the principal objects of the treaty to relieve them of—would greatly retard the improvement and prosperity of the States—would be an act of injustice to many of the settlers who are entitled to pre-emptions, of which they would be deprived, and would in the end, place the Indian himself, in ninety-three cases in a hundred, in a worse condition than if he were to remain with his tribe. It is easy to foresee that these white persons, or agents, as they style themselves, will, in the event of success, give to each of these Indian claimants a meagre support and a residence upon the land until the end of five years. The Indian will be nominally in possession, while the benefit is to be received by others. At the end of the five years, when he would be entitled to the land in fee simple, he will be either compelled or induced to transfer his title in pursuance of agreements already entered into. How disproportionate the price agreed to be paid by these white persons is to the real value of the land, may be learned from the fact, that this land will cost these purchasers of Indian reservations only ten cents per acre, in the event of these claims being confirmed. This is the account given of this speculation, by witnesses of indisputable credibility, known to one of the members of the committee, on the statement of the speculators themselves.

The lands asked for are in lieu of those which have been sold, and to which it is alleged that the Choctaw claimants were in equity entitled. The granting of other lands, in the place of those sold, would be in the shape of an indemnity, it not now being possible to obtain that to which they suppose they were entitled. Under these circumstances the Executive has not the power to allot other lands to them any more than he has to indemnify other individuals who have equitable claims on the government, on account of land claims, out of the public domain. Application is therefore made to Congress, and the question is, in what way, (admitting the claims to be equitable,) and to what extent, ought indemnity to be granted. If these individuals were entitled to lands sold, other lands in lieu of them cannot be a matter of *right:* a just compensation is all that can be claimed. Compensation in money has frequently been made for lands sold by the government, to which citizens were entitled. The committee, after considering all the facts and circumstances attending the whole transaction, do not hesitate to recommend that course in case any of these claimants can hereafter show they have equity. They are not of opinion that many, and doubt if any can do so, having much reliance on the testimony of Mr. Ward, who was the Indian agent at the time this treaty was being carried into execution. He states that not more than six or eight were omitted in the register which he kept, and this happened by the loss of a paper upon which the names were taken down for registration. These cases are now before the committee, having been filed in the War Department, and have been decided on.

This course would be giving to the Indian a substantial benefit, of which he would have but a poor prospect, under present circumstances, if land should be given nominally to him, but in reality for the use and benefit of his white agents. It would remove all inducement to fraud and perjury, of which there is great danger, in holding out to greedy speculators the prospect of the immense gain to be derived from the acquisition of valuable land at a price merely nominal: it would avoid the injustice to the government of selecting the most valuable portion of the public domain in lieu of lands upon which the Indians lived, which, it is generally known, was of the poorest quality, and would be most conducive to the interests of the States interested. The committee are, therefore, of opinion that it is not expedient to create a board for adjustment of those claims not heretofore presented, and have reported a resolution to that effect.

They have also examined the cases submitted, with a reference to the principles before laid down, and will report a bill for the relief of those who appear, by the testimony, to be entitled—securing to them lands of equal value, where those to which they were entitled have been sold, and guarding the rights of all others who may be interested; for it would not be just, in doing equity to the Indians, to deprive others of their rights.

Resolved, That it is not expedient to grant so much of the prayer of the petition and memorials as prays for the creation of a board to determine on the claims to reservations under the late treaty with the Choctaw Indians, at Dancing Rabbit, of 27th September, A. D., 1830.

Resolved, That all claims hereafter presented to Congress, under the 14th article of the treaty, which may appear to be just, and where the land claimed has been sold, a compensation should be paid in money.

24TH CONGRESS.] No. 1481. [1ST SESSION.

ON THE REORGANIZATION OF THE GENERAL LAND OFFICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 23, 1836.

Mr. BOON, from the Committee on the Public Lands, laid before the House the following documents:

TREASURY DEPARTMENT, *March* 3, 1836.

SIR: I have the honor to enclose to you herewith a report from the Commissioner of the General Land Office, on the reorganization of that bureau. The only change which I would suggest in the bill in its present form, is the expediency of devolving the duty named in the sixth section, on the Solicitor of the Treasury, if full inquiry should be found to render it useful.

The great importance of the subject must be the apology for so long a delay in making this report, and the accompanying it with so many papers.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. R. BOON, *Chairman Committee on Public Lands.*

GENERAL LAND OFFICE, *March* 2, 1836.

SIR: In compliance with your request, upon the application of the Committee on Public Lands of the House of Representatives, made on the 20th of last January, I have the honor to submit a draught of a bill for reorganizing the General Land Office, containing the principles of such a reform as, in my judgment, is adapted to its anomalous nature, and to remedy some of the most apparent defects of its present condition, to impart greater facility and order to its numerous branches of duty, and to insure the efficiency on which so mainly depends a correct and energetic administration of the present multiplied concerns of the land system.

The accompanying exposition of the state of the General Land Office, and some branches of service with which it stands connected, is intended to explain to you and the committee the reasons that have governed in preparing the bill, which has occupied as much care and deliberation as I could devote to the subject, in the midst of incessant and pressing calls upon my attention since your request was made. I hope, sir, that you and the committee will find, in the circumstances in which I am placed, a sufficient apology for the delay of this communication.

In order to furnish you a tolerable idea of the mass of business accumulated and accumulating in the office, it has been computed that from six to eight years' labor of the regular force in the office would be required to bring all business and arrears of the establishment to a close, if the district land offices had been shut at the commence ment of this year.

The moneys received from purchasers of public land, during the year 1834, including stock and scrip, amounted to		$6,099,981 04
During the first, second, and third quarters of 1835, to	$8,869,483 57	
Payments into the Treasury for the fourth quarter	5,591,009 86	
		14,460,493 43
Estimated for the year 1836		10,000,000 00
Which constitute an aggregate of payments for three years of		$30,560,474 47

This amount of money would require three hundred and five thousand patents to be issued, on the assumption that the tracts were all half quarter-sections, every hundred dollars requiring one patent; but making a reasonable estimate for the number of tracts sold in sixteenths of sections, the number would be augmented to three hundred and sixty thousand, at least.

The act of the 5th of April, 1832, admitting of the sales of public lands in tracts of forty acres, has, as may well be supposed, greatly increased the number of patents, and every labor preparatory to their issue in the same proportion. The number of sales in such small tracts is large in many districts, and the sum of receipts for them requires double the number of patents that the same amount of money made necessary before the passage of that law.

The pre-emption law of the 19th of June, 1834, has already introduced into the office fifteen hundred cases of complaints and appeals from the decisions of the land officers; and the number is daily increasing.

It is ascertained that one hundred and sixty-nine thousand one hundred and seven certificates of sales (of tracts) remain to be registered in the tract-books of the office, returns from some districts being still deficient, to complete the past year.

The labor yet to be performed in the Bureau of Private Land Claims, in relation to land titles originating under foreign governments, and required to be consummated by our own, if valid, can only be estimated by years in the best possible organization of the General Land Office. There seems reason to apprehend that, without some change, the next generation of the holders of such claims, unacquainted with its state and the causes of delay which it cannot control, may reproach the officers of this institution with neglect or omission for having left the work unfinished.

This bureau is inevitably charged with thousands of Indian claims, titles, and conveyances, which unforeseen and unexpected causes have cast upon this office, in the midst of its heavy embarrassments, and of a complexity of affairs, that probably enters not, in greater proportion, into the details of any other branch of the public service.

The several commissions instituted in the course of thirty years have not closed the settlement of the private land claims in Louisiana, and some of the most difficult and complicated cases, in law and in fact, remain to be extricated from their involvement, by the General Land Office. In order to exhibit the state of this branch of

the business more in detail than would be advisable in this summary, I beg leave to refer you to the accompanying paper, marked No. 1.

In the bureau of Virginia military bounty lands, with which, since the year 1830, the business of issuing scrip has been connected, it may require from three to five years to investigate all the warrants, surveys, and claims of title, now on file, and to execute the singularly tedious task of engrossing the grants on those surveys. The cases require attentive and critical investigation, and continual recurrence to indices and papers; and these causes, joined with a voluminous correspondence in the numerous cases where scrip has been demanded, since the year 1830, inclusive, and concerning which the office has been excessively importuned, have operated, in the meanwhile, to prevent any other than occasional issue of patents on the Virginia military surveys.

The clerk charged with these duties has exercised as much energy and promptitude as is believed to have been possible, in his circumstances, to satisfy the demands upon this branch, and obviate the embarrassment of augmenting arrears. For a more particular detail of this subject, I respectfully refer to the accompanying paper, marked No. 2.

It is respectfully suggested that the surveys are at the base of the land system, and should be directed by the most efficient supervision, for which no adequate provision has been made; the laws on this subject having prescribed the mere outline of rectangular surveying, appear to have left the detail to be filled up by the surveyors general, and to justify the department in recognizing the certificate of each, however variant their notions of proceeding, as definitively conclusive. Hence, a want of uniformity might have been anticipated, in the operations of the several surveying districts, which have reached their present number in the course of —— years by successive additions; and hence the mischiefs which, prior to the year 1831, found their way into the surveying system.

I am led to believe that the appointment of an officer at the seat of government, to superintend, especially, this branch of service, would have been economical and highly beneficial, if such charge had been intrusted soon after the late war, when the immense amount of surveys for military bounty, and sale, in Indiana, Illinois, Missouri, Arkansas, Alabama, &c., were ordered, and even in 1818, before certain regular progressive sales were ordered by Mr. Secretary Crawford. The supervision might have prevented much bad surveying, that a system like the one above described was likely to lead to, and timely correctives might have been applied to the numerous errors that continue to be developed in those old surveys, as the demand for land increases; and it seems to me still proper and necessary that the General Land Office should have the assistance of an officer possessing the peculiar talent and acquirement expected in a surveyor general, to direct future operations, detect incorrect work as occasion may require, and devise and apply the proper correction; to direct and oversee the necessary execution and distinctive coloring of maps, arranging and recording of field-notes, formation of indices; to place his charge in systematic order, and attend to its particular correspondence—labors that will demand discriminating judgment, devoted and almost exclusive attention, and great industry. Since the commencement of the land system, the law has never referred the operations of surveying the public lands to any supervisory head at the seat of government, unless the commissioner be considered such by implication; and, if he possesses implied powers in this respect, the law has not defined them.

The General Land Office, with its small comparative force, has struggled to obviate and avert as many evils as possible. I am informed that signal benefit has resulted to the public surveys, within the last four years, from instructions emanating from this office in July, 1831, in the shape of a circular to the surveyors general, pointing out all the minutiæ of their duties which past experience indicated to be necessary; which instructions, I understand, had to be matured by the chief clerk, in extra hours, during a period of several months; as no leisure could be found in office hours for digesting a subject involving so many details. A desirable degree of uniformity in field operations, and in returns to this office and to the district land offices, not before existing, has been thus insured for the future; but the defects of the past are not yet adequately provided against. The exposition of these last, with a view to their remedy, would form an important item of the duty of the officer proposed.

In conclusion of this subject, I beg leave to add that the laws concerning the surveys, by a singular oversight, made no early requisition that copies of the field-notes (technically the surveys) should be multiplied. Instead of such copies, the surveyors general were required to furnish, with the township plats, a document called "a description" of the township, which shows the quality of the land on sectional lines, and describes the corner-posts and bearing-trees. These descriptions, however, answer not the purpose of the field-notes, and no protraction can be made from them. The original field-notes are in the offices of the surveyors general; no copies of them are extant by law, and if they should be lost, by conflagration or otherwise, no record of them will exist. After considerable effort on the part of this office, Congress has made extra appropriations for transcripts of the field-notes to be filed here; an operation now in progress, which will be the work of years.

The amount received into the Treasury from the sales of public lands, will have enabled you and the committee to form an opinion of the extent and amount of operations under the land system. The lapse of near a quarter of a century since the General Land Office was organized, has introduced a state of things, in this respect, which could not have been anticipated and provided for in the year 1812. Hence the defects which time has unfolded in the organic law of the General Land Office, which, at this crisis of the system, call upon the legislature for a remedy, in view of all probable exigencies in future.

While I would ask permission to invite the attention of the committee to the vast increase of the land sales, and the proportionate additional labor and responsibility consequent on that increase, I would respectfully desire them to advert especially to the various enactments of the national legislature, which, from time to time, since 1812, have, by gradual progress, imperceptible to the public eye, introduced new and peculiar duties and responsibilities, often necessarily diverting attention and exertion from other current and increasing business, and very materially affecting the circumstances and conduct of the institution specially appointed to administer the laws regulating the disposal of the public domain.

The swelling amount and diversity of business in the General Land Office justify the suggestion that, if the other means were afforded for issuing patents within a year for the lands sold within a like period, the manual task of affixing to documents, of both parchment and paper, so as to keep pace, nearly, with the other operations, would occupy so many of the Commissioner's hours per diem, as to leave him little time to be devoted to the multifarious and sometimes perplexed subjects of increasing duties that devolve upon him under the present organization.

The committee may well imagine that, in affairs so extensive and ramified as our land concerns, cases important and intricate, in law, and in fact, will arise, demanding time and deliberation; and that the Commissioner, regarding the comparative urgency and importance of the subjects before him, must be compelled to choose which shall shall claim precedence of his attention. They will perceive, on an intimate acquaintance with the

state of affairs confided to this office, that it does not now possess the power to silence all complaints by speedy action in every case; since some must, of necessity, be delayed, when no possible diligence and assiduity can accomplish all.

In order that the just expectations of those interested may be complied with in a reasonable degree and time, it is deemed highly expedient and necessary, and almost indispensable, that the assistance of the law officer proposed in the 6th section of the bill submitted, should be afforded to the commissioner for a limited time. The duties of the trust will be arduous, requiring competent legal acquirement and persevering attention and industry.

As the tedious task of signing the patents (which justice to purchasers requires should be expedited,) causes a more constant diversion of the Commissioner's attention from subjects of great interest than any other ordinary occupation in the discharge of his duties, I have thought it advisable that the patents be prepared under the immediate superintendence of an officer to be charged exclusively with that duty; by whose signature, in addition to that of the President, and the seal of the General Land Office, authenticity should be given to the patents. With this relief, added to the assistance of the soliciter proposed, and proper distribution of duties and responsibilities among those placed under his direction, the Commissioner might find time for due investigation of cases and subjects novel or difficult; for promoting order and despatch in the office, and regularity in the routine of business; and, in fine, for performing, in a more efficient manner than present circumstances allow, the proper functions of the head of a great establishment.

In connexion with the subject of the bill which I have the honor herewith to submit, a summary of the views I have taken the liberty to express is subjoined, with great respect, in the following intended arrangement of duties, should the bill proposed become a law. It is believed that the detail is not too minute for the satisfaction of the committee.

First. The office of Commissioner of the General Land Office:

Duties and Clerks.

Principal clerk of the public lands, with one assistant and two recorders.

Accountants.

To examine and adjust the accounts of receivers of public moneys, preparatory to auditing; also to exercise a general direction of the manner of opening the tract-books, and of registering therein, in order to preserve uniformity; and have the care of correspondence with the receivers, under the direction of the commissioner. The duties to be confided to two accountants, with a clerk to record the reports and correspondence.

Book-keepers for registering the land sales.

One for the books of the land districts in Ohio;
One, with an assistant, for the land districts in Indiana;
One, with two assistants, for the land districts in Illinois;
One, with an assistant, for the land districts in Missouri;
One, with two assistants, for the land districts in Alabama;
One, with two assistants, for the land districts in Mississippi;
One, with an assistant, for the land districts in Louisiana;
One, with an assistant, for the land districts in the peninsula of Michigan;
One, with an assistant, for the land districts in western Michigan, Arkansas, and Florida:
Making an aggregate of nine book-keepers, and eleven assistant book-keepers.

Miscellaneous.—Bureau of Patents.

1. The arranging and preparing and keeping the proper checks on the certificates of purchase, after the registry of the sales in the tract-books, prior to handing the same over to the Recorder of the General Land Office.
2. The issuing of donation patents, and patents of other descriptions, required under special laws.
3. The issuing of patents under the credit system.
4. The issuing of patents for military bounty lands, late war.
5. The issuing of patents for exchange military bounty lands.
6. Preparing exemplifications of patents, and the evidences on which they are founded, other than those under the cash system, which would be prepared by the Recorder of the General Land Office.
7. The correction of errors of entry in the district land offices. This branch of business increases in proportion to the increase of the sales of public lands, and the application for changes of entry, and the testimony adduced in their support; requiring rigid investigation, and involving much correspondence.
8. Correction of patents. In consequence of clerical errors at the district land offices in the description of tracts, and in the names of parties in the evidences of title transmitted to the General Land Office, frequently originating in the want of care in the agents of purchasers in filling up the "applications," and sometimes from inadvertence on the part of the land officers, numerous patents, in the course of a year, are, from the foregoing causes, returned for correction, and much time and great caution are required to effect their correction, and make corresponding alterations otherwise consequent thereon.
9. Overpayments and short payments. It requires considerable time to attend to cases of this description, which sometimes arise from inaccuracies of calculation of contents by the surveyors general, and sometimes from error in calculating the amount of purchase money by the land officers.
10. Examination of the assignments before filing the same with the certificates of the purchase.
11. An extensive miscellaneous correspondence connected with the inquiries of individuals for information in particular cases.
12. The superintendence of the patents handed over by the recorder for the purpose of having the seal affixed.

The foregoing miscellaneous duties of the bureau of patents to be in charge of a superintending clerk and three assistants.

Bureau of private land claims.

Under the immediate supervision of the principal clerk on the private land claims, with four assistants.

The labors of this bureau, as connected with the issuing of patents on about sixteen thousand private claims to lands, originating under foreign governments, and to be consummated by the United States, and also a view of the duties of the General Land Office in relation to Indian lands connected with the same bureau, are set forth in the document marked No. 1, herewith submitted.

Bureau of scrip and for issuing patents for Virginia military bounty lands.

To be in charge of a superintending clerk and four assistants.

The origin of the arrears in this branch, and of the principal embarrassments resulting therefrom, are minutely set forth in the document marked No. 2, herewith submitted: from which it appears that, separate and apart from all duties connected with the issuing of scrip, there have accumulated *between three and four hundred* surveys, the title-papers of which are of very complicated character, requiring great scrutiny and patient investigation, prior to their being carried into grant; and that about *six hundred* of such surveys yet remain afloat, and which may be thrown on the office at the pleasure of the proprietors.

Apart from the numerous letters of inquiry and complaint of delay in issuing patents on the surveys on file *yet to be patented*, there are 150 or 200 pressing letters requiring various kinds of information relative to surveys which *have been patented*, and which inquiries cannot possibly be attended to under existing circumstances. Since the month of October last, not less than three hundred letters have been received on this single branch.

Bureau of pre-emption claims.

There are between 1,500 and 2,000 cases of complaints and appeals from the decisions of land officers in relation to pre-emption claims remaining to be adjudicated. These cases are of very urgent character, but of such nature that it would not be advisable to distribute the duties between more than two agents, lest there should arise conflict of opinion and inconsistency of decision.

Recorder of the General Land Office.

Principal clerk; two principal examiners; and thirty-five clerks to engross and record patents.

It will be necessary to have two sets of examiners, each composed of three persons, to compare together the certificate of purchase, the patent, and the record of the same. Each of the principal examiners must be familiar with the technical language required to be observed in the patents, adapted to the various peculiarities existing in different land districts.

From an investigation made on the 11th of January, it was ascertained, as will appear by the document marked No. 3, herewith submitted, that there were then 169,107 patents to be issued. Numerous heavy returns have since been received, and the number at present is estimated to be about 180,000. Such a number of patents would require the labor of fifty clerks to issue them in a year.

Bureau of surveys.

The existing state of the bureau of surveys, as respects the arrangement of maps, books, and papers, will be found in the paper marked No. 4, herewith submitted.

The force necessary to conduct the duties of this branch in an appropriate manner would be a first clerk, two principal draughtsmen, and one assistant draughtsman.

Messengers and packers.

Messengers and two assistant messengers for the Commissioner; messengers for the recorder; two packers and sealers of packages of blank forms, patents, &c.

Under this organization, the aggregate force in the whole establishment, exclusive of the two principal clerks on the public lands and private claims, also of the recorder and first clerk on the surveys, would be eighty-one clerks, and when an increased force would be requisite on any particular branch or subject, the Commissioner would have it in his power to detail it from ordinary duties, as occasion may require.

I would respectfully invite attention to the accompanying report of the chief clerk, made to me by direction, and the documents therein referred to, marked 1, 2, 3, 4, and 5.

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

E. A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington.*

GENERAL LAND OFFICE, *February* 22, 1836.

SIR: In obedience to your request, I have the honor herewith to submit to you the reports which, by direction, have been prepared by the gentlemen having the immediate supervision of the business of the branches of duty therein named.

No. 1 is the report of Mr. King, on the subject of the arrears and embarrassments in the Bureau of Private Land Claims.

No. 2 is a report of Mr. Keller, who has in charge the duties of the Bureau of Scrip, and for issuing patents on Virginia military lands. Having been appealed to by him, in reference to matters which happened many years ago, I confirm his statements.

No. 3 is the report of Mr. Simmons, the senior of the accountants and book-keepers, indicating in a tabular form, the arrears in the settlement of the accounts of the receivers of public moneys; in the duty of registering the sales in the tract-books, and the number of patents to be issued, as ascertained up to the date of his report, since which time many additional thousands of certificates of purchase have been received, making the number of patents to be issued at the present time about 180,000.

No. 4 is the report of the draughtsman, who has thought proper to confine himself to a statement of the existing arrangement in the Bureau of Surveys, and purposely to omit any estimate of the magnitude of the arrears, in consequence of his having but recently taken charge of the duties. Of these arrears a correct estimate cannot be made without occupying more time in the research than would be justifiable in due regard to the other pressing engagements of the bureau; and to make such estimate would necessarily involve an inquiry into the arrears existing in the offices of the several surveyors general of returns now due, and of what returns may be expected in a given time. A vast amount of surveying is in progress, and heavy returns are now due. In the fall of 1833, it was ascertained that six hundred township surveys then remained to be protracted on the connected maps of the land districts. The returns since received, added to those due, and which may shortly be rendered, will more than double that number.

It is proper here to notice the fact, of which you are fully aware, that neither the surveying laws, nor the law of 1812, organizing the General Land Office, point out any specific duties to be performed at the seat of government, in relation to the returns of surveys made by the surveyors general. Prior to the creation of this office, when the subject of the public lands formed part of the duties proper, in the office of the Secretary of the Treasury, Mr. Gallatin directed the practice of constructing district maps, on a suitable scale, from the official returns of survey, from which district maps, State maps could readily be formed, when required. This practice was subsequently continued after the organization of this office, until the year 1829, when (like many other plans and arrangements commenced as official desiderata, and unavoidably discontinued, not without regret) it had to be abandoned for want of aid, consequently the arrears of five years have now accumulated, and should be speedily brought up, unless it be determined to abandon the compilation of such maps altogether.

In due regard, therefore, to what are *assumed* to be the duties proper of the Surveying Bureau, I would respectfully submit the following view of the subjects which it would seem fit to place under its charge, in order to give it the requisite degree of efficiency, and render it a more useful auxiliary to the Commissioner:

1. To place in its charge the correspondence with the surveyors general, under the general directions of the commissioner; a charge which, in the midst of a heavy amount of miscellaneous correspondence, has heretofore principally devolved on the chief clerk, and which he has generally been compelled to attend to out of office hours.

2. To exercise the supervision necessary to ensure a uniform compliance with the instructions as to details in the protracting of the township maps.

3. To superintend the arrangement of the field notes, which (as now provided for by law) are in process of being transcribed.

4. To examine the accounts of the surveyors general, and compare the charges for the miles surveyed with the returns of surveys prior to the settlement of such accounts.

5. To continue the book of quantities, (on the plan long since commenced, but unavoidably abandoned,) by indicating the amount of public land and private land claims in each township, in order that accurate statements may at all times be rendered on official calls, as to the quantities of land surveyed in the respective districts.

6. The critical examination and comparison with the maps of the designations, as well as the quantities of tracts, as expressed in the certificates of purchase, where such tracts are fractional sections, or legal subdivisions of fractional sections, prior to the engrossing of the patents founded on such certificates.

To designate correctly and technically the parts of fractional sections, or their legal subdivisions, where the same have to be identified by their relative position in the fractional section, and not by a specific number affixed, is frequently found to be a critical matter, wherein a very slight inadvertence or deviation may involve no small consequences to the interests of purchasers, if not to the public, were the same not detected prior to being carried into grant. Such cases are becoming very numerous, and mistakes in such designations are of frequent occurrence at the district land offices in the hurry of business. These examinations and checks would seem more properly a duty belonging to the surveying bureau than to the book-keepers who register the sales, and who have heretofore been required to attend to them, whenever the numerous other requisitions on the time of the draughtsman have prevented him from doing so.

7. The devising of means of correcting the errors in the old surveys, as they are from time to time developed.

8. The compilation of connecting maps of the land districts, protracted on a suitable reduced scale from the official returns of surveys; the preparations of the State maps from those of the land districts, and the copying f draughts.

I am, with great respect, sir, your obedient servant,

JOHN M. MOORE, *Chief Clerk.*

P. S.—I beg leave to submit herewith document No. 5, being a tabular view of the annual increase of the office from the year 1826 to 1835, inclusive, and showing the annual appropriations made for the execution of all duties required of the General Land Office during the same periods, and would respectfully invite attention to the explanations made on the table, deeming it unnecessary here to repeat the same.

J. M. M.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

No. 1.

The following estimate presents, as accurately as can be ascertained from a cursory examination of the reports, &c., the number of private claims to lands in the several States and Territories which have been *confirmed*, and the number which have been patented, exclusive of those confirmed by the numerous private acts of Congress for the relief of individuals.

State or Territory.	Number of claims confirmed.	Number patented.	Number to be patented.
In Indiana	953	80	873
In Illinois	1,588	385	1,203
In Michigan, east and west	1,119	569	550
In Missouri and Arkansas	3,107	818	2,289
In Mississippi and Alabama	1,200	93	1,107
In Mississippi, not requiring patents	815	...	....
In Louisiana	8,857	463	8,394
In Florida	1,322	65	1,257
Totals	18,961	2,473	15,673

By the foregoing estimate, it will be perceived that nearly 16,000 claims have been confirmed, for which patents have yet to be issued. Before any of those patents can be issued, it is necessary that the certificates and surveys should be critically examined and compared with the confirmatory laws, the reports and official returns of survey, to ascertain whether they are correct; and, as may be supposed, such examinations result in considerable correspondence. The manner in which the claims in Missouri, Arkansas, and Michigan, are represented upon the returns of survey, has rendered it necessary that the lands should be described in each patent by particularly detailing the courses and lengths of all the lines, the nature and position of the bearing-trees, &c.; thus rendering their patenting a very tedious process. In other cases, the tracts being described by their *sectional* numbers, the patents are shorter, but yet involve considerable labor in issuing them.

From the progress which has been made in the surveys, it is supposed that this office is now liable to be called upon, at any moment, for the patent in almost every case of confirmation in Michigan, Indiana, Illinois, Missouri, and Arkansas, and for a large portion of those in Louisiana, Mississippi, Alabama, and Florida, and nothing but the neglect or inattention of the claimants themselves tends to prevent this vast mass of business from being at once thrown upon the office. As those lands are rapidly increasing in value, and as the public attention is becoming more and more drawn to them, we cannot but expect they will, ere long, demand their patents. The allegations of fraud either in procuring the confirmation or surveys of claims, necessarily occasion considerable correspondence and close investigation.

Particular causes have, for a long time past, been operating in Louisiana and Mississippi, to delay the forwarding of the patent certificates for the claims in those States, and also in the southern part of Alabama; but when those causes are removed, the certificates must be expected to be forwarded.

The embarrassments connected with the *confirmed* claims, form only a small part of the business connected with this branch of the General Land Office.

It will be perceived that no estimate has been made of the great number of the unconfirmed claims in the several States and Territories. These claims are the cause of much difficulty and labor; they pass from hand to hand, in the hope of their eventual confirmation, being apparently seldom, if ever, abandoned; and as new boards are, from time to time, opened for their re-examination, under, in some cases, relaxed regulations of law, and also from the right of petitioning Congress in each case, under a hope of succeeding by exparte representations, the office is continually called upon for information which, in the present state of reports, can in many cases be only obtained after tedious and extensive examinations, and in many cases even the information that does exist cannot be afforded from the want of proper indexes, for the preparation of which, time cannot, under the present circumstances, be afforded.

Within the last few years, a considerable portion of the reports have been indexed, so far as to show the names of the individuals who *claimed* the *land* before the officers making those reports; but in no case has the office been enabled to prepare indexes showing the names of the original claimants, or the *intermediate* owners of those lands, so far as they are exhibited by the reports. It therefore results, as a matter of necessity, that unless when an inquiry is made, the name of the individual who claimed the land before those officers is given, the office has no means of ascertaining whether such claim was produced and acted upon or not; but if the office was enabled to make all the indexes required, then a knowledge of the name of any one of the former owners or claimants would enable it to ascertain the nature of action which may have been had respecting such claim. The labor involved in their preparation would be very great, but the results would be far more important.

So far as the reports have been submitted to and been acted upon by Congress, the originals in this office are necessarily the only conclusive evidence respecting the confirmation of each of the particular claims included therein, and their preservation is therefore all-important; but if, as heretofore, we are obliged to be continually referring to them, they must necessarily become so injured and obliterated by constant use, as eventually to render them imperfect. These originals, which are now upon every kind of paper, from the largest size wrapping paper to letter paper, should, therefore, be most carefully and neatly copied into well-bound and durable volumes, which, after being critically examined, should be duly certified, and to these copies the ordinary references should be made, in order that the originals might be carefully preserved, and only used when absolutely required in giving certified copies and extracts to be used for judicial purposes. Another great advantage from adopting this course, would be the possession of such duly-certified copies, in case of the destruction of the originals.

In some districts the door has been opened from time to time, for the last thirty years, for the investigation of land titles, and reports have been made at different periods upon the claims presented, and claims which have been rejected under one law, have been brought up under subsequent acts. To enable the office, therefore, to trace the history of each of those claims, and the decisions which may have been made thereon, it is necessary that all the reports from the same section of country should be compared with each other, and such references

made thereon to the previous and subsequent proceedings in each case; as would show the entire action upon such claim.

The difficulties existing in relation to the surveys of some of the claims, and the issuing of the patent certificates therefor, not necessarily coming under the head of arrearages in the General Land Office, are not now noticed, as they more properly belong to the consideration of other branches of the embarrassments connected with the existing state of the land system.

In the foregoing remarks, any reference to the proceedings under special laws confirming the claims of particular individuals, or granting lands for particular purposes to corporate institutions, or to the States or Territories, has been purposely avoided; not because they have not, in many instances, occasioned great labor, and involved many points of difficulty, but in consequence of their not forming a part of that burden arising out of general legislation, which is to be classed under the general head of private land claims.

Another branch of the business of the office, now connected with the private claims, which has sprung up with unexampled rapidity, and which, although it now forms an extremely heavy part of the business in this branch of the office, promises soon to overwhelm it, is that arising out of the Indian transactions, which have been thrown upon this office. Allusion is made to the location of Indian reservations, and more particularly to their sale by the reservees. Until the late Indian treaties, the reservations were conditionally selected by the Indian agent, and reported to this office and to the register of the proper district, and if no objections were perceived to such selections, they were submitted to the President, for his approval. Most of the reservations being subject to sale with the *approbation* of the President, he has uniformly required that the conveyance should be acknowledged and certified in a particular manner, to meet his approbation, and when so approved, that all such conveyances, with the whole of the evidence in support thereof, should be recorded in full, in this office. Under the late treaties, the locations have been made by special agents appointed by the War Department, but all their locations should not only be compared with the plats and books of this office, before approval, but afterward be permanently marked upon the plats and books, as a check to prevent interfering sales. The total number of reservations which may be granted under the late Choctaw, Chickasaw, and Creek treaties, is not known to this office, but they are to be counted by *thousands;* and if, eventually, this office should have to revise the locations, and the conveyances of those reservations, the labor involved will be beyond estimate.

This branch of the business can, however, be most easily and properly disconnected from this office. The duties of locating, &c., are now performed by persons appointed by the War Department, and acting under its instructions, and who are in no wise responsible to this office, or under its control. All that this office should know, is the designation of the lands reserved; and if, therefore, it was only required to withhold from sale the lands which the War Department might inform it were Indian reservations, it could do so without inconvenience or much labor; and the business connected with the sales of those reservations being transacted by the Indian bureau of the War Department, this office would be almost entirely relieved from this additional source of great and rapidly increasing embarrassment.

Very respectfully, S. D. KING.

CHIEF CLERK *of the General Land Office.*

No. 2.

BUREAU OF SCRIP AND VIRGINIA MILITARY SURVEYS, *February* 1, 1835.

SIR: In compliance with your request, I now proceed to give a statement of the difficulties and embarrassments under which this bureau labors, as respects the duties confided to me, ever since the 1st of April, 1828, up to this day, and of the impossibility to attend to and perform these duties faithfully to the claimants and the government.

In 1828, the duties confided to me were: 1. The issuing of patents on Virginia military surveys.

2. The issuing of patents on United States military warrants granted for Revolutionary services.

3. The issuing of patents on warrants granted to the soldiers of the late war.

4. The issuing of patents for lands selected by soldiers of the late war in exchange for others.

5. The transmission of patents for purchased lands.

Although I had assistance, yet the correspondence arising out of the several branches of business referred to, could no longer be attended to by myself, and the duties enumerated under Nos. 3, 4, and 5, were transferred, in 1830, to the Bureau of Patents, then instituted, where they have ever since been performed; and, to account why the duties stated under Nos. 1 and 2 have not been attended to with the usual requisite promptitude, it may be proper to give a brief history of the events which caused the delay and the present embarrassment.

Colonel Richard C. Anderson, late surveyor of the lands in the Virginia military district in Ohio, died in the latter part of the year 1826, and great difficulty existed in appointing a successor, the President being of opinion that no appointment could be made until Congress had given authority by law, as no such officer had ever been appointed by the Executive. Colonel Anderson having been appointed under the authority of Virginia, by the officers of the Virginia continental line, (who, I believe, were specially convened for that purpose,) held the office for about forty years.

In consequence of Mr. Anderson's decease, very few surveys were returned to this office during the years 1827 and 1828, and even *at that period*, the issuing of patents on those surveys occupied the whole of the time of the clerk in this office who had charge of that branch of business; and in order to discharge the duty promptly, he occasionally, as you well know, required an assistant.

The act of 26th of May, 1826, in relation to the Virginia military lands, required certain formalities to be observed as respected the issuing of patents on surveys surrendered previous, to which the Secretary of War was required to certify that the warrant (on which the survey was made) was granted by Virginia for services, as by the laws of that State passed prior to the cession of the Northwestern Territory, would have entitled such officer, his heirs or assigns, to bounty land. This provision in the law was complied with by the then Secretary of War, until March, 1829, and the surveys that were returned up to that time were, in most instances, disposed of.

On the 24th of February, 1829, Congress passed an act authorizing the President to appoint a successor to Colonel Anderson, and on the 13th of March following, the President commissioned the present incumbent, Allen Latham.

The immediate consequences of the appointment of a surveyor caused the return of a number of surveys for patents, previous to the issuing of which the warrant and surveys had to be submitted to the Secretary of

War for the certificate required by the proviso in the first section of the act above referred to, but the then Secretary refused to certify until evidence authorizing the act was laid before him. In consequence of this refusal, the warrants and surveys were, in almost every instance, returned to the proprietors or agents, with the request to procure the requisite evidence from the Virginia land office, at Richmond, where the warrants emanated. The delay thereby created raised great clamor among the owners, inasmuch as it involved them in considerable expense and loss of time; but before that evidence could be obtained, the summer had passed by, and the papers, together with the evidence, were not returned until the winter of 1829–30; but, notwithstanding all embarrassments, I succeeded in disposing of a great many cases, and Congress being made acquainted with the vexatious delay and expense which the claimants to patents were subjected to, repealed the embarrassing proviso above stated, by the act of the 23d of April, 1830, and I then flattered myself in having a prospect before me to conduct this business with despatch and fidelity to those interested, when Congress passed an act on the 30th of May, 1830, appropriating three hundred and ten thousand acres of land for satisfying Virginia state line and navy warrants, as well as those of the continental line, which had been issued, or were to be issued, by granting scrip therefor.

This law is commonly called the scrip law, and contained, also, provisions for warrants granted by the United States for the latter. I had, heretofore, as above stated, issued the patents, and that labor constituted a very considerable part of my duties.

The execution of this law was confided to the Secretary of the Treasury, but the burden thereof was imposed on the General Land Office, and the active duties necessarily devolved on me. In making the necessary arrangements for the execution of the scrip law, and before the issue of scrip commenced, the summer of that year had passed by, during which the number of surveys had gradually accumulated to three hundred, and the surveyor reported that one thousand yet remained in his office. To dispose of those three hundred would have required my exclusive attention, and that of an assistant, for eighteen months.

This branch of my duties was then laid aside, and the issue of scrip commenced, and the only clerks allowed me were Arthur L. McIntyre and Henry Sylvester; the former copied the correspondence, and the latter was exclusively engaged in recording the scrip and keeping the index, in which, occasionally, when the clamor for scrip was great, another assistant was allowed.

Mr. Sylvester was, in 1832, transferred to another department, and his experience lost to the bureau, which materially embarrassed me, inasmuch as the one who obtained his place possessed no experience in the business. Mr. McIntyre also obtained considerable information, and was of great use and help in the bureau, when subsequent appropriations were made for the same objects. The correspondence and daily inquiries and calls by persons interested increased steadily, and at sundry periods have I been exclusively and most laboriously, day after day, engaged in nothing else than giving verbal explanations and information to claimants, who personally appeared, particularly during the session of Congress; hence, the business arising under that act was not brought to a close until late in 1832, that is, so far as the issuing of scrip was concerned for the land appropriated. The respite which took place was of but short duration, and did not permit me, except in very few instances, to take up a single survey, for I had to prepare statements in order to execute the law subjecting the unlocated lots in the United States military district to private entry.

By the act of 13th of July, 1832, a further appropriation of three hundred thousand acres of land was made, and the issue of scrip under that law commenced in the autumn of that year, which, however, was disposed of in about nine months, but yet no relaxation was afforded; for by the act of 2d March, 1833, another appropriation of two hundred thousand acres was made, which was also disposed of, at the beginning of 1834, leaving only a fraction undisposed of, which was covered by claims suspended for further evidence.

The index and record-books of the proceedings under the several scrip laws, were made in such haste, and subjected to such frequent changes, that they should be renewed, together with the old war-office indexes, which had become very much mutilated and defaced by wear and tear of about forty years' use, and most especially of latter years; and by renewing them in the mode proposed, would afford a comprehensive view of all matters relative to the Virginia military claims, and hereafter would be an effectual check against any imposition that might be attempted.

To carry this proposition into effect, Congress, on the recommendation of the Commissioner, appropriated fifteen hundred dollars for this especial purpose, and I flattered myself then, that Mr. McIntyre would be detailed for this duty; for, independent of his excellent record hand, the general knowledge which he had acquired the preceding years rendered him well qualified for the work; but his suspension from office has compelled me to relinquish the undertaking, and I see no possibility to commence that most desirable work at the present time, because it would require my constant supervision, should a person be appointed without possessing any previous information, however well qualified he might be in all other respects.

The issue of scrip, under the act of 3d of March last, which appropriated six hundred and fifty thousand acres, commenced about the middle of October last, and the recording thereof is intrusted to Mr. Paine, and the copying of letters to Mr. Murray, who, although a very intelligent person, is, from inexperience, as yet of no other use. The daily inquiries relative to the claims and the calls for scrip engross my attention so much, that I can scarcely obtain time to make out applications for scrip; moreover, rival claimants to the scrip embarrass me very much, and lay me open to malicious inferences, and compel me to make constant references to the Commissioner for decisions; and to such extent do these adverse claims exist at this time that no other business can be taken up, and at what time the appropriation will be disposed of, I cannot pretend to say.

The scrip correspondence has already filled up three large books, containing only the record of letters on that subject, and the fourth is more than half filled; and the correspondence arising out of the several laws, even if no further appropriation should be made, will, for many years to come, employ one person exclusively. In the meantime, the surveys are accumulating, and are of more intricate character than heretofore.

Many important cases have been laid over for the Commissioner's decision, and, if obtained, how am I to issue the patents, the engrossing of which cannot be suffered to pass without a critical investigation and comparison of the patent with the record. To supervise this is necessarily my duty, and the same cannot be done, in consequence of continued interruption in the scrip business.

To the foregoing detailed duties, a new and very troublesome one has lately been added, arising out of the incorporation of a banking institution by the State of Ohio, for the purpose, as I am informed, of making loans on real estate; and you well know that the grants for mostly all the lands in that State emanated from the United States. Agencies of the bank are located, I believe, in the principal counties of Ohio, and any individual applying for a loan has to mortgage his estate. To ascertain the legality of the title to his land which the applicants for a loan may offer to mortgage, applications are made for copies of the original patents for lands lying within the military district, and a great part of my time during last summer has been consumed in making out copies.

The demand for such copies increases at a fearful rate. The applicants do not confine themselves to make their own application, because they cannot be attended to agreeably to their own wants and wishes, but they make their applications to members of Congress, and they to this office. The application for such copies, in a single letter, is sometimes for three and four, and the letters are always very urgent, and now amount to eighteen, requiring twenty-seven copies.

The letters which require answers, and some of very great importance, involving most elaborate and critical investigation, amount to one hundred and eighteen, and increase so rapidly that I am no longer able to pay any attention to them. It is almost too late, even with sufficient assistance, to dispose of the arrears, and it cannot be done until the scrip laws are disposed of. Mere manual labor alone cannot relieve me, for I am unable to prepare the work, and most of it I will have to do myself. A sensible relief would be afforded, if I could make a reference of the letters to another clerk, whose experience on the duties would enable him to answer direct inquiries and give information, but this is out of the question; none has sufficient information, and the want of it might only still further embarrass this branch of the business, were I to make such reference without accompanying it with the substance of the necessary answer.

The foregoing exhibits the causes, and my inability to make even a reasonable progress of the several duties confided. In addition, I will state that the surveys on file amount probably to between three and four hundred, of which the title papers to most of them are of a very complex nature, and some will require perhaps a whole day in the examination. The writing of one of this description (the surveys being, in many cases, of a very zigzag shape) will require a whole sheepskin, and a day to engross it, and another to record it; and to despatch all those on hand, of which at least one half are probably imperfect and require consequent correspondence, will demand the attention of two clerks for several years, there being at least six hundred surveys afloat or remaining uncalled for in the surveyor's office. To execute, therefore, this branch of business, and expedite the issuing of the patents, it ought to be committed to some other person, who, at the same time, could attend to the incidental correspondence arising under it, and preparing such copies of patents as may be called for. The issue of scrip, under the several acts of Congress, at the present time requires my undivided attention, the peculiar nature of which does not permit me to employ others, except that of recording the certificates and filing the papers.

The number of warrants surrendered, under the late appropriation, amount to seven hundred and forty, of which two hundred and forty are disposed of, that is, so far as the preparing of the scrip is concerned, but the greater portion of them is not yet issued, as in most of the large claims contest arises between rival agents, compelling me to ask advice from the Commissioner, and then to prepare reports to the Secretary; and here it is necessary to peruse vast numbers of documents, so that it is almost impossible to make out applications for the issue of scrip.

Many warrants are necessarily suspended, and require continual correspondence with the register of the land office at Richmond; so that about three hundred letters remain unanswered, and the number is daily increasing. This branch of business will, even if the present appropriations be disposed of, require for many years the time of one clerk to give information on personal calls, or by letter, and after the appropriations be disposed of, the indexes of these warrants on which scrip has been issued ought to be completed, otherwise the confusion will be such that no information of a correct nature can ever be given by a clerk who may hereafter succeed me. This I have most at heart, for it would be a high gratification for me to leave that business in a state that any person could understand it.

Finally, I would state that there is now a bill pending authorizing the issue of scrip on United States warrant, of which about fifty are already on file, and more may be expected on the enactment of that law.

Your most obedient servant,

FRED. KELLER.

JOHN M. MOORE, Esq., *Chief Clerk of the General Land Office.*

No. 3.

Statement showing the arrears of work in the General Land Office, on the 1st day of January, 1836, with an estimate of the number of clerks required to bring it up and perform the current business of the office, in the auditing, book-keeping, and patenting departments or bureaus.

GENERAL LAND OFFICE, *February*, 1836.

States and Territories.	No. of accounts in arrear to be audited.	Number of entries in arrear to be posted into the ledgers.	Number of patents in arrear to be written, recorded, examined, and issued.		No. of districts in each State and Territory.	Yearly number of accounts to be audited, exclusive of late receivers' accounts.	Number of certificates of purchase received in the year 1835, being the number of entries to be made in the ledgers for that year.
			Number of certificates of purchase of which entries have been made, but for which the patents are yet to be written.	Total number of patents in arrear, being the number of certificates in the two preceding columns.			
Ohio	24	4,616	2,707	7,323	8	32	6,877
Indiana	12	15,097	5,578	20,675	6	24	18,372
Illinois	38	27,296	1,762	29,058	10	40	25,857
Missouri and Kansas school lands	31	8,187	1,918	10,105	6	28	7,403
Alabama and Cherokee school lands	37	23,217	8,824	32,041	8	36	22,175
Mississippi and Choctaw school lands	35	27,321	8,990	36,311	5	24	17,773
Louisiana	17	4,028	115	4,143	4	16	1,435
Michigan Territory	23	19,880	1,415	21,295	5	20	18,964
Arkansas Territory	29	7,261	None.	7,261	5	20	3,961
Florida Territory	5	895	None.	895	2	8	623
Totals	251	137,798	31,309	169,107	59	248	123,440

Estimate of the number of clerks required.

First. The number of accounts unadjusted is 251, nearly the same as the annual number to be audited. One accountant can easily adjust two accounts per week, on an average, or one hundred per annum; consequently, six accountants (the present number in the office) can audit and report on six hundred accounts a year, if not otherwise occupied; but as each of the accountants is also a book-keeper, a great portion of every year is consumed in posting the books.

Secondly. One book-keeper, familiar with the business of posting, may make about one hundred and fifty entries per week, or eight thousand a year. It will therefore require seventeen book-keepers for one year to bring up the arrears of posting; but if no more be employed on the work, the arrears at the end of this year will be nearly as great as at its commencement. As, however, there may be some diminution in the sales of lands this year, as compared with last year, perhaps twelve assistant book-keepers, in addition to the present number of accountants, making eighteen in all in this branch of the business, will be found sufficient to adjust the accounts and post the books; the distribution of the assistant book-keepers to be regulated by the quantum of work assigned to each accountant.

Thirdly. The number of patents in arrear, to be written, recorded, examined, and issued, is one hundred and sixty-nine thousand one hundred and seven, which, according to an estimate made at the Patent Bureau, will require the labor of fifty clerks for one year.

It is hardly possible to say what force the office will require hereafter; but judging from the increase in the sales of lands for several years past, it would seem desirable that the number of clerks in the auditing and posting business should not be less than eighteen, as estimated above, and in the patenting department about forty.

Respectfully submitted.

WM. SIMMONS, *Senior Accountant.*

No. 4.

GENERAL LAND OFFICE, *Surveying Bureau.*

SIR: In obedience to your request that I should report on the existing state of the business in this bureau, showing what has been done since my duties commenced therein, I have to state as follows:

That, since the report made from this office in 1833, the duties of this branch of the business appear to have increased to double or triple the amount that they then were; and, as a necessary consequence, the back work has accumulated nearly in the same proportion.

For the six months during which I have had charge of the business, I have only been able, by the closest application and industry, and with the aid of the assistant draughtsman employed out of the appropriation for extra aid in this office, to attend to that part of the current business on this branch, (which could not be delayed without either putting a stop to or essentially interfering with official operations on other branches of the office,) and to place the files in such a state as to enable any one to refer with facility to the maps and other documents which are constantly in requisition, particularly by the book-keepers in registering the sales in the tract-books. During the period above mentioned, (with the exception of fifty-seven volumes previously arranged and bound,) the whole of the township plats on file in the office, amounting in all to 105 volumes, have been carefully arranged and permanently bound into suitable books, with an index to each volume, showing the maps contained therein, and a general index atlas to the whole has been constructed, by which they can be referred to with an ease and facility before unknown. The miscellaneous documents relating to boundaries, mines, salines, and special surveys, have likewise been all arranged by States, according to their subjects, and a table constructed by which they can readily be referred to; also, with the exception of those of the Southern States and the Territory of Florida, sketch maps of each of the States and Territories have been made separately, which answer as indices to the district, military, and other maps, which are filed in cases arranged along the walls of the room, in all about 170. These index maps exhibit on the face of them not only the present extent of the surveys, but will also show, when completed, the present state of the numerous district maps as to the townships required to be protracted on them in continuation of the protractions previously made. These district maps were in all stages of progress up to the year 1830, but since that period it has not been in the power of the office to make any additions to them, nor will it be practicable to do so until increased means are afforded.

Various expedients or make-shifts appear to have been resorted to in this branch, from time to time, for want of the requisite assistance to enable it to meet the exigencies of the business connected with it, which otherwise would have most materially interfered with, if not positively stayed, many important operations in other branches.

I would take leave to remark, from the experience acquired since my incumbency on this branch of the service, that it appears to me to be utterly impracticable that all the duties which appropriately belong to it can be performed without an entire new organization of the system. The current business alone is now more than can be attended to. Neither State nor district maps can be constructed, nor can the bureau attempt to exercise any supervision over the execution of the office work returned by the surveyors general, much less to conduct any portion of the various correspondence connected with the branch, until further provisions of law shall enable it so to do.

I have the honor to remain your obedient servant,

WM. T. STEIGER, *Draughtsman.*

JOHN M. MOORE, Esq., *Chief Clerk of the General Land Office.*

No. 5.

Tabular view of the increase of the labors of the General Land Office from 1826 *to* 1835, *inclusive.*

1st Column.	2d Column.			3d Column.	4th Column.	5th Column.
Years.	Appropriations for regular clerks.	Appropriations for extra cl'ks, patent writing, &c.	Total.	Total number of tracts sold during each year.	Am't. appropriated for clerk-hire for each tract sold in each year.	Required annual appropriation agreeably to rate in 1826.
					Dols. cts. m.	
1826	$22,550	.....	$22,550	$3,708	2 32 2	$22,550
1827 1st quarter	5,637½	.....	20,225	10,776	1 87 7	25,022
1827 2d, 3d, 4th, do	14,587½					
1828	19,450	.....	19,450	10,867	1 78 0	25,233
1829	19,450	.....	19,450	14,281	1 36 2	33,160
1830	19,450	.....	19,450	22,177	87 7	51,495
1831	19,450	$9,000	28,450	30,224	94 1	70,180
1832	19,450	11,600	31,050	36,045	86 1	83,696
1833	19,450	11,481	30,931	54,312	56 9	126,112
1834	19,450	16,000	35,450	61,043	58 0	141,741
1835	19,450	29,500	48,950	124,163	39 4	288,318

REMARKS.

The gradual increase of the labors of the office can probably be best explained and understood by taking into consideration the increase in the number of tracts sold, which multiplies all the labors in a degree proportionate thereto. This table shows (col. 2) the annual appropriations for regular clerks and extra patent writing from the year 1826 to 1835, inclusive; also (col. 3) the total number of tracts sold during each of those years; (col. 4) the amount appropriated for clerk-hire for each tract sold in each year; being the amount of appropriation divided among the number of tracts. The office was reduced in 1827 (from which period its duties have been annually on the increase) from twenty-three to seventeen regular clerks, which is the present number. Taking as the basis of the calculation the appropriation for regular clerk-hire ($22,550) as it stood before 1827, when the reduction took place, and regulating the subsequent annual appropriations in proportion to the tracts sold annually, the 5th column shows what would have been the required annual appropriation, agreeably to the rate in 1826, which annual amounts, as here stated, certainly do not exceed what were the annual requirements for the exigencies of the service.

24TH CONGRESS.] No. 1482. [1ST SESSION.

ON APPLICATION FOR POWER TO SELL A SECTION OF THE SCHOOL LANDS IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 24, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of Gideon Blackburn, praying for the sale of a section of school land, reported:

The committee are deeply impressed with the importance of the subject of education, and greatly appreciate the laudable and highly honorable exertions of the petitioner in promoting it.

It is the proper education of the youth of the country, which must and will regulate and govern its future destinies.

In a republic of self-government, the people ought to be virtuous and intelligent, and in order to accomplish this desirable object, the course of education must be sustained, and sustained in all its various grades and departments; on account, therefore, of its importance, the committee have bestowed on the prayer of the petitioner that due deliberation to which the subject is entitled.

The petitioner, Doctor Blackburn, whose character for high standing, and whose exertions in the cause of education are well known to the public, and to most of the committee, states that he is a resident of township nine north, and range nine west, in the county of Macoupin, and State of Illinois, and has given to said township and the sixteenth section thereof, a thorough examination, so that he further states, that there is no other section of land in the township which is "so favorable to the purposes of a seminary of learning."

He says also, that the "citizens of said township are much inclined to the advancement of such institution, and will consent that the fee simple property of said section be vested in some person for the above purpose and object."

In the investigation of this subject, the committee have examined the ordinance, accepting certain propositions made by the general government, which ordinance is a part of the constitution of Illinois, and is in the following words: "That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township for the use of schools." The State of Indiana, and some other of the new States, have a similar ordinance on this subject, and out of abundant caution to secure the fee-simple property in purchasers beyond doubt or cavil, have procured acts of Congress to be passed on the subject, giving the consent of the general government to such sales.

An act of Congress was passed, on the 24th May, 1828, of the following title: "An act to authorize the legislature of the State of Indiana to sell the lands hereto appropriated for the use of schools in that State."

It is provided in said act, "That the legislature of the State of Indiana shall be, and is hereby authorized to sell and convey, in fee simple, all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within said State."

It is further provided in said act, that said lands, or any part thereof, shall in no case be sold without the consent of the inhabitants of such township or district, to be obtained in such a manner as the legislature of said State shall by law direct.

The committee are informed that the petitioner and other citizens are desirous to vest a considerable sum of money in the erection of suitable buildings and other improvements for a very large seminary of learning, and to improve the said section of land, so that the "labor system," which is adopted in some institutions of learning, may be improved and carried on with all its beneficial influences.

The committee, after giving all the facts above alluded to an attentive consideration, and having carefully observed the course of national legislation on the subject, have come to the conclusion, that, in order to promote so desirable an object, and to secure the fee simple property of said section of land in the purchaser, they do recommend the passage of an act of Congress, giving the citizens of said township the power, under the direction and authority of the legislature of the State of Illinois, to sell and convey the said sixteenth section of land, in the manner which has been, or may be hereafter, prescribed by the laws of the State of Illinois; therefore the committee report a bill.

24TH CONGRESS.] No. 1483. [1ST SESSION.

ON A CLAIM FOR THE REFUNDING OF MONEY PAID FOR LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 24, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred a resolution to inquire into the expediency of providing by law for refunding to James Brewer, of Tuscawaras county, Ohio, the sum of one hundred dollars, by him heretofore paid to the United States for the west half of the southwest quarter of section number fourteen, in township eight, range three military, in the Zanesville district, reported:

That from the papers submitted it is proven, to the satisfaction of the committee, that, on the 30th day of January, A. D. 1822, James Brewer applied at the land office in Zanesville, Ohio, to enter and pay for the southwest quarter of section No. 14, in township No. 8, range No. 3 military, in the Zanesville land district, containing by estimation 160 acres, and the purchase money of which amounted to two hundred dollars.

The register informed him that said land was for sale, and requested him to state what kind of money he had to pay for it. Brewer showed his money, and while they were conversing on the subject, and looking at the land plats, &c., in a few minutes, and by some process in which Brewer had no agency whatever, his cash, which was good land-office money, was converted into land scrip, by persons in the office strangers to him, in consequence of which, said land was returned by the Zanesville officers to the General Land Office as having been purchased and paid for in land scrip, by Brewer.

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

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

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

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

24TH CONGRESS.] No. 1484. [1ST SESSION.

ON THE ESTABLISHMENT OF A SURVEYOR GENERAL'S OFFICE WEST OF LAKE MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 24, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the subject of the establishment of a surveyor general's office for that part of the Territory of Michigan which lies west of Lake Michigan, reported:

The subject of the establishment of this office was brought to the attention of the committee by a resolution of the House of Representatives of the 13th of February ultimo, and subsequently by a petition from the people of the county of Desmoine, in the Territory of Michigan, west of the Mississippi river, both which are hereto attached, marked A and B, and made a part of this report.

The committee, in order to become as fully enlightened on this subject as possible, addressed a note to the Commissioner of the General Land Office, and received from him the communication marked D, with the map, which are hereto attached, and also made a part of this report.

The vast extent of country lying between the Mississippi and Missouri rivers, which has been ceded to the United States by the Indians, the richness of the soil, not surpassed by any under the sun, and the rapidity with which it is being settled, at once convince the committee of the propriety of the survey of the same, and consequently, the establishment of an office for that purpose.

The quantity of land between the Mississippi and Missouri rivers which has been ceded to the United States by the Indians, is estimated at upward of 21,328,000 acres. Of this, 7,200,000 acres, lying immediately north of the State of Missouri, and along the west bank of the Mississippi, is comprised the counties of Dubuque and Desmoine, containing already a population of some twelve or thirteen thousand souls, and increasing in numbers with a rapidity never surpassed in any country before, and from which the Indians have emigrated. West of this tract is an immense country, containing something like 14,576,000 acres of land, which is not yet ceded to the United States, and occupied by Indians, but which they are extremely anxious to cede, because of the scarcity of game within the same. This, too, is a country rich as any other in soil, of salubrious climate, beautifully watered, and intended as the home of the white man. In addition to this is the great extent of country between the Mississippi river and Green bay, lying north of the Wisconsin river. It is at present occupied by Winnebago and other tribes of Indians, who are also anxious to remove from the same, and which must very soon receive the attention of the government, be surveyed and sold.

That part of the country which composes the counties of Iowa, Brown, and Milwaukee, a greater portion of which has been surveyed, is attached to the office of the surveyor general of Ohio. The plats of survey, records, &c., are of course in his office, and the people of those counties are put to great inconvenience and expense in procuring them when needed in the courts of justice, or otherwise, it being from eight to twelve hundred miles distant from the county to the office at Cincinnati. The whole of the country west of the Mississippi is as yet attached to no surveyor's district, and is too far distant from any one already established to derive advantage therefrom.

This valuable and extensive country west of the Mississippi and north of the Wisconsin rivers, to which the committee have adverted, has not yet received from the government any attention to the survey of the same; and the committee, being deeply impressed with the conviction of the necessity thereof, report a bill for that object.

A.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, February 13, 1836.

On motion of Mr. JONES, of Michigan,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of establishing a surveyor general's office west of Lake Michigan, in the Territory of Michigan; and that the committee also inquire into the expediency of authorizing the survey and sale of the lands purchased from the Sac and Fox Indians, at the treaty concluded at Rock Island, on the 21st day of September, A. D. 1832, and that appropriation be made for the above objects.

Attest: W. S. FRANKLIN, *Clerk*,
By B. B. FRENCH

B.

To the Honorable the Congress of the United States:

Your petitioners, citizens of the town of Burlington, in the county of Desmoine, in that part of the Territory of Michigan which lies on the west side of the Mississippi river, showeth: That the unexampled rapidity with which that district of country lately purchased of the Sac and Fox Indians is populating, requires that your honorable body should establish a surveyor general's office in the said town of Burlington. Was said purchase surveyed it would all be purchased of government immediately. And it is not only the present lands of government that will justify the establishing of an office of the kind mentioned, but there lies west of the late purchase an almost unbounded extent of very valuable country which to the Indians is of but little value, in consequence of there being but little game. They inform us already that they wish a purchase to be made by the government. So rapidly, indeed, has this purchase increased in population that there scarcely, between the Mississippi river and the purchase line, remains a good farming situation that is unoccupied; and this is not only back of the flourishing town of Burlington, but from the lower end of the purchase one hundred and fifty miles upward. Your

petitioners are confident that there is no point other than the one mentioned which furnishes so good grounds for the establishing of said office. They, your petitioners, therefore, earnestly pray that a surveyor general's office may be established at Burlington, Desmoine county, Michigan Territory.

January 19, 1836.

[Signed by 191 persons.]

D.

GENERAL LAND OFFICE, *March* 11, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th ultimo, wherein you mention "that the Committee on the Public Lands have under consideration the expediency of establishing a surveyor general's office in that part of the Territory of Michigan which lies west of the lake," and which subject, you intimate, has been presented to the attention of the committee by petitions and memorials from the people of the territory and the legislative council.

You further remark, that "a mere glance at the map of the vast extent of unsurveyed land west of Lake Michigan and the Mississippi river, and the great distance of the country from the surveyor's office at Cincinnati, Ohio, in which the business of this section is transacted, induce the committee at once to feel favorably disposed toward the establishment of this office."

In conformity to the wish of the committee to have my opinion on this subject, which you are pleased to communicate in the concluding paragraph of your letter, I have to inform you, that it affords me pleasure to express, in coincidence with what appears to be the views of the committee in this matter, my decided conviction that the public interest requires the creation of a surveyor general's office for the region of country described in your letter.

I have to remark, however, that a great portion of the ceded territory west of Lake Michigan, which now constitutes the district of Wisconsin and Green bay, bounded south by the northern line of the State of Illinois, north and west by the Wisconsin and Fox rivers, has been surveyed and offered for sale, and that contracts have been entered into by the surveyor general at Cincinnati for the surveying of the residuary portion; and which contracts, together with all the subsequent office work necessarily incident thereto, it is every way desirable and proper should be consummated at Cincinnati, whence should emanate the official evidences of survey necessary to bring the residue of said lands into market.

I would therefore respectfully intimate my opinion, that the proposed bill should provide for a surveyor general's office, to be located at a suitable point, to take jurisdiction (until further and additional provision of law) over the surveying of *all* public lands lying north of the State of Missouri, west of the Mississippi river, and north of the Wisconsin and Fox rivers, in the Territory of Michigan; and that whenever, in his opinion, the President of the United States shall deem it important to the public service so to do, he shall be empowered and directed to cause to be transferred to the office of the surveyor general for such new district, all maps, field notes, documents, books, and papers, now in the surveyor general's office at Cincinnati, appertaining to the surveys of that portion of the country west of Lake Michigan, and now forming the Wisconsin and Green bay land districts, in virtue of the provisions of the act of Congress, approved on the 26th June, 1834, entitled, "An act to create additional land districts in the States of Illinois and Missouri, and in the territory north of the State of Illinois."

Herewith transmitted is a sketch map, exhibiting the region of country referred to.

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

ETHAN A. BROWN, *Commissioner.*

Hon. ZADOK CASEY, *of the Committee on the Public Lands.*

24TH CONGRESS.] No. 1485. [1ST SESSION.

ON CLAIMS TO RESERVATIONS UNDER THE TREATY WITH THE CHOCTAW INDIANS, OF 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 24, 1836.

Mr. EVERETT, from the Committee on Indian Affairs, to whom, by resolution of the 1st February last, was referred a communication of the President, of the 6th February, 1835, with the accompanying documents, relating to certain claims to reservations under the Choctaw treaty of 1830, reported:

That Zadock Brashears, Alexander Brashears, Imponah, *alias* Billy, Cunnaubbe, and Lispio, the reputed wife of George Clark, were, at the date of said treaty, Choctaw heads of families, and that they severally gave notice to the United States agent, Colonel Ward, of their intention to remain and become citizens of the States, and claimed reservations under the 14th article.

That Zadock Brashears had then living with him, as members of his family, two children of his wife by a former husband, over ten years of age, and unmarried, whose names were registered by the agent, but were omitted in the register returned to the War Department, and he now claims reservations on their account, of two half-sections of land.

Alexander Brashears had then living with him nine children, three over ten years of age, unmarried, and six under that age, whose names were registered by the agent, but that the names of two of said children, one over, and the other under, the age of ten years, were omitted in the register returned, and he now claims reservations on their account of three fourths of a section of land.

Imponah, *alias* Billy, then had living with him one child over ten years of age, and unmarried; and that his name and that of his child were registered by the agent, but omitted in the register returned; he has since deceased, and his widow now claims reservations on his and their account, of one and a half sections of land.

Cunnaubbe had then living with him two children under ten years of age, and his and their names were registered by the agent, but omitted in the register returned, and he now claims reservations on his and their account, of one and a half sections of land.

Lispeo was the reputed wife of George Clark, and that, on account of his intemperance and incapacity, took charge of her family; that she had then living with her four children over ten years of age, unmarried, and two under that age, and that her and their names were registered by the agent, but omitted in the register returned. Her husband took a reservation under the 19th article, and she claims reservations on account of herself and children, of two and a half sections of land.

It further appears that, under the direction of the President, conditional reservations, nearly to the extent of the claims, have been located, subject to the confirmation of Congress, and that the claimants have resided on their locations since the date of the treaty.

The committee are of opinion that those locations ought to be confirmed, and that other locations should be made, to satisfy the balance of their claims, and they report a bill for that purpose; and also in cases where patents, or patent certificates have issued to others for any part of said locations, and that patents in fee issue for the same, and they report a bill for that purpose.

24TH CONGRESS.] No. 1486. [1ST SESSION.

ON A CLAIM TO A CREEK RESERVATION IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1836.

Mr. HAYNES, from the Committee on Indian affairs, to whom was referred the petition of Poas Hadgo, a Creek Indian, reported:

That petitioner states that he was entitled to a reservation of land of one mile square, to include his improvements, under and by virtue of the treaty concluded on the 9th day of August, 1814, between the United States and the chiefs, head men, and warriors of the Creek nation. That for the same he received a patent, bearing date the 5th day of October, 1826, for fractional section eighteen, township six, in range thirty east, in the State of Alabama, in the district of lands offered for sale at Sparta in that State. That he continued to reside on and occupy said lands, until the year 1828, when the emigrating agent of the McIntosh party of the Creek nation induced him to emigrate with them, west of the Mississippi, by representing that petitioner was secure in the title to the reservation for which, as before stated, he held the patent of the government. That petitioner has been informed, since his removal, that he has forfeited his right to said land; and he now prays that Congress may vest in him, his heirs, and assigns, a fee simple title to the same. Your committee have examined petitioner's case with attention, and have ascertained that a patent, in manner and form as set forth, was issued to him as above stated, on the 5th day of October, 1826, for the fractional section eighteen, township six, range thirty east, in the land district of Sparta, in the State of Alabama. It also appears by the affidavit of Colonel David Brearly, who was emigrating agent of the McIntosh Indians, in 1828, and by the extract of a letter from said Brearly, written to Chilly McIntosh in that year, that inducements were held out through him to reservees to remove west of the Mississippi, upon the condition that they should thereafter receive one dollar and a quarter per acre for the reservations abandoned by them. It further appears to your committee, that authority was conferred for such purchase, by the act of the 20th February, 1819, relative to reservations granted under the treaty of 9th of August, 1814. It further appears, from the statement of Colonel Brearly, that when he applied for compensation for said reservation at the proper department, subsequent to the removal of Hadgo west of the Mississippi, he was told that on further examination of the law, it had been discovered that it gave no authority to make the purchase in question. Forasmuch, therefore, as the said Hadgo appears to have been induced to abandon his reservation on the pledge of the authorized emigrating agent, that he should be paid for it, and as it amounts almost to a certainty that if he had remained upon it until the conclusion of the treaty of 1832, he would have been placed on an equal footing with the rest of his tribe, your committee recommend an appropriation for the purchase of said reservation, at the price of one dollar and twenty-five cents per acre, and for that purpose report a bill.

24TH CONGRESS.] No. 1487. [1ST SESSION.

ON THE CORRECTION OF AN ERROR IN THE ENTRY OF LAND IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of Daniel Malone, praying relief for a mistake in the purchase of a tract of land, reported:

That, on the 21st day of November, 1829, the said Malone "procured" and authorized one John Brown, as his agent, who is now dead, to purchase and enter in the land office, in the Kaskaskia district, in the State of

Illinois, the west half of the northeast quarter-section, No. 35, in township No. 6 south, and range 3 west of the third principal meridian, for the said Malone.

The said Malone, presuming he had a good title to said tract of land, took possession of the same, resided on it, cultivated it, and improved it. In the month of November, 1832, after the death of said Brown, the receipt of the purchase money of said land was examined, (which receipt had remained with the papers of said Brown,) and thereby the *mistake* in the purchase was ascertained. The entry and purchase, which was made in mistake, was for the west half of the northeast quarter of section 35, township 4 south, range 3 west of the said meridian, instead of the other tract of land.

The tract of land which was purchased by mistake, by the agency of Brown, is situated in a different township, twelve miles north of the tract of land which Malone intended to purchase. This fact, together with the occupation and improvement of the land by Malone, satisfies the committee, beyond a doubt, that there was a mistake made in the purchase of said tract of land.

The committee are also clearly of opinion that the west half of the northeast quarter of section 35, township 4 south, range 3 west, which was entered by mistake, is "worthless," and cannot be cultivated.

Having given to this case due consideration, the committee consider it an act of justice and right to afford to Malone relief; and on his surrendering to the government the tract of land he entered by mistake, for the United States to permit him to enter other lands to the amount of money he paid in the office for said land.

24TH CONGRESS.] No. 1488. [1ST SESSION.

LAND WARRANTS AND SCRIP FOR REVOLUTIONARY SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1836.

Mr. LEWIS WILLIAMS, from the Committee on the Public Lands, laid before the House the following documents, granting an additional quantity of land to satisfy Virginia military land warrants, &c.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, February 13, 1836.

On motion of Mr. JOHNSON, of Virginia—

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making an additional appropriation of land to satisfy the warrants in scrip, which have been issued, or which may hereafter issue, according to the resolutions and laws of the United States, and of Virginia, for Revolutionary services.

Attest: W. S. FRANKLIN, *Clerk*.
By HENRY WELSH.

GENERAL LAND OFFICE, *March* 4, 1836.

SIR: I return the resolution enclosed in your letter of the 1st instant, and for the information of the Committee on the Public Lands have the honor to state, that this office is not in possession of any data to form a reasonable estimate of what quantity of land may be required to satisfy Virginia warrants "which have been issued or which may hereafter issue," except what can be derived from the report made on the 18th of December, 1834, by the select committee on Revolutionary claims, of the Virginia legislature.

A copy of that report, and papers connected therewith, is enclosed. (See papers Nos. 1, 2, and 3.)

It may be proper to state, that the number of warrants issued by the register of the land office at Richmond, Virginia, since the 15th October, 1834, to the 1st of September, 1835, amount to about four hundred, embracing a large quantity of land, being principally claims of officers, and are, with very few exceptions, provided for by the appropriations made by the act of 3d March, 1835.

The quantity of land in warrants issued by Virginia, and filed in this office since the 1st of September last, and for which there is no provision, amount only to 2,600 acres.

On the 29th ultimo the register of the land office at Richmond informed me that there were on file in his office, orders from the governor and council, to issue warrants for 55,000 acres, and that there were a great many claims yet pending before the executive department.

With great respect, sir, your obedient servant,

ETHAN A. BROWN, *Commissioner*.

Hon. LEWIS WILLIAMS, *of the Committee on the Public Lands*.

No. 1.

Report of the select committee on Revolutionary claims, December 18, 1834, *made to the Virginia legislature.*

The select committee, to whom was referred so much of the governor's message as relates to the subject of Revolutionary claims, have had the same under consideration, and submit the following report:

Instead of taking a view of the subject purely financial, your committee have thought proper to institute an inquiry into the justice and legal foundation of claims for Revolutionary services. If they are just, and founded in law, your committee cannot see the necessity or justice of imposing any unreasonable restraint upon their future prosecution and allowance. Your committee, after having given to this branch of the subject the most careful consideration, are constrained to admit that the claims to land bounty for services in the war of the Revolution,

are not only just, but have the clearest foundation in law. By reference to the various land bounty laws, enacted by Virginia during her Revolutionary struggle, it will appear that the claims for land bounty are the result of the most solemn engagement to her officers and soldiers, who participated in the eventful conflict that resulted in our national independence.

At the October session of the year 1778, the legislature stipulated to allow to each person who should enlist for three years, or during the war, the continental bounty land. (See Hen. Stat. at Large, pages 588-9, vol. 9.)

In May, 1779, (see Hen. Stat. at Large, vol. 10, pages 24 and 25,) land bounty was promised to the officers, soldiers, sailors, and marines, who should enlist to serve during the war.

In October, 1780, (see Stat. at Large, vol. 10, page 375,) land bounty was promised to general officers; and the legal representatives of such officers as should have died in the service, or been slain in battle, were declared to be entitled to land bounty.

And finally, in May, 1782, (see Stat. at Large, page 84, vol. 11,) land bounty was stipulated to officers and soldiers who had served three years without being cashiered or suspended; and an additional allowance, at the rate of one sixth per annum of the original bounty, was promised those who should have served more than six years.

These are the principal laws relating to land bounty. They clearly show an unequivocal engagement on the part of the State to her officers and soldiers. Holding immense tracts of unappropriated lands, the State of Virginia readily adopted the idea first suggested by the continental Congress, of rewarding with donations of land, the patriot band who should go forth to fight the battles of liberty and their country.

But while this committee are convinced that these claims rest on the grounds of strict legal provisions, and the most solemn obligations of the State, they are free to admit that there may be considerations which might, with propriety, merge even their legality and justice, sacred as they may be and undoubtedly are. If it shall appear that the amount of land bounty allowed by the State of Virginia exceeds the quantity of good claims which ever could have existed against the commonwealth; if their allowance in time past has been in equal ratio with that of the last four or five years; if the obtaining of land bounty claims has become a matter of so great facility that the generous provisions of the land bounty laws have been unreasonably extended and abused; if frauds are so easy of commission, or so difficult of detection, as that they cannot be checked, or have been so numerous as to furnish a fair offset against future allowances: then the committee think that not even the justice and legality of the claims should save the whole system from entire annihilation.

Your committee have accordingly directed their attention to the investigation of these points.

In relation to the first point, whether the allowance made by Virginia exceeds the amounts of good claims which could ever have existed against her, your committee beg leave to say, that after an accurate and careful examination of the subject, they have no hesitation in saying that the amount of claims allowed by the Executive falls far short of the number of good claims which, from the nature of the case, must have existed against the State; that the amount of good claims has not been overdrawn; and furthermore, that there are now outstanding good and valid claims against this commonwealth. They submit herewith the substance of a certificate of General Robert Porterfield, concurred in by Chief Justice Marshall, (both of whom were officers in the Revolution,) that the persons entitled to land bounty from Virginia must have amounted to at least 500 for each continental regiment.

There were in service in the Revolution twenty-one regiments—viz., sixteen on continental establishment, three regiments of the State line proper, and the two western regiments—and the State navy, composed of twenty or twenty-five vessels. Estimating, therefore, the number of persons in each continental regiment entitled to land bounty at 500, and putting down the State navy as one regiment, after making up the difference between the State line and continental regiments, (which is far below the estimate,) the number of persons entitled to land bounty would be 11,000.

By the certificate of the register of the land office, hereto annexed, it appears that the whole number of warrants issued to 15th October last, were for the services of about 6,136 persons; so that there would be 4,864 persons, or their representatives, still entitled to land bounty from Virginia.

By reference, too, to the register's certificate, it will be seen that the amount of warrants drawn since 1830 bears no proportion to those issued prior to that date. In some years very few were issued, for reasons which will appear in the sequel; while, from causes of the most obvious character, the allowances of land bounty for the last four years have been greatly increased. There is, therefore, no danger that the amount of good claims has been overreached.

Nor, according to the best information your committee have been able to obtain, is the allowance of land bounty a matter of such facility as to justify an apprehension that claims of an unjust character are likely to be allowed. It is true that, since the enactment of the land bounty laws, and since the cession of her northwest territory, Virginia has interposed no barrier to the satisfaction of those claims, as in justice she ought not. Claims founded upon services thus valuable and meritorious, should be trammelled with no obstacles not required by the strictest necessity and policy. But, on the other hand, since the act of cession, she has never altered nor enlarged the land bounty allowance. The acts under which grants are now made, are the same before referred to, enacted in the time of the Revolution, and the amount is the same prescribed by those laws.

Not only are the same rules and regulations now in force as immediately after the Revolution, but, as your committee are informed, an additional, nay, unusual degree of scrutiny and rigor is now practised, arising from the lapse of time since the origin of claims for Revolutionary services. Your committee would rather incline to the opinion that, in consequence of the lapse of time, the rules of allowance should be rendered more liberal; yet the reverse seems to be the fact. And it furthermore appears, from the statement of John H. Smith, esq., who was appointed by Governor Floyd, and reappointed by the legislature, to examine sundry newly-discovered papers and documents relating to Revolutionary claims, that most of the claims recently allowed have been decided *upon the evidence of the record.*

Your committee are not apprized that frauds, growing out of the prosecution of Revolutionary claims, have been more numerous than the nature of the case would warrant them to expect. Some there doubtless have been; but your committee are not aware that they have been so frequent and numerous as that they should be permitted to prejudice the right of honest claimants. Let the upright agent and claimant be unmolested in his rights, the dishonest receive all the penalties of the law. Your committee, therefore, recommend the adoption of the governor's suggestions, that legislative provision be made to punish rigorously all frauds and forgeries committed in relation to Revolutionary claims.

Your committee are of opinion that no argument against these claims can be drawn from the fact, that their

prosecution has been deferred to this time. The delay can be readily accounted for, in a manner that will leave no room for the imputation of *laches* on the part of claimants.

First, with respect to claimants of bounty for services in the *State line.* These have never, since the year 1784, had it in their power to make their claims available. In the year 1784, the superintendent appointed by the deputation of officers, proceeded to Kentucky, for the purpose of laying off and surveying the lands in the military district of the Kentucky reserve; but found them in possession of the Indians, and claimed by them. The settlers in that country earnestly represented to the Legislature of Virginia, that if the surveys were persisted in, the infant and defenceless settlements in Kentucky would be involved in all the horrors and calamities of an Indian war. Accordingly, at the October session of 1784, the legislature authorized the governor of Virginia "to suspend, for such time as he may think the tranquillity of the government may require, the surveying or taking possession of those lands which lie northwest side of the river Ohio, or below the mouth of the river Tennessee, and which have been reserved for the officers and soldiers of the Virginia line and the Illinois regiment." (See Hen. Stat. at Large, vol. 11, page 447.) In pursuance of this authority, the governor of Virginia, on the 6th of January, 1785, issued his proclamation, suspending the surveys. Thus Virginia, by her own act, put it out of the power of her officers and soldiers, after the 6th of January, 1785, to locate their warrants. This inhibition by the State authority continued until the 10th of January, 1786, when the prohibition was continued by the act of the general government. At that date, the treaty of Hopewell was concluded between the United States and the Chickasaw Indians, "guaranteeing to the Indians, as part of their habitation and hunting ground, all the lands below the Tennessee river; and providing that if any citizen of the United States, or any person not being an Indian, shall attempt to settle on any of the lands thereby allotted the Chickasaws to live and hunt on, *such person shall forfeit the protection of the United States* of America, and the Chickasaws *may punish him or not, as they please.*" (See Mr. Johnson's report, in the Journal of 1821–22, page 4 of the report.) The treaty of Hopewell continued in force until the year 1818, when the Indian title was extinguished. After that period, Kentucky would not permit the location of military warrants to be made.

Thus it appears, that the officers, &c., of the State line, who had not surrendered their warrants prior to the 6th of January, 1785, (and they are many,) have been utterly precluded from the satisfaction of their claims, until the recent appropriations by Congress: First, by an act of Virginia herself, resulting from humane considerations in relation to the infant settlement of Kentucky. Secondly, by the act of the government of the United States; and, finally, by the State of Kentucky. The holders of State line warrants dared not, from 1785 to 1818, under the penalty of Indian violence and vengeance, intrude upon the lands allotted them. They forfeited even the protection of the United States; and if they offended against the provisions of the treaty, they were placed at the mercy of the ruthless savage. It cannot escape observation that, but for the provisions of the treaty of Hopewell, the State line warrants might have been, and doubtless would have been, located in Kentucky.

Being thus excluded from the Kentucky reservation, there was but one other source for the satisfaction of State line warrants, viz.: the northwest reserve, between the Miami and Scioto rivers. But it seems they are cut off from this; for, upon reference to the act of cession, it appears, that the words "upon her own State establishment," were accidentally omitted. Your committee deem it unnecessary to enter into a train of reasoning, to show that the words "and upon her own State establishment" were unintentionally omitted. They will only refer to the very able report before alluded to, pp. 6 and 7, and to the lucid commentary of W. W. Hening, esq. on this subject. (See Hen. Stat. at large, vol. 9, p, 465; and vol. 11, pp. 562–566.)

It is readily explicable, therefore, why the claims of the officers and soldiers of the State line and navy, have been deferred to this late period. But for the generous appropriation by the Congress of the United States, they would have slept forever, unnoticed and unsatisfied.

With respect to claims for services in the continental line, a reason somewhat similar may be assigned. The general fund for the satisfaction of military warrants being diminished by the measures just referred to, the *good lands* in the northwest reserve were soon exhausted. The expense of obtaining warrants being exceedingly great, and the lands of inferior quality, it was scarcely considered an object worthy of attention. And, accordingly, not until the recent appropriations of *good lands* by Congress, has the prosecution of this class of claims been a subject of much attention.

Your committee have also directed their attention to the inquiry, why there has been an increase of applications for land bounty for the last two years. In the year 1832, a large mass of documents, books, and papers, relating to Revolutionary matters, was discovered in the attic story of the Capitol. A gentleman of unquestionable competency, the present commissioner of Revolutionary claims, was selected by the governor to give them the fullest examination. Much valuable information, hitherto concealed, was developed; and the legislature, at its last session, thinking that this information ought to be made public, for the benefit of those concerned, ordered the publication to be made. In consequence of this, many, heretofore ignorant of their claims, were made acquainted with them; some who were aware of the services of their ancestors, but could not establish them by satisfactory proofs, now beheld them substantiated by the evidence of the records; and accordingly the number of applications has been much increased.

There are other reasons of a general character, why many claims have been deferred to so late a day. At the end of the war, some who had performed services were in independent circumstances, and did not care to prosecute their land claims. The lands were at best of little value. Many died in the service, whose representatives might have been unaware that they had claims to bounty land. With respect to the amount of outstanding claims for bounty land, your committee are of opinion, that it cannot greatly exceed the allowances already made. Only a small portion of those outstanding can ever be favorably decided, in consequence of the lapse of time, and consequent difficulty of procuring proof. According to the showing of the commissioner, very few officers' claims remain to be satisfied. Those that remain to be discharged are chiefly privates, of whom comparatively few, in consequence of the small amount of their allowance, and the scarcity of proof, it is presumed, will ever bring forward their claims.

Upon the whole, your committee cannot recommend a total repeal of the land bounty laws; but they can see no objection, on the contrary, they acknowledge the propriety, of imposimg some limitation. They therefore advise, that all persons holding undischarged claims for bounty land, be compelled to bring them forward before the 1st day of January, 1837, or be forever after barred. And in order that the short period allotted for the settlement of these claims may be the more advantageously used for the benefit of claimants, your committee recommend that the investigation and decision of these claims be referred, for the future, to the commissioner of Revolutionary claims, together with two others, to be denominated "The board of commissioners of Revolutionary claims." There is peculiar propriety in transferring the subject to such board, aided by that officer. For eighteen months, or two years, he has been engaged in maki g minute and laborious examinations into all the

sources of evidence connected with the subject; has classified and arranged the numerous Revolutionary documents recently discovered, and is therefore peculiarly fitted to aid in the decision of the claims, with justice to the claimants on the one hand, and the commonwealth on the other; and to check improper applications, we recommend the adoption of certain regulations. Your committee also advise, that our senators in Congress be instructed, and our representatives be requested, to use their best exertions to procure the passage of a law appropriating land, or some other equivalent, for the satisfaction of such land bounty warrants as have been already filed for scrip, or which may be allowed within the limit already prescribed.

Your committee cannot permit themselves to think that Congress will withhold further appropriations, liberal as they have heretofore been. They believe that that body has only to be satisfied that the claims are just, to discharge them all, even though the amount should prove larger than they can reasonably anticipate. The northwestern territory was ceded by Virginia to the United States, upon the express condition that if the lands included in the Kentucky reserve should prove insufficient for the satisfaction of the claims of her officers and soldiers, the deficiency should be made up in *good lands* between the Scioto and Miami rivers. The *good lands* have been long since exhausted, and according to the plain terms of the cession, it would seem that the clearest obligation devolves upon the government of the United States to make up the deficiency. The equity of the claim which Virginia has upon the general government cannot be withstood. If, from an erroneous estimate of the necessary amount, Virginia has made an insufficient reservation, it would ill become the generosity of the United States to take advantage of the omission. She could not have given up her immense western domain, without designing to make the fullest satisfaction to her officers and soldiers; and her benevolent designs, whatever they may have been, should be carried into full effect by the government receiving this vast quantity at her hands; and when it is considered that the government of the United States, by the treaty of Hopewell, put it out of the power of a large portion of the claimants to locate their warrants, the justice of the case is placed in a light perfectly irresistible. The equity of this matter derives additional force from the circumstances under which Virginia ceded her immense territory in the west. It is a well-known fact of our Revolutionary history, that the disposition of the unappropriated lands held by the several colonies, formed one of the most agitating topics of our Revolutionary era. The State of Maryland absolutely refused to ratify the articles of confederation, until some satisfactory arrangement should be made of the vast western domain. No subject, indeed, so much distracted the councils, and disturbed the harmony of the colonies, as that of the uncultivated territory within the general States.

In 1780, the continental Congress, in relation to this embarrassing subject, addressed the following language to the colonial States: "That it appears more advisable to press upon those States which can remove the embarrassment respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensable it is to establish a federal union on a fixed and permanent basis, and on principles acceptable to all its members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils, and the success of our measures, to our tranquillity at home, and to our reputation abroad, to our present safety and future prosperity, to our very existence as a free, sovereign, and independent people. That they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union. That they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that State, the impediment arising from the western country, and for that purpose, to yield up a portion of territorial claim for the general benefit." To these patriotic suggestions of the continental Congress, Virginia, with a magnanimity which has ever distinguished her character, responded: "The general assembly of Virginia, being well satisfied that the happiness, strength, and safety of the United States depend, under Providence, upon the ratification of the articles of a federal union between the United States, heretofore proposed by Congress for the consideration of the said States, and preferring the good of their country to every object of small importance, *do resolve*, That this commonwealth will yield to the Congress of the United States, for the benefit of the said United States, all right, title, and claim that the said commonwealth hath to the territory northwest of the river Ohio, upon the following conditions," &c.

Thus, at a most critical juncture, did Virginia make, upon the altar of the public good, the most magnificent sacrifice perhaps ever recorded in the history of States; generously giving up a treasure which would have enriched her through all future time.

There is one other consideration which your committee cannot forbear to urge. As early as the year 1776, Congress promised to the troops of the various continental establishments, donations in land. At that time, Congress had no lands wherewith to fulfil their engagements, and would necessarily have been compelled to purchase lands for that purpose, had not the States, Virginia in particular, by a generous surrender of their waste lands, furnished them the means of complying with their engagements. Virginia, therefore, may be said with justice chiefly to have paid the bounty claims of all the continental officers and soldiers of all the old States.

Your committee report herewith in part, and beg leave to conclude, by offering the following resolution:

Resolved, That our senators in Congress be instructed, and our representatives be requested, to use their best exertions for the passage of a law, authorizing a further issuing of scrip to satisfy such warrants as may have been already allowed, or which may be allowed, prior to the first day of January, 1837; and that each of our senators and representatives be furnished, by the clerk of this house, with a copy of this resolution and report.

All of which is respectfully submitted.

No. 2.

Certificate of General Robert Porterfield, dated 16th September, 1834.

Taking into consideration the number of officers and soldiers who died in the service, and thereby became entitled to land bounty from Virginia—the number who served three years, and thereby became entitled, and the number who were entitled for services to the end of the war—I think it probable there were a thousand to each regiment who were so entitled; but I state the opinion with confidence, that there were at least five hundred.

ROBERT PORTERFIELD.

I should not think there were a thousand to each regiment entitled to bounty land; but the number cannot, I think, have been short of five hundred; I allude to the regiments actually raised in the Virginia line on continental establishment.

J. MARSHALL.

December 8, 1834.

No. 3.

LAND OFFICE, VIRGINIA, *Richmond, December* 16, 1834.

SIR: In compliance with your letter of the 11th instant, requesting me to furnish to the select committee on Revolutionary claims, a list of the number of military land bounty warrants that have issued from the land office of Virginia, from the year 1782 to the 15th of October, 1834, inclusive, and the probable number of persons for whose services such warrants have issued, I transmit the subjoined tabular statement:

Date.	No. of warrants issued.	No. of persons for whose serv's the warrants issued.	Date.	No. of warrants issued.	No. of persons for whose serv's the warrants issued.
In 1782.....	87	85	In 1810.....	122	61
In 1783.....	2,130	2,117	In 1811.....	92	52
In 1784.....	1,473	1,397	In 1812.....	62	29
In 1785.....	401	392	In 1813.....	80	46
In 1786.....	183	174	In 1814.....	33	9
In 1787.....	111	109	In 1815.....	8	8
In 1788.....	89	89	In 1816.....	5	5
In 1789.....	40	40	In 1817.....	48	24
In 1790.....	28	27	In 1818.....	65	36
In 1791.....	48	46	In 1819.....	62	52
In 1792.....	41	38	In 1820.....	77	26
In 1793.....	31	28	In 1821.....	47	37
In 1794.....	14	7	In 1822.....	61	41
In 1795.....	39	34	In 1823.....	53	14
In 1796.....	79	66	In 1824.....	90	59
In 1797.....	67	60	In 1825.....	1	1
In 1798.....	44	36	In 1826.....	25	13
In 1799.....	47	35	In 1827.....	9	7
In 1800.....	39	15	In 1828.....	10	4
In 1801.....	45	37	In 1829.....	6	5
In 1802.....	7	4	In 1830.....	94	69
In 1803.....	27	5	In 1831.....	295	209
In 1804.....	15	4	In 1832.....	178	20
In 1805.....	25	8	In 1833.....	144	64
In 1806.....	37	26	In 1834.....	591	Up to Oct. 15 in. 190
In 1807.....	225	117			
In 1808.....	214	57			
In 1809.....	207	12		8,051	6,146

SEVERN E. PARKER, Esq., *Chairman of the Select Committee on Revolutionary Claims.*

24TH CONGRESS.] No. 1489. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of Joel Chandler, reported:

That it is stated in said petition, that, at the land office at Huntsville, Alabama, the petitioner purchased, among other tracts of land, the east half of the southeast quarter of section twenty-four, in township twelve, range four east, of the lands situated in said district. That, under the act of Congress authorizing the relinquishment of lands purchased under the credit system, the petitioner intended to relinquish said half quarter among others; and, for this purpose, he caused a written memorandum to be made out, before he went to the land office, in which each tract intended to be relinquished was particularly stated, as well as those he intended to pay out. This written statement contained the tract above alluded to, as one piece to be relinquished. This fact is established by the testimony of the individual who made out the statement for petitioner. Petitioner states, that

he gave the register the written memorandum as above stated, and paid, as he supposed, according to his intention, as therein expressed. That he remained under this impression until a patent was received for said half quarter-section, which he thought had been relinquished. Petitioner states, that it was omitted by the mistake of the register, who made the calculations from the written memorandum; and, instead of relinquishing the said piece, as petitioner intended, he made full payment. These facts are established by the oath of the petitioner and the individual who made out the memorandum. It is also in proof, that the half quarter-section is worthless land. The petitioner prays that he may be allowed to relinquish said land, and appropriate the amount paid thereon toward the purchase of other lands.

The committee, being satisfied from the proof that it was bona fide petitioner's intention to have relinquished said land, and that he was prevented from doing so by the mistake of the register, recommend the relief prayed for, and therefore report a bill.

24TH CONGRESS.] No. 1490. [1ST SESSION.

IN FAVOR OF GRANTING PATENTS TO POLISH EXILES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 25, 1836.

Mr. LEWIS WILLIAMS, from the Committee on the Public Lands, laid before the House the following documents, accompanied by a bill for the relief of certain exiles from Poland.

CONGRESS OF THE UNITED STATES,
In the House of Representatives, March 1, 1836.

On motion of Mr. White,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing patents to be issued to the Polish exiles for lands granted to them, under the law of 30th June, 1834, on their paying to the government the minimum price of said lands, or of authorizing such other disposition of said lands, as will give relief to said exiles in their unfortunate and embarrassed condition.

Attest:

W. S. FRANKLIN, *Clerk.*

To the Representatives of the people of the United States of America, in Congress assembled:

The undersigned Poles, selected by the two hundred and thirty-five placed on the hospitable shores of these United States by order of the Emperor of Austria, venture to address your august body, for such relief as men placed in our peculiar situation may lay claim to.

As long as we had a country that we could call our own, we resolutely fought for her independence, until the overwhelming power of Russia forced us to take refuge in the Austrian and Prussian provinces, asking only for a free passage into France. In the month of April last, the Austrian government, having promised us liberty and protection, suddenly and without notice placed us in confinement in the city of Bruna, in Moravia, answering our protests with assurances that, when assembled, we should be sent into France. After three months' confinement, the Austrian government gave us the choice either of returning to Russia, or of embarking for the United States, with the government of which an arrangement had been made, as we were informed, for our protection and support. As lovers of freedom, and of free institutions, we accepted the alternative of living among a free people, although, in so doing, we had to give up all hopes of the land of our love, of our habits, of our laws, and of our language. Arrived at Trieste, we were there confined for three months, until finally we were embarked on board of two Austrian frigates, and after a navigation of four months and ten days, landed at New York, in these United States, where we now find ourselves placed in the most critical situation, being ignorant alike of the language, and of the customs of the country, and destitute of everything but the means of a few days' support.

Although pilgrims in a foreign land, with nothing but the sad recollection of the past, and hope for the future, we wish to live a life of active industry, and to become useful to the country of our adoption; since Providence, in its inscrutable wisdom, has deprived us of the land of our birth, we wish to plant in these United States a second Poland, where our countrymen, the still unconquered sons of adversity, may congregate and prosper.

With these views, we respectfully solicit of your august body, a grant of land under such provisions as will enable us to live by our industry, to rally round us such of our countrymen as may visit these shores, and to become of use and of service to the people of these United States. And for which aid and assistance, as in duty bound, your petitioners will ever pray.

LEWIS BANEZAKIEWIEZ,
MARTIN ROSIENKIEWIEZ,
DR. CHARLES KRAITZIR,
Committee of the Polish Exiles.

NEW YORK, *April* 9, 1834.

Some notes concerning the situation of the Polish exiles.

1. The Poles, who are scattered in the different countries of Europe, and who are now transported to these United States, cannot be considered as other *emigrants;* the reasons of their leaving their home, their situation, and their views for the future, being totally different from those of any other people. They are compelled by

the utmost rigor and perfidy of the Russian government to say farewell to their sweet home; they cannot trust to the most solemn promulgations of *amnesty*, which has never been kept faithfully. They had no other choice than to return under the reign of the knout, in the mines of Siberia, in the Muscovite regiments in the provinces of the Caucasus, or to go to France. This latter country having been precluded to them by the policy of the allied courts, they were sent by the Austrian and Prussian governments to this country. Two Austrian ships have already landed 235 of them, and a third man-of-war (corvette Hipsia) is now on her passage to New York with 50 or 60 persons. Three Prussian ships, with nearly 700 Poles, destined to New York, New Orleans, and some third port, stopped in Havre, Cowes, and Portsmouth, and it is very doubtful if they will arrive. The private credits, and those of the Prussian government, allowed to them, are already retired, and it is not known if the latter would be renewed or not in case they arrive.

The petition presented to Congress can therefore not be prejudicial to those Poles, who could come later to this country, the time of their arrival not giving any privilege or prerogative to those who are already in this free country.

Forty dollars have been paid to every Pole on board of the Austrian frigates (four dollars in Malta, three in Gibraltar, and thirty-three in New York). It would be of the greatest importance, and a true benefit, that the resolution of Congress should be known to them the sooner, in order to begin their settlement before the summer, their finances and the season requiring a great economy of time.

The views of the petitioners are to be of use to the country of their adoption, to the great cause in whose defence they are suffering, to those of their countrymen who should, in progress of time, become victims of the oppression. They wish to save the sacred fire of patriotism, of liberty, and of human dignity, under the ægis of the country of Penn, Washington, and so many prototypes of true humanity. They will show to Europe that their presence is only to be feared there, where there is tyranny and degradation of mankind, and that the calumniations of the servile are the most infamous weapons plunged in the heart of Poland.

2. More than a half of the 235 are officers of different *degrees*, the highest of which is that of a major. The minority have been private soldiers. Fifty have been in the *army before the revolution;* the others took up the arms in the revolution, and are, in consequence, more exposed to the resentment of monarchical governments. The majority are natives of the Polish Russian provinces, viz.: of those which have been taken possession of by Russia in the first division of Poland; the minority are from the kingdom of Poland, created in the Congress of Vienna. The greatest hatred of the autocrat falls upon the inhabitants of these provinces, which he likes to call his conquests.

Some are above and near 60 years of age; some from 17 to 20 years; the greatest number between 26 to 40. Some have been wounded, so that they cannot work as they would. One only has his wife with him; many others have left their families at home; some are widowers, but have children.

Almost all the privates, and some of the officers of lower degrees, have been farmers. The majority have lived in the country, and have seen the agricultural and similar occupations, and are now willing to work. Some of the young have been students when the revolution broke out, and have been the most zealous in the exploits of the patriots, as the history of the Polish struggle shows.

They want encouragement to accommodate themselves to the new mode of living, but they have the most ardent desire to be active in any mode consistent with the customs and institutions of their new fatherland and their own abilities.

3. If the Constitution of these United States would allow to confer on the settlers *American citizenship*, it would be of the most energetic means of encouragement to become useful to their new home.

4. The *committee* which will occupy itself with the cause of the Polish exiles, will, without doubt, take in consideration, that their critical situation requires some speed for some arrangement, notwithstanding the explanations and elucidations of several points. The Polish deputation will endeavor to furnish every explanation within its power. It would be important to have at least one member of the committee which could speak the French language, the knowledge of the English of one of the deputies (Kraitzer) being very trifling, and the two others (Banezakiewiez and Rozienkiewiez) being entirely destitute of it.

5. Belonging to the *Poles, who are out of Poland* in different countries of Europe, their fate seems to deserve greater pity than of those who are in this free and happy country. We presume the state of things in Europe will sooner or later contrive many of them to come and join us here, flying the perfidious and sanguinary policy of the royal conspirators, the artifices and machinations of their spies, *agents provocateurs*, (fortunately an unknown being in the United States,) and other spiders of the augean-stable governments. The *emeutes*, partial insurrections, and plans to form new kingdoms in the land of *marmottes*, are works of the secret policemen of the holy alliance and consorts, in view to compromise those who lent their ears to such chimerical projects, and to have a pretext to persecute the innocent, unhappy and quiet patriots and liberals, to pollute the sacred cause of liberty in the eyes of cowards and of the credulous. We think that in consequence of such and similar commotions, there will be many weary and tired of their precarious and provisory state of existence, and that they will direct their eyes to these quiet and hospitable shores, where liberty, equality, and humanity, are dwelling in spite of their enemies. They will rally round us as brethren, and show that we not only have been dealt with inhumanly in respect to our home, our goods, and families, but that our honor and reputation has been blackened by the everlasting hostilities of the anti-national conspirators.

We cannot give the exact number of the Polish exiles now in France, England, and other countries; but we are of opinion that it amounts to several thousand in France, (perhaps seven thousand,) and about 500 in England, not counting those who are in Algiers in the French service. In Portugal there are about 500; in different parts of Germany, occupied differently and under false names, about 500; some in Switzerland, in Hungary, Turkey, Egypt, some in Sweden, &c.

The late Polish army being dissolved, the military conscription made by *ukases*, by the not-checked will of the Emperor of Russia, there are more than 100,000 men of the so-called kingdom of Poland distributed in the Russian regiments on the frontiers of China, Tartary, and Persia, in Valachia, Moldavia.

Many thousands are *transplanted* in the interior of Russia, in Astrachan, Siberia, Kamschatka; many in prisons, or treated in the most inhuman manner, being called not by their names, but by numbers, as pieces of cattle.

Thousands of children have been transported into the interior, under the pretext to give them a convenient education, in order to make a new generation, "*the present being lost*"—(words of the Emperor Nicholas, spoken at Modlin to a deputation of Warsaw, last fall.)

The whole amount of expatriated Poles, viz., exiles, departed, transplanted, etc., is about 150,000 men.

We abstain from speaking of the confiscations, of the different punishments of other kinds, of the means of demoralization and humiliation of our beloved country, These are things too well known to the civilized world to want any explanation here.

24TH CONGRESS.] No. 1491. [1ST SESSION.

ON APPLICATION OF ALABAMA FOR A REDUCTION OF THE MINIMUM PRICE OF THE LANDS GRANTED FOR THE IMPROVEMENT OF THE TENNESSEE AND OTHER RIVERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 26, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred a resolution instructing them to inquire into the expediency of authorizing the legislature of the State of Alabama to reduce the minimum price of that portion of the four hundred thousand acres of land granted to that State, for the improvement of the Tennessee river and other purposes, which remains unsold, reported:

That the grant of four hundred thousand acres of land mentioned in said resolution, was made in the year 1828, of the relinquished lands in the counties of Madison, Morgan, Limestone, Lawrence, Lauderdale, and Franklin, in Alabama, if there should be found within those counties a sufficient quantity, if not, the residue to be made up of the unappropriated lands in the county of Jackson, in said State. From the terms of the act making the grant, it will be seen that doubts were entertained at the time of making the same, that there would not be found a sufficient quantity of relinquished lands within the counties first named to fill the grant; and as subsequent experience has shown, there was but very little more than that quantity, by which, in making the selection, that which was of little or no value, had to be taken.

The lands thus granted, were in the year 1829 brought into market by the State, upon terms the most favorable to induce their sale; while the lands of the government were sold for cash, those of the State were offered upon liberal credits, requiring one fourth only of the price in cash, and dividing the balance into four annual instalments. Those lands of the State were situated near to the improvement of the Tennessee river, which was to be effected by the donation, and which, if accomplished, would greatly enhance their value. Those lands, too, were well known by the citizens residing in that part of the country; for all of them had been purchased previously by individuals, and relinquished under acts of Congress, allowing transfers of payments made upon them to other lands retained; most of those lands, too, having formed a part of the plantations of the citizens of those counties. These considerations, with many others that might be here mentioned, as your committee believe, induced all of those lands to be purchased which were worth the sum of one dollar and twenty-five cents per acre, very soon after they were offered for sale; that those lands have now been in market, such as have not been sold, for near seven years, at the price of $1 25, being the minimum at which, by the terms of the grant, the State was authorized to dispose of them, and that seventy-seven thousand acres remain unsold. From these facts, your committee believe that the remaining portion of the donation is not worth the minimum price thus put upon them, and cannot be sold for that price for many years, if they will ever command it.

Your committee find, from the report of the Tennessee canal commissioners, who were appointed by said State to superintend and carry on said improvement, that the proceeds of the sale of said donation will fall far short of the accomplishment of said work, and that the funds already received are nearly exhausted. By the act making the donation it is required that said work shall be begun in one year, and completed, or the whole proceeds of the lands used, in ten, from the passage of the act, or that the said State shall become responsible to the government for the proceeds of said lands. If, then, the lands thus granted cannot be sold at $1 25 per acre, and the permission to sell the balance on hand at a lower price, shall not be granted, the donation thus made for the benefit of the State, will result in its injury. Your committee would add here, that similar grants have been made to other States for the purpose of making internal improvements without such limitation in the price at which the same might be disposed of, and that in allowing this privilege to the State of Alabama, it will be doing no more than has been done for other States. Your committee cannot see the necessity either of retaining the limitation in the act, so far as the minimum is concerned, for it cannot be supposed for one moment, that the State would not desire to obtain the best price for those lands, when the importance to her of the improvement to be made by the proceeds is considered.

The influence which the sale of those lands would have upon the unsold public lands in their neighborhood, your committee believe would be unimportant if it should have any. There is but little of the public land near those embraced in the donation of any value; and as your committee is informed, none that will probably command the sum of $1 25 per acre for many years, if ever. From every view of the subject which the committee have been able to take, they are satisfied that the privilege asked should be granted, and for that purpose report a bill.

24TH CONGRESS.] No. 1492. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 26, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petitions of Etiene (Stephen) La Lande, a resident of the State of Alabama, and in that part which lies east of Pearl river, and west of the Perdido, reported:

The petitioner sets forth, that, in the year 1800, or thereabouts, he received from the Spanish government permission to settle a piece of land in the county of Mobile, on the west side of Dog river, containing twenty

arpens in front on said river, with forty in depth, making in all eight hundred arpens; that by time or accident he has lost the muniments of his title; but that he has resided on, occupied, and cultivated the land ever since the year 1800; that he still resides on the land; that he has built a dwelling-house and convenient out-houses, has cleared some fifty or sixty acres, which is under good fence and in a high state of cultivation; that he is now old, and is desirous of continuing on the place for the remainder of his life; that he was not aware of the necessity of presenting his claim on the land to the commissioners appointed by Congress to investigate titles to lands in that part of the country until the year 1827; but as soon as he was informed of the necessity thereof, he did present it by and through an agent, (he being illiterate and unacquainted with the English language,) and trusting to the fairness and honesty of his claim, he supposed it had been confirmed, until lately he had discovered it was not confirmed, by reason of the limited jurisdiction of the commissioners not embracing his case; and concludes by praying that as he has no written evidence of his title, that it may be confirmed upon the strength of his long possession, habitation, and cultivation. It is believed that the facts stated in the petition present a fair case for relief, if indeed they be supported by sufficient evidence, and that they are, is beyond all controversy. The depositions of John B. Frenier and Philip Joseph show a continued inhabitation and cultivation since the year 1801. The deposition of Leon Nicholas shows the same since the year 1804, and each of them swears he has no interest in the confirmation of the claim.

The above facts, as well as the reasons why the said claim was not confirmed by the commissioners as above stated, amply appears in their report made to the Secretary of the Treasury, in February, 1828.

They declare the land to have been cultivated and inhabited by the petitioner from the year 1799 until that time, and the reason why they do not confirm the claim, appears to be grounded upon the fact that the law did not provide for that class of cases.* The case being clearly embraced by all the acts of Congress granting donations to actual settlers, the committee believe the petitioner entitled to relief, and have therefore reported a bill.

24TH CONGRESS.] No. 1493. [1ST SESSION.

ON CEDING TO OHIO THE RESIDUE OF THE PUBLIC LANDS THEREIN.

COMMUNICATED TO THE SENATE, MARCH 29, 1836.

Mr. CRITTENDEN, from the Committee on the Public Lands, to whom was referred the resolution of the Senate of the 18th of March, 1836, instructing them to "inquire into the expediency of ceding to the State of Ohio the residue of the public lands in that State which have been offered for sale for the term of fourteen years, and also of ceding the residue of said lands which have been offered for sale for a less term of time, or of permitting the State to become the purchaser of the last-mentioned lands at the price of one dollar per acre, on a credit of fourteen years, except in case of foreign war, in which case the same shall be paid for by the State, at such time as the Congress of the United States shall require, and that the same principle be extended to each of the new States in which the public lands of the United States are situate, by extending the sales to, or reserving for future sale, the same quantity of land as has been sold in the State of Ohio, in proportion to the whole quantity of land in each of said States," reported:

That they are totally unable to discover any motive or inducement that the United States can now have, either to give away the public lands or to sell them, as suggested, to Ohio and the other new States, at reduced prices, and upon long credits. The case is too clear and plain to require argument; and the committee are of opinion, that so to give, or so to sell the public lands, would be contrary to the true policy and duty of the general government, and altogether inexpedient. The committee ask to be discharged from the further consideration of the subject.

24TH CONGRESS.] No. 1494. [1ST SESSION.

ON GRANTING LANDS TO COLLEGES IN THE NEW STATES.

COMMUNICATED TO THE SENATE, MARCH 29, 1836.

Mr. CRITTENDEN, from the Committee on the Public Lands, who have had under consideration the resolution of the Senate, instructing them to inquire into the expediency of making "a grant of lands to one or more colleges in each of the new States, for education of the poor, upon the manual-labor plan," &c., reported:

That no reason has occurred to them for making further grants of lands to colleges in the new States, that would not equally justify and require the like grants to colleges in the old States, and in all the States of the Union. They are therefore of opinion that such an application of the common property of the United States, to the endowment of colleges of any description in the new States, to the exclusion of those in other States, would be unjust, uneqal, and inexpedient.

---

* See State Papers, public lands, vol. 5, page 121.

The committee are sensible that the education of all classes of the people is of the highest public importance, but they are not required on this occasion to inquire or report either as to the policy of the measure, or as to the constitutional competency of Congress to promote education by the general endowment of colleges throughout the Union. Those questions will arise more properly whenever a general system for that purpose shall be proposed.

For the present, the committee, confining itself strictly to the inquiry submitted to them by the resolution of the Senate, report that a grant of public lands to one or more colleges in each of the new States, is inexpedient, if for no other reason, because it is exclusive and unequal, and therefore unjust to the other States of the Union.

The committee ask to be discharged from the further consideration of the subject, &c.

24TH CONGRESS.] No. 1495. [1ST SESSION.

ON THE SALE OF THE PUBLIC LANDS IN FORTY-ACRE LOTS.

COMMUNICATED TO THE SENATE, MARCH 29, 1836.

Mr. CRITTENDEN, from the Committee on the Public Lands, to whom was referred the resolution of the Senate, instructing them to inquire into "the expediency of authorizing, without restriction or limitation, the entry of the public lands after the public sale in forty-acre tracts," reported:

That, in their opinion, uniformity and stability in the plain system which has been adopted for the disposition and sale of the public lands, is highly important, and that all changes ought to be avoided, except where their propriety or necessity is clearly evinced by experience.

The committee perceive no sufficient reason for the changes suggested by the resolution. Its object is, no doubt, the very laudable one of favoring the poorer classes of purchasers and cultivators, but the advantage to them is too slight and contingent to merit much consideration; while on the other hand, it would enable speculators, by dotting over large tracts of country with their numerous little purchases, to affect the sale of the adjacent public lands, or to extort higher prices for their own.

The committee are therefore of opinion that it would be inexpedient to authorize, without restriction or limitation, the entry of public lands in forty-acre tracts, and they ask to be discharged from the further consideration of the subject.

IN SENATE OF THE UNITED STATES, *February* 25, 1836.

On motion of Mr. HENDRICKS—

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing, without restriction or limitation, the entry of the public lands, after the public sales, in forty-acre tracts.

Attest: WALTER LOWRIE, *Secretary*,
By W. HICKEY, *Clerk*.

24TH CONGRESS.] No. 1496. [1ST SESSION.

ON A CLAIM FOR THE ISSUE OF SCRIP FOR A VIRGINIA BOUNTY LAND WARRANT.

COMMUNICATED TO THE SENATE, MARCH 29, 1836.

Mr. CRITTENDEN, from the Committee on the Public Lands, to whom was referred "A bill for the relief of the heirs of Nathaniel Tyler," (from the House of Representatives,) reported:

That, from the petition of H. B. Tyler, who represents himself as heir of Nathaniel Tyler, and from other evidences, it appears that in the year 1784 a warrant, No. 3,301, for 2,666⅔ acres of land, was granted and issued by the State of Virginia, in the name of Nathaniel Tyler, as heir-at-law of John Tyler, for his (said John's) military services in the Virginia continental line; that Nathaniel Tyler died previous to the year 1796; that in the year 1798, and from that time up to the year 1817, various entries and re-entries, to its full amount, were made upon said warrant, in the name of the said Nathaniel Tyler; that these entries were long ago surveyed, but no grants issued thereon.

The petitioner also represents that all these entries and surveys were made by "some person without authority." For that reason, and because those entries and surveys were made in the name of Nathaniel Tyler, *after his death*, the petitioner considered them as void, and that, therefore, he was entitled, under the act of Congress of the 30th May, 1830, "for the relief of the officers and soldiers of the Virginia line," &c., to demand scrip in satisfaction of said warrant, and accordingly he made his application at the General Land Office. His claim was there rejected, and the decision was sanctioned by the opinion of Mr. Taney, then Secretary of the

Treasury. An appeal is now made to Congress for relief; and the bill referred to this committee provides that relief, by authorizing scrip to be issued to the heirs of Nathaniel Tyler for 2,666⅔ acres of land.

The act of Congress of the 30th of May, 1830, as explained by the act of the 31st of March, 1832, authorized the issuing of scrip upon those military warrants only which had not been "located, surveyed, or patented." The application for scrip, in this case, was rejected by the Secretary of the Treasury, because the warrant had been "located according to the forms of office," and the department would not undertake to decide whether it was valid or not. The committee concur in this decision of the Secretary, and are of opinion that the acts of Congress which have been alluded to do not embrace the case of Tyler's heirs, and the only question is, whether there is any sufficient and proper ground for legislating and providing specially for this case.

The chief argument in favor of this claim of Tyler's heirs is, that the entry in the name of their ancestor was void, because made after his death. It was, no doubt, void for that reason; but still this circumstance gives them no better claim on the government than may be asserted by every individual whose *entry* upon a like warrant has turned out, from any cause, to be invalid or unavailing. The misfortune or loss of the parties is the same in all the cases, and the principle that applies is the same. It is well known that there are very numerous instances of *entries* upon such warrants, that have proved ineffectual to secure the land intended to be appropriated, and have been found to be *invalid* on account of their vagueness, or for other cause of invalidity. In each and every one of these cases the unfortunate losing party has just the same right to demand redress of the government that the heirs of Tyler have; and if the claim of the latter be allowed, the former cannot be rejected. They all depend on the same principle, and ought to share the same fate. If it be the purpose and policy of Congress to extend the scope of its former laws, providing for the satisfaction of Virginia military land warrants, it should be done, in the opinion of this committee, by general and not by special legislation. To make provision for this particular case, while the numerous class to which it belongs remains unprovided for, would be unjust and inexpedient.

The committee, therefore, report the bill back to the Senate without amendment, and recommend that it be rejected.

24TH CONGRESS.] No. 1497. [1ST SESSION.

ON A CLAIM FOR THE RE-ISSUE OF A LOST BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 30, 1836.

Mr. CARR, from the Committee on Private Land Claims, to whom was referred the petition of Samuel Rowe and John Rowe, reported:

That the petitioners set forth that they are the legal heirs and representatives of Ludwick Rough, a soldier of the Revolution; that they, upon application, received a warrant, numbered 404, for 100 acres of land, which warrant was issued on the 4th day of April, 1808; that the said warrant has been lost, thereby depriving them from realizing the benefits of their claim. James Maden swears that, about nine years ago, John Rowe gave him a warrant for 100 acres of land, granted to the heirs of Ludwick Rowe, a Revolutionary soldier, lying in the western reserve, in the fifty-quarter township, No. 144 (affidavit badly worded) which warrant he lost on his journey through the State of Ohio.

William Gordon, esq., of the bounty land office, states, that it appears, by the records of his office, that said warrant, No. 404, for 100 acres, was issued the 4th of April, 1808, in the names of John Rough and Samuel Rough, legal heirs and representatives of Ludwick Rough, who was a private in the Pennsylvania line. It being alleged, in the petition, that the abovementioned warrant has been lost, he states that the existing laws furnish no authority for the issue of warrants of the Revolutionary class, in lieu of such as may have been lost; the only means by which relief can be obtained in such cases, is by a special act of Congress, authorizing the Secretary of War to issue either a new warrant, or a duplicate of that which was originally issued.

The Commissioner of the General Land Office states, that the warrant, No. 404, stated in the letter of Mr. Gordon, to have been issued to John and Samuel Rough, has never been presented to that office for the purpose of being satisfied. Upon the statement of the above facts, the committee report a bill authorizing the Secretary of War to issue a ——— warrant.

DEPARTMENT OF WAR, *Bounty Land Office, March* 17, 1836.

SIR: I herewith return the petition of John and Samuel Rowe, which was referred by you to this office yesterday; and in reference thereto, have to state that, it appears by the records in this office, Land Warrant No. 404, for 100 acres, issued on the 4th April, 1808, in the names of John Rough and Samuel Rough, legal heirs and representatives of Ludwick Rough, who was a private in the Pennsylvania line.

It being alleged in the petition that the above-mentioned warrant has been lost, I have to state that, as the existing laws furnish no authority for the issue of warrants of the Revolutionary class, in lieu of such as may have been lost, the only means by which relief can be obtained in such cases, is by a special act of Congress, authorizing the Secretary of War to issue, either a new warrant, or a duplicate of that which was originally issued.

By reference to the General Land Office, and furnishing the date and number of the warrant, it may be ascertained whether such warrant has been surrendered at that office, and satisfied by either the issue of a *patent* or *scrip*.

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

WILLIAM GORDON.

Hon. JOHN CARR, *House of Representatives.*

24TH CONGRESS.] No. 1498. [1ST SESSION.

IN FAVOR OF A GRANT OF LAND TO AID IN THE CONSTRUCTION OF THE ILLINOIS CENTRAL RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 31, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the memorial of the Illinois Central Railroad Company, reported:

That by an act of the legislature of the State of Illinois, approved on the 16th January, 1836, a company was incorporated, and authorized, and empowered, to locate, construct, and finally complete a railroad, commencing at or near the mouth of the Ohio river, in the State of Illinois, thence north to a point on the Illinois river, at or near the termination of the proposed Illinois and Michigan canal, with the right to extend the same to the town of Galena in the said State.

The character and importance of the undertaking, and the propriety of the government granting assistance in the prosecution and completion of the work, by securing for a limited time to said company, the right of pre-emption to a portion of the public lands on each side of the contemplated railroad, according to the prayer of the memorialists, will more fully appear from the following statement of facts. It will form a connecting link with other works of internal improvements by railroads and canals, and great natural highways of intercommunication, which will more or less affect the interests of a large portion of this Union.

Illinois is situated in the heart of the Mississippi valley, bounded on the west and southwest by the great Father of waters, on the east and southeast by the Wabash and its parent river, the beautiful Ohio, and on the north by an artificial line, passing through a region of inexhaustible wealth. These limits embrace a territory which nature has left without a rival on the habitable globe, in all that affords facilities for the acquisition of the essential means of human happiness. At the confluence of the Ohio and the Mississippi, it is contemplated to commence the proposed railroad, and run it north, touching at the most important points in the interior of the State, to the contemplated termination of the Illinois and Michigan canal, continuing north, near said third principal meridian line, to township 42 north, and thence it diverges to the northwest, and terminates at Galena, in the very heart of the mineral region before mentioned.

The committee acknowledge the influence of many weighty considerations in granting the prayer of the memorialists. A reference to the map of the country shows that the work will commence at a point of uninterrupted navigation, and, passing through a country of great fertility, fixes its northern termination in a region where navigation is closed several months in the year. The line of this road divides the western and eastern boundaries of the State nearly at equal distances, and becomes more distant as it progresses north, until it unites with the canal connecting the waters of the St. Lawrence and Mississippi, by which a continuous line of communication is opened into the lakes of the north, the Canadas, and the northern parts of the United States. Looking south, it connects with a navigation, which, by means of the Ohio, penetrates the States of Indiana, Ohio, Kentucky, Pennsylvania, and Virginia, to the base of the Alleghany chain of mountains, and through the channels of the Cumberland and Tennessee rivers you enter the very heart of the rich States of Alabama and Tennessee; and by the Upper Mississippi and Missouri, you reach the outposts of America.

Through the tributaries of the Lower Mississippi, the whole southwestern world is open to American enterprise; and on the bosom of the parent river, every nation and port known to commerce is accessible from this beginning point of the railroad.

The route of the central railroad passes through a country, the greater part of which has been in market for 10, 15, 20, or 25 years, which is mainly ascribable to the fact of its remoteness from navigation and market. It is well known to all observers that the first settlements of new countries are almost invariably confined to the great rivers. Such is the fact in relation to Illinois. Another reason which has contributed to keep this land out of market is, that large proportions of it are prairies of great extent, which retards greatly the settlement of the country, and which difficulty will be nearly obviated by the construction of the contemplated road, and the government be enabled to sell its unavailable land for many miles contiguous to the route, and thus derive a large revenue from an unanticipated source, and from one which would have lain dormant, and consequently without profit to the State or nation for ages to comee.

Regarded thus in a pecuniary point of view, in reference to the general government, the construction of the road will give value to immense bodies of unproductive wild lands, and considerably enhance the revenues of the State, by subjecting them to taxation.

The proposed central railroad will follow, as nearly as practicable, the third principal meridian line, passing through the seat of government of the State, and the other principal towns on the route. It will be seen by a statement derived from the department of the General Land Office, that the lands remaining unsold up to a late period, confining the estimate to the said meridian line, between the mouth of the Ohio and its intersection of the Illinois, without any divergence, and a scope of five miles on either side thereof, amount to 2,183,880 acres, and that 383,133 acres have been sold, making the entire quantity of public lands on the route 2,565,613 acres. Between the point of intersection on the Illinois river (the western termination of the Illinois and Michigan canal) and Galena, a distance by estimate of 110 miles, the unsold lands within the prescribed limits of five miles on each side of the route, amount to 661,120 acres.

As gigantic as the proposed project is regarded in every point of view, whether for its extent, being from 450 to 500 miles in length, the newness of the country in and through which its construction is contemplated, its unsurpassed fertility and adaptation to agricultural pursuits, the prospective utility of the road to the nation, and present advantage to the State, and being entirely practicable, it will be undertaken and finished, but much more speedily by the grant of the privilege prayed for.

When the Mississippi and Ohio are fast bound up in ice, troops and munitions of war can be transferred with a rapidity and despatch unknown to water transportation, to the frontiers of Illinois, Wisconsin, and Northern Missouri, whence they can be stretched along the lines of these frontiers in an incalculably short period of time.

The northern termination of the road is situated in the centre of the lead region. At all times and seasons this valuable article of trade can be brought south, and thence to any military point or commercial mart in the

Union. The lead in this region is inexhaustible, and will afford a sufficiency to supply the wants of the country in both peace and war. Regarded as the ground-work of a system of internal improvement about being commenced in Illinois, it is of paramount importance to the public interests. This road will be regarded as the grand stem, from which will diverge works of a similar kind, to connect with every road or canal of importance, which the enterprise of the neighboring States may undertake, pointing in the direction of Illinois. A branch is contemplated to St. Louis, whereby an unbroken line of railroad will be made to the northwestern limits of Missouri; another to unite with the Wabash and Erie canal; thus opening to every citizen of Illinois, a direct communication with the Northern States of the Union. In a word, branch roads, it may be confidently calculated, will be constructed to every important town or commercial position on the borders of the State. Considered then as a facility of carrying out a system about undergoing the action of Congress, for the transportation of the United States mail, it should be regarded in a most favorable light. It is also in contemplation, (and recent experience proves that it is only necessary to conceive a work of internal improvement, to carry it into effect,) to extend the road from the mouth of the Ohio to Nashville, in the State of Tennessee, to meet the projected road from that city to New-Orleans, and to unite with branches of the great Charleston project, and the contemplated Baltimore and Ohio, and Richmond railroads.

The completion of these great works would identify the interests of the whole valley of the Mississippi, and bring the west and the south into the most intimate communion. Viewing this subject in every possible point of light, as creating at its southern termination, a commercial emporium of great future consequence to the commerce of the western States, at which will concentrate the trade from the sources of the Mississippi and Missouri, the mineral regions of the north and southern Missouri, the manufactures of the Ohio and tributaries, the rich products of the southern country, brought in exchange for the superabundant productions of the rich soils of Illinois, or as giving value to millions of acres of the public domain, which are now wholly worthless and unsaleable; or as enhancing the revenues of the State, and contributing to its welfare and prosperity, in the increase of its population, wealth, and intelligence, and in direct and positive benefits to the people, or as creating great facilities in the conveyance of the mail, the transportion of troops and munitions of war from one extreme of the country to another, *at all seasons of the year, in one fourth of the time, and at one half the expense now required,* or its effects upon the social and political relations of a large portion of the American people, or their public, or their private interests; it operates upon each and all in the most beneficial manner.

The committee will not permit themselves to doubt the final decision of the House on this subject, especially when it is recollected that a large portion of the very land to which the right of pre-emption is asked, unless the road be made, will remain for many years, as millions of acres now are, valueless and unsalable on the hands of the government; and that the sound policy in relation to the value and sale of the immense districts of lands, owned by the United States, almost exclusively, through which the road would pass, would be to make the grant asked for. There can be no doubt but that three times the amount that could now be realized for those lands, would, on the completion of the work, be immediately reimbursed by the increased value and ready sale of the adjacent lands, a large portion of which, from their remoteness from highways, and other causes, are now nearly, if not altogether, without value. The correspondence before alluded to, with the Commissioner of the General Land Office, together with a map of the State of Illinois, is appended to and made a part of this report.

The committee report a bill in conformity with the prayer of the memorialists.

HOUSE OF REPRESENTATIVES, *March* 25, 1836.

SIR: The memorial of the Illinois Central Railroad Company, incorporated by an act of the legislature of the State of Illinois, for the purpose of constructing a railroad from a point at or near the mouth of the Ohio river, to the termination of the proposed Illinois and Michigan canal, on the Illinois river, with the right to extend the same to the town of Galena, in said State, praying for the right of pre-emption to a portion of the public lands through which said railroad may be located, has been referred to the Committee on the Public Lands of the House of Representatives. In order to enable the committee to judge of the propriety of reporting a bill in accordance with the prayer of said memorial, will you have the goodness, at your earliest convenience, to furnish the committee with a statement, showing the quantity of land that has been disposed of by the government, and the quantity still owned by the United States, within five miles in width on each side of the third principal meridian line in the State of Illinois, from a point on the Ohio river where said third principal meridian line intersects the same, north, to a point on the Illinois river where said line crosses said river; and also the quantity of land that has been disposed of by the government, and the quantity still owned by the United States, within five miles in width on each side of a State line, east, from the last point aforesaid to the town of Galena, in said State of Illinois.

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

Z. CASEY.

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

GENERAL LAND OFFICE, *March* 26, 1836.

SIR: In your letter of the 25th instant, you request to be furnished with a statement showing the quantity of land disposed of by the government, and the quantity still owned by the United States, within five miles in width, on each side of the third principal meridian line in the State of Illinois, from a point on the Ohio river where said third principal meridian line intersects the same, north, to a point on the Illinois river where said line crosses said river; and also the quantity of land that has been disposed of by the government, and the quantity still owned by the United States, within five miles in width, on each side of a straight line, from the last point aforesaid, to the town of Galena, in the said State of Illinois.

From the verbal explanation which I had yesterday the honor to make, you are aware of the difficulties in the way of preparing such *statements* as you require, by reason of the heavy arrears of sales remaining to be registered in the tract-books of this office.

Under these circumstances of official embarrassment, I am enabled only to *estimate*, as nearly as practicable, the particulars you desire, and the following are the results:

First.—Total quantity of five sections on each side of third principal meridian from the Ohio river to river Illinois, estimated	1,861,613	acres.
Sold and otherwise disposed of by the United States	340,253	"
Vacant	1,521,360	"
Second.—Estimated distance of the line from the Illinois river to Galena, 110 miles, ten sections to a mile	704,000	"
Sold, estimated	42,880	"
Vacant	661,120	"

Transmitted herewith is a map of the route described in your communication.

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

ETHAN A. BROWN.

Hon. ZADOK CASEY, Esq., *of the Committee on the Public Lands, House of Representatives.*

24TH CONGRESS.] No. 1499. [1ST SESSION.

ON A CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 31, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of Charles A. Grignon, praying to be perfected in a title to six hundred and forty acres of land, lying upon Fox river, in the Territory of Michigan, reported:

The petitioner presents his claims to the government in the following words and figures, to wit:

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

The petition of Charles A. Grignon, of Green Bay, in the county of Brown, and Territory of Michigan, respectfully showeth, that, in the year 1831, a grant was made by the chiefs and head men of the Menominee nation of Indians, to your petitioner (who is allied, on the part of his mother, to the said Menominees) of a tract of land, containing one section, or six hundred and forty acres, including a site for a mill, and other valuable privileges, situated at the mouth and upon the waters of a stream called "Apple creek," emptying into the Fox river, on the west side thereof, and about thirteen miles from the head of Green bay. That the said grant was sanctioned by the Secretary of War, and was surveyed by your petitioner.

That in the year 1832, at the time of negotiating the treaty between the late Governor Porter, commissioner on behalf of the United States, and the Menominee and New York tribes of Indians, at Green Bay, the said grant was recognised by the said Menominee chiefs. That an objection was made by the chiefs of the Oneida nation at that time, to the reservation of said tract of land, as it was situated within the portion of country allotted to their use. That the said Menominee chiefs refused to sign the treaty unless the reservation of said land was made to your petitioner and his heirs and assigns. That after several unsuccessful attempts made by the governor, to reconcile the matter between the said parties, he, Governor Porter, applied to your petitioner in person, and requested several individuals to apply to him upon the subject of said grant or reservation, and proposed to your petitioner to relinquish the said grant, at the same time promising your petitioner that he should be fully satisfied by the government for his said claim, provided he would no longer let the said grant be an obstacle to the final adjustment of the differences which had so long existed between the Menominee and New York Indians. That, at the solicitation of the governor, he, your petitioner, agreed to relinquish his right to said tract of land, upon the pledge given by Governor Porter that full equivalent, either in land or money, should be given by the government, to the satisfaction of your petitioner, in lieu of said tract; and further, that Governor Porter pledged himself to the Menominee chiefs, in council, as the commissioner of the government, that your petitioner should be fully satisfied in regard to said grant; upon which the said Menominee chiefs signed the treaty.

And your petitioner further showeth, that he has repeatedly applied to Governor Porter, during his lifetime, and also to the Secretary of War, upon this subject, but has received no satisfaction. That during the last fall a paper was addressed to the President of the United States, signed by the said chiefs, which was forwarded by Colonel Boyd, the United States Indian agent at this place, to the Commissioner of Indian Affairs, and by him returned with the remark that nothing could be done by the department, and referring your petitioner to your honorable body for relief, &c., although by the said treaty reference is made to the said grant, and it is thereby expressly reserved.

Your petitioner, therefore, prays your honorable body that a law may be passed, giving him a full and adequate equivalent in money, or other land equally valuable, or ratifying and confirming to him and his heirs and assigns, forever, the said tract of land, according to the intention of the said chiefs, and the pledge of Governor Porter, solemnly made as the commissioner of the government, or granting such other and further relief as your honorable body may deem meet and proper.

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

CHAS. A. GRIGNON.

GREEN BAY, *February* 4, 1836.

It is distinctly within my recollection, that the late Governor Porter agreed for, and on behalf of, the United States, to give to the memorialist, Charles A. Grignon, one thousand dollars, in lieu of his claim to the section of

land on Apple creek, or that he should be allowed to locate one other section of land, at some other point, under the direction of the President of the United States.

GEORGE BOYD, *Indian Agent.*

GREEN BAY, *February* 6, 1836.

The undersigned, chiefs and head men of the Menominee nation of Indians, to their great father, the President of the United States, respectfully represent: That, previous to the ratification of the treaty, made and concluded at Green Bay, in 1832, between them and the said United States, a grant was made by them to their relation and friend, Charles A. Grignon, of Green Bay, of a tract of land, one mile square, lying upon the west side of the Fox river, near said Green Bay, at the mouth and upon the waters of Apple creek; that, at the time of making said treaty, the said chiefs and head men, on behalf of themselves and the said tribe, expressly stated their wishes, and declared that they would not sign the treaty unless the said tract of land was granted to the said Charles A. Grignon, or he otherwise fully satisfied and paid for the same by the United States. And we do further state, that, immediately before signing the said treaty, we stated our wishes to our late father, Governor Porter, who then pledged himself that our wishes and desires should be granted. But we are informed, and now believe, that our wishes have not been complied with; and although we have long since given to our friend this piece of land, (which gift was sanctioned by our father, Governor Porter,) yet there is not a sufficient grant contained in the treaty to secure to him the tract of land which we so long since gave to him.

We, therefore, in our own behalf, and for the said nation, do earnestly request our great father, the President, to comply with our wishes, and to grant to our relation, the said Charles A. Grignon, and his heirs, the said tract of land, to be of the dimensions and situated according to the survey of the said tract herewith transmitted, which has been made with our consent and approbation; or that a full equivalent may be made by the United States to him, the said Charles A. Grignon, in lieu of that tract of land.

Signed in open council, at the Little Butte des Morts, this 12th day of October, 1835.

OSH-KOSH,	his × mark.
JAMATA,	his × mark.
COMANIKINOSE,	his × mark.
MUSKAMAJAY,	his × mark.
OLD-SUN-AKEESIS,	his × mark.
KAY-SHAY-NA-MEE,	his × mark.
NOMALCHCEIR,	his × mark.

Signed and sealed in my presence, the day and year above written.

GEORGE BOYD, *United States Indian Agent.*

LITTLE BUTTE DES MORTS.

Description of a section of land, located to C. A. Grignon, as a mill privilege, on Apple creek, to wit: Beginning at a pine on the bank of Fox river, 7 chains and 26 links below the mouth of Apple creek, from which N. 47° W. distant 11 links are twin oaks, (black;) thence west 80 chains is a willow 6 inches diameter, squared; thence S. 80 chains is a pine 8 inches diameter, squared; thence E. 74 chains, 96 links, is Fox river, and a pine on the bank, notched and blazed; thence down the bank of Fox river to the place of beginning; estimated to contain six hundred and forty acres of land.

A. G. ELLIS, *Surveyor, B. C. M. T.*

November 1, 1833.

I do hereby certify, that, at the treaty which was held at Green Bay, in the fall of the year 1832, between the late Governor Porter, commissioner on behalf of the United States, and the Menominee and New York tribes of Indians, I was present, and, at the request of the governor, assisted in negotiating the said treaty; that at that time the chiefs of the Menominee nation declared in council, that it was their intention and desire to give to Charles A. Grignon (who is allied to said chiefs, on the side of his mother), a section of land lying upon the Apple river, at its junction with the Fox river, near Green Bay; that the said chiefs stated that they had long since set that tract of land apart for the said Grignon, and supposed it was secured to him and his heirs, as they had, when previously at Washington, made the same statement; that the chiefs of the Oneida nation objected to said grant, as it was situated within the district of country set apart by the treaty for their use; that the Menominee chiefs refused to sign the treaty until Grignon was satisfied in regard to this grant; that Governor Porter, in person, and by others, conferred with Mr. Grignon upon the subject, and pledged himself as the commissioner of the government, that if he would not insist upon this reservation, or interpose it as an obstacle to the ratification of the treaty, he (the governor) would see him fully satisfied by the government, by an equivalent in land or money; that, upon this promise, Grignon induced the Menominee chiefs to accede to the terms of the treaty; and that upon its final adjustment, and before the signing of the same, the governor, in open council, again promised the said chiefs and the said Grignon, that he should be fully satisfied by the government for the said grant or reservation. The above is a true statement of the facts, according to my best recollection.

R. A. FORSYTH.

GREEN BAY, *January* 30, 1836.

We, the undersigned, were present at the making of the treaty, within alluded to, at Green Bay, in the year 1832: we have carefully read the within statement of Major R. A. Forsyth, and are fully satisfied that the facts stated therein are correct and true: and that we have a distinct recollection of the promise made by Governor Porter to Mr. Grignon, that he should be amply remunerated by the government for the said grant; and we do further state that we are well acquainted with the quality and location of said tract of land; that it is of superior quality, and possesses many advantages which cannot be found in common locations.

ALEXANDER J. IRWIN.
HENRY S. BAIRD.

GREEN BAY, *February* 4, 1836.

Upon an examination of the testimony, your committee find that the allegation set forth in the petition is fully sustained by the proof, and that the government is under a strong moral obligation to grant relief to the petitioner, to the extent prayed for, and have reported a bill accordingly.

24TH CONGRESS.] No. 1500. [1ST SESSION.

RELATIVE TO THE LOCATION OF A NEW MADRID CERTIFICATE ON THE SAND-BAR IN FRONT OF ST. LOUIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 1, 1836.

REGISTER'S OFFICE, *City of St. Louis, March* 15, 1836.

SIRS: In pursuance of an order from the authorities of this city, I enclose herewith copies of certain papers relative to the location of a new Madrid certificate upon the sand-bar and strip of land in front of this city, which is now claimed by E. T. Langham and others.

Respectfully,

J. A. WHERRY, *Register.*

HONS. WILLIAM A. ASHLEY and A. G. HARRISON, *House of Representatives, U. S.*

RECORDER'S OFFICE, *St. Louis, February* 9, 1836.

SIR: This office does not afford any of the information sought by the resolution which you enclosed to me; the resolution is herewith returned to you.

Very respectfully, sir, your obedient servant,

F. R. CONWAY.

JOS. A. WHERRY, Esq., *City Register of St. Louis, Mo.*

LAND OFFICE AT ST. LOUIS, *Register's Office, February* 11, 1836.

SIR: Yours of the 9th, enclosing a resolution of the board of aldermen of this city, under date the 8th instant, has been duly received.

The resolution calls on this and other offices for, 1st: "A copy of the location of the New Madrid certificate, and the certificate itself, under which E. T. Langham, and others, claim part of the sand-bar opposite the city, and a certain strip of land on the margin of the river, within the limits of this city."

2d: "A copy of the pre-emption location, and of the proofs, under Robert Duncan, under whom said Langham, and others, claim part of said sand-bar, and the evidence in said offices tending to the subject."

In answer to the first section of the resolution: There is no evidence in this office.

In reply to the 2d section: It is made my duty to forward, with my monthly returns, to Washington city, the evidence in pre-emption rights admitted; which was accordingly done in the case referred to, in my report of December last.

There exists in this office now, no other evidence of the pre-emption of Robert Duncan, other than the entry in the books thereof, of which the following is a transcript:

"December 5, 1835. Receiver's receipt, No. 5,812, Robert Duncan, of St. Louis county, Mo. (under) the pre-emption act of 1834, (entered) fract. sect. 24; N. W. fr. qr. and N. ½ of S. W. qr. sec. 25; N. E. fr. qr. and N. ½ of S. E. qr. sec. 26, on island in Mississippi river; township No. 45, N. R. 7, east, containing 160 acres; amounting to $200."

Very respectfully, your obedient servant,

W. CHRISTY, *Register.*

J. A. WHERRY, Esq., *Register, City of St. Louis.*

No. 333.

OFFICE OF RECORDER OF LAND TITLES, *St. Louis, September* 26, 1817.

I certify that a tract of six hundred and forty acres of land, situated in Marais des Pechis, county of New Madrid, which appears from the books of this office to be owned by John B. Thibauld, has been materially injured by earthquakes; that said Thibault has been already relieved for one hundred and sixty acres (see certificate No. 222); therefore, in conformity to the provisions, and to complete the limitation contained in the act of Congress of 17th February, 1815, the said John B. Thibault, or his legal representatives, is entitled to locate four hundred and eighty acres of land, on any of the public lands of the Territory of Missouri, the sale of which is authorized by law.

FREDERICK BATES.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The above is correctly copied from the original certificate on file in this office.

E. T. LANGHAM.

Know all men by these presents, that, whereas, by an act of Congress, entitled, "A bill for the relief of Archibald Gamble," approved January 28, 1833, it was enacted that the heirs or assigns of John B. Thibault, who are entitled to a New Madrid certificate, numbered three hundred and thirty-three, for four hundred and eighty acres, heretofore entered in township number forty-six, range six east of the fifth principal meridian, be, and were thereby authorized, to enter four hundred and eighty acres of land on any at the public lands in the State of Missouri, the sale of which is authorized by law: *Provided*, That the said heirs or representatives of said John B. Thibault, so entitled, as aforesaid, before making said location or entry, shall execute a release to the United States, for all claim and right to the land upon which said certificate had been heretofore entered. Now this deed witnesseth, that I, Archibald Gamble, claiming, by regular chain of title, as the assignee or legal representative of said John B. Thibault, the said certificate, number three hundred and thirty-three, and the land heretofore located by virtue thereof, in township number forty-six north, in range six east, of the fifth principal meridian; do, by these presents, release unto the United States all the right, title, and claim, of myself and my heirs, or assigns, or of the said John B. Thibault, of, in, and to, the southwest fractional quarter of section twenty-two, the southeast fractional quarter of same section, the northwest fractional quarter of section twenty-seven, and so much of the east half of the same section as makes the quantity of four hundred and eighty acres, in township forty-six north, range six east, to have and to hold to the said United States, or their assigns, for ever.

In testimony whereof, I have hereunto set my hand and seal, at the city of St. Louis, this 15th day of March, in the year 1834.

[L. S.] ARCHIBALD GAMBLE.

STATE OF MISSOURI, *County of St. Louis, ss.:*

Be it remembered, that on this 15th day of March, in the year 1834, personally appeared before me, one of the justices of the peace of the county of St. Louis, the above-named Archibald Gamble, who is personally well known to me as the person executing the deed of release to the United States, and acknowledged the same to be his act and deed, hand and seal, for the purposes therein mentioned, taken and certified the day and year aforesaid.

PETER FERGUSON, *Justice of the Peace.*

SURVEYOR'S OFFICE, *St. Louis, August* 17, 1835.

This deed from Archibald Gamble to the United States, bearing date the 15th of March, 1834, was filed by said Archibald Gamble, on or about the 20th of March, in said year 1834, in this office; and it appears, from the records of this office, that the tract of land released to the United States by this deed, is the same tract of land upon which New Madrid certificate, numbered 333, was heretofore entered.

E. T. LANGHAM.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The foregoing is a correct copy of the original deed on file in this office, and recorded on page 153 of book A.

E. T. LANGHAM.

ST. LOUIS, MISSOURI, *August* 17, 1835.

SIR: By an act of the Congress of the United States, entitled, "An act for the relief of Archibald Gamble," approved January 28, 1833, (a copy of which said act is herewith filed, and made part and parcel hereof,) the heirs or assigns of John B. Thibault, who are entitled to New Madrid certificate, numbered 333, for four hundred and eighty acres of land, heretofore entered in township numbered 46, range numbered 6 east of the fifth principal meridian, are authorized to enter four hundred and eighty acres of land on any of the public lands in the State of Missouri, the sale of which is authorized by law: *Provided*, That the said heirs or representatives of said John B. Thibault, so entitled as aforesaid, before making said location or entry, shall execute a release to the United States for all claim and right to the land upon which said certificate has been heretofore entered. Now I, the said Archibald Gamble, assignee and legal representative of the said John B. Thibault, having executed heretofore, and filed in your office, a deed bearing date the 15th of March, 1834, releasing to the United States all claim and right of the heirs or representatives of said John B. Thibault to the land upon which said New Madrid certificate, numbered 333, was heretofore entered, do hereby, in virtue and by authority of the above-mentioned act of Congress, locate and enter four hundred and eighty acres of land on the following described tract or parcel of the public lands of the United States, in the State of Missouri, to wit: being in township numbered 45, north of the base line, of range numbered 7, east of the fifth principal meridian, and bounded as follows, to wit: northwardly by Willow street, in the city of St. Louis, prolonged to the river Mississippi; eastwardly by said river Mississippi, and public land; southwardly by said river Mississippi, and public land; westwardly and northwardly by lands confirmed or claimed under the laws of the United States, in the names of the following named persons, to wit: Benito Vasques, Joseph Brazeau under Benito Vasques, Joseph Brazeau, Antoine Soulard under Gabriel Cerrè, James Mackay, Auguste Chouteau, and John B. Provencheres, legal representatives; and by town lots in the city of St. Louis, in blocks numbered 45, 44, 43, 42, 41, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, which lots were heretofore confirmed by laws of the United States to individual persons, or reserved by said laws for the support of schools.

In surveying the above location or entry, and determining the area thereof, I request that you will leave out of said survey, and out of the computation of the area thereof, the land claimed by Robert Duncan, where he now lives, in the right of pre-emption.

ARCHIBALD GAMBLE.

ELIAS T. LANGHAM, *Surveyor of Public Lands in Illinois and Missouri.*

SURVEYOR'S OFFICE, *St. Louis, August* 17, 1835.

Examined and received for record.

E. T. LANGHAM.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The foregoing is correctly copied from the original location on file in this office, and reported on page 154, book A. The copy of the act of Congress referred to within, is copied on the following page.

E. T. LANGHAM.

AN ACT for the relief of Archibald Gamble.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the heirs or assigns of John B. Thibault, who are entitled to a New Madrid certificate, numbered three hundred and thirty-three, for four hundred and eighty acres, heretofore entered in township number forty-six, range six east of the fifth principal meridian, be, and are hereby authorized to enter four hundred and eighty acres of land on any of the public lands in the State of Missouri, the sale of which is authorized by law: *Provided,* That the said heirs or representatives of said John B. Thibault, so entitled, as aforesaid, before making said location or entry, shall execute a release to the United States for all claim and right to the land upon which said certificate has been heretofore entered.

To the Hons. THOMAS H. BENTON *and* LEWIS F. LINN, *Senators, and* WM. H. ASHLEY *and* ALBERT G. HARRISON, *Representatives in Congress of the State of Missouri:*

GENTLEMEN: The undersigned, your constituents, inhabitants of the city of St. Louis, beg leave to call your attention to certain matters which very materially affect their interests, as well as the interests of the United States.

It is known to you that the authorities of the city of St. Louis have made several efforts to procure from the government of the United States a removal of the island, or sand-bar, which has been made by the accumulation of logs and sand, opposite to the lower part of the city; and which has obstructed the landing along a portion of the margin of the river, and from time to time threaten still further to block up and injure the harbor. Knowing that the subject has been brought before Congress at a former session, and that your exertions would not be wanting to procure a favorable result at the present session, we should have waited for that result, without troubling our representatives further, had not certain events occurred here, which have an adverse bearing upon the attainment of our object.

It seems, that while the action of Congress, with respect to the improvement of our harbor has been delayed, a person, by the name of Robert Duncan, built a hut on the island or sand-bar in question, and that recently he has preferred to the proper land office his claim to a pre-emption. This claim has been allowed, and he has received the proper voucher for obtaining a patent, and has transferred all his right therein, as is believed, to Elias T. Langham, the surveyor general, and A. H. Evans. Mr. Langham has also, as we understand, located on other portions of said sand-bar, and upon sundry strips of ground along the margin of the river, adjacent to the sand-bar, and along the whole front of the city, a New Madrid certificate. It is now pretended on the part of Mr. Langham and others, who are interested in the speculation, that the sand-bar, or a considerable portion of it, is individual property; and plans are already on foot to divert the natural course of the river, and to bring a part of the bar into a line with the landing of the upper part of the town, and make it the permanent landing for the lower part of the city. The result of success in these efforts will be the following:

1. It will throw all the lots in the south part of the town, calling for the river as a boundary, *inland* a considerable distance, and greatly injure their value; for it is evident that if this island is permitted to remain as private property, it will be improved, and the channel between it and the town will be filled up.

2. It will give a permanent direction of the current of the river toward the Illinois shore, which will affect the navigation and course of the river for an indefinite distance below. The landing on the Missouri side will be destroyed by sand-banks and accretions, and in time that shore extended, perhaps, for miles; while encroachments will be made on the same extent on the Illinois side. The injury to private rights will thus be incalculable: while the United States will be deprived of a landing at the arsenal and barracks, upon a river the navigation of which, like that of the sea, within their jurisdiction, would seem to belong to their exclusive control.

3. A great injury may, and in time perhaps will, be sustained by the State of Illinois. The bottom land on the Illinois side of the river is of many miles in width; and is settled and improved below this place, and is exceedingly fertile. Private enterprise ought not to be permitted to subtract from the territory of that or any other State, by diverting or altering the direction of a great navigable stream, which is a common boundary of two States. If this can be done in the present instance, then, on the same principle, the owners of Bloody island, which is in the State of Illinois, may construct piles and artificial works that will turn the current from this city and utterly ruin its harbor.

Our objects in this communication are: *first,* to call your attention to the necessity of early action by Congress upon the subject of the removal of the sand-bar; *secondly,* to request that proper steps may be taken to prevent the issuing of patents on the pre-emption and New Madrid localities mentioned above.

As to the *first,* nothing further need be said, except that the bill should provide that any money appropriated for the improvement of the harbor of St. Louis should be expended under the superintendence of a proper agent, engineer, or officer of the United States.

In regard to the patents, we will observe, that even if a private right has vested in Langham and his associates, yet the United States, for the benefit of the harbor of St. Louis, the preservation of the current of the Mississippi in its ancient channel, along the bold shore of this State, and the protection of the property of the goverment, as well as that of a mass of individuals, should remove the bar, and indemnify those who own any interest in it.

But it seems very questionable whether this sand-bar or island can be the subject-matter of a grant by government. We understand that during the existence of the Spanish government here, a bar commenced (where the one in question is) and increased for a length of time, till it became an island, (that is, till it was above water throughout the year, as it is at present,) when certain persons petitioned for a concession of it, which was refused by the Spanish authorities, on the ground that the convenience of the inhabitants of St. Louis forbid the acquisition of the title to it by individuals. In a few years thereafter that bar was entirely swept away, and the channel of the Mississippi, as theretofore, continued along the Missouri shore. Accordingly, it is well known that twenty or thirty years ago the place of business in this town was at the southern end of it. The present bar, by its obstacles to navigation, has caused the business of the town to travel up to that part of the town where the obstruction does not exist; so that the ancient business lots and landing of the place have been deserted by the merchants. The grants of those lots in the southern part of the town, in many instances, in terms, call for the river. Has the government, after granting lots on such terms, a right to dispose of, to individuals, and thus interpose between them and the river, a sand-bar, that has grown up to be an island since the grant of the lots? On the contrary, have not the owners a right, acquired at the time of the grant, to be bounded by the

river; and for that purpose to remove any obstructions to navigation, or any bars or other obstacles that should threaten to turn the river from their lots? Certainly they might have done this with regard to the bar in its incipient stage; and if so, if when the bar first commenced, and during its increase, they had a right to stop its growth and remove it, because it threatened to injure their landing, and turn the river from the front of their lots, at what moment did their right cease? Certainly the fact that the bar is now of such a size that it remains above water, except occasionally, when the annual flood is unusually high, the fact that it has bushes and small trees growing upon it, does not alter its character. It is only, in such a state, a larger and more permanent obstruction to the navigation along the front of those lots, originally granted with a river boundary, when there was no sand-bar there. It would seem, therefore, that the United States acquired, and could acquire, no right in this bar, which they could sell under the acts of Congress. If the government had any right in it, it had such rights as it has to the sea along our coast, or to a sand-bank that should arise in or near a harbor there; a right to hold it, or remove it, for the benefit of navigation.

By the civil law, and by the Spanish law, which was the general law here till its abolition in 1816, all islands arising in rivers, whether navigable or not, belonged to the riparian proprietors. (See Cooper's Justinian, page 74; and Partidas's translation, 1 vol., page 346.) If this bar commenced under those laws, it would seem to be now the property of the proprietors of the adjacent lots, on the Missouri side, and not the property of the government; and, therefore, not susceptible of sale by the government. Under the common law, which was introduced here in 1816, islands arising in rivers, above the ebb and flow of the tide, belonged to the riparian proprietors: so that whether this island was formed under the Spanish or American government, the right of the government to dispose of it is very questionable, to say the least.

There is another view of this subject, derived from the character of the Mississippi, which is deserving of consideration.

The laws of Spain, and of England, and of ancient Rome, on this subject, were made as applicable to the rivers of those countries; and with such application, and in analogous instances, are reasonable and wise. But such laws never could have been considered as applicable to the Mississippi, had it existed in either of those countries. Their streams, in comparison, are mere creeks and rivulets. The Mississippi below the mouth of the Missouri is, moreover, extremely rapid, and carries down immense quantities of sand and trees, &c., which circumstances give it its peculiar character, of shifting its channel, which it is doing perpetually, as every person who has navigated it is aware. Along its banks, and dependent on its navigation for their prosperity, are settled a number of populous and powerful communities, occupying already a space of about two thousand miles from its mouth; while the land bordering on it for that distance has been, for the most part, granted to individuals by the government. Now, under these circumstances, who has a right, in case an island or bar should form, to occupy it as private property, and, by permanent improvements upon it, perhaps change the current for twenty miles below? Have not all these communities and riparian proprietors a vested right to have the river kept in its ancient channel? The slightest obstruction, as the sinking of a keel-boat, or a temporary obstacle from ice, makes a bar, and causes the channel to wear away the bank on one side of the river, and to desert the other. We should suppose that these considerations would induce the belief, that any bar or island that should spring up in the Mississippi under such circumstances, must be considered in the light of a nuisance, which might be removed by those whose interests are endangered thereby. The common good of all on its banks requires such to be law: and it can make no difference, in the reasonableness of the principle, whether the removal takes place before the sand-bar aspires to the dignity of an island, or after it has attained that character.

For these reasons, we protest against the locations above mentioned, and through you, desire such measures to be taken as will most effectually prevent a recognition by government of these pretended titles.

Daniel D. Page,	Bernard Pratte,	John M. Wimer,
H. L. Hoffman,	B. Chouteau, jr.,	Fs. C. Tesson,
John H. Gay,	John B. Sarpy,	Edward P. Tesson,
Jno. W. Johnson,	John F. A. Sanford,	Silas Drake,
Charles R. Hall,	Cerré,	James Timon,
David Shepperd,	J. O'Fallon,	D. Coons,
Antoine Chinie,	Augs. Kerr,	James Clement,
J. S. Pease,	F. L. Ridgeley,	Gabriel S. Chouteau,
A. L. Mills,	Wm. Smith,	W. Call,
D. B. Hill,	Jno. Smith,	Elkanah English,
H. Richards,	Bernard Pratte, jr,	—— Heath,
C. Mullikin,	Matthew Kerr,	Thos. Cohen,
W. C. Wiggins,	S. C. Christy,	George Collier,
Jno. Simonds, sr.,	James P. Spencer,	William Atwell,
Isaac A. Letcher,	D. Busby,	James Gordon,
H. McKee,	John Goodfellow,	Asa Wilgus,
N. Rannay,	Richard Rapier,	J. T. Swearingen,
Tho. H. West,	Hyt. Papin,	Geo. Hotton,
Theodore Papin,	Samuel Mount,	William Clarke,
Beverly Allen,	Jos. C. Laveill,	Wm. Preston Clark,
Jacob Cooper,	L. A. Benois,	C. Keemle,
P. D. Papin,	E. Dobyns,	Aug. Keemle,
Wm. Glasgow,	Theodore L. M. Gill,	Geo. Morton,
C. Campbell,	George W. Kerr,	James C. Essex.
Edward P. Mitchell,	Thomas McLaughlin,	

JOHN F. DARBEY, *Mayor of the City of St. Louis*,

In behalf of the Mayor, Aldermen and citizens of the city of St. Louis, by order of the Board of Aldermen.

24TH CONGRESS.] No. 1501. [1ST SESSION.

APPLICATION OF LOUISIANA FOR THE SETTLEMENT OF THE CLAIMS TO LAND HELD UNDER THE SPANISH GRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 1, 1836.

RESOLUTION.

Be it resolved by the senate and house of representatives of the State of Louisiana, in general assembly convened, That our representatives and senators in Congress be requested to use their best exertions to obtain from the general government that the contest existing in Florida, county of Feliciana, State of Louisiana, between settlers under the title of the United States, and claimants under Spanish grants, be so terminated as to give to the actual settlers holding under titles derived from the United States, the free possession of the land on which they have settled, and to grant to the claimants under Spanish grants, lands located elsewhere, when they shall have been recognized as valid by the United States.

ALCEE LABRANCHE, *Speaker of the House of Representatives.*
C. DERBIGNY, *President of the Senate.*

Approved, February 27, 1836.

E. D. WHITE, *Governor of the State of Louisiana.*

24TH CONGRESS.] No. 1502. [1ST SESSION.

ON A CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 5, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of George C. Willard, of Iowa county, Michigan Territory, reported:

That the said George C. Willard, under and in conformity to the regulations of the United States, for the government of the lead mines in Iowa county, Michigan Territory, settled on and improved a tract of land in said county, in the year 1829; that he continued to inhabit and cultivate the same until the date of his petition, the 27th December, 1835, except during the Indian war of 1832, in which he served his country with great zeal and bravery, and received in the last battle fought in that war a severe wound; that the tract of land upon which the petitioner settled, as above, was, after the survey of the public lands in that county, found to be the south-east quarter of section sixteen, in township two north, and range one east of the fourth principal meridian, and, in consequence thereof, the petitioner was not, of course, permitted, by the register and receiver of the land office for the Wisconsin district, to prove up his pre-emption right to said quarter-section, it being reserved for school purposes.

The committee, believing that another quarter-section, quite as valuable for school purposes, may be obtained for the township, and that the said Willard ought to be permitted to prove his right of pre-emption to the same, and enter at the minimum price, if he should prove his right of pre-emption, report a bill for the purpose. The petition of the said George C. Willard is made to be a part of this report.

To the Congress of the United States, now in session:

Your petitioner, an inhabitant of the county of Iowa, and Territory of Michigan, begs leave to petition your honorable body for the privilege of proving a pre-emption right to the southeast quarter of section sixteen, township two north, and range one east of the fourth principal meridian, and being in the Wisconsin land district, (land office at Mineral Point.)

Your petitioner begs leave to set forth his claims to the above privilege, as follows: Having been among the first settlers of the mining country, I made a location, in the summer of 1829, and continued improving the same until the summer of 1832, when the Indian war broke out and caused the inhabitants of this country to fort. In the winter of the same year, the land was surveyed, and my improvement fell on the above quarter-section, which has deprived me of the benefits of the late pre-emption law that the citizens of this county have enjoyed; and I do not think the school fund will be injured by granting my petition, as there is a sufficient quantity of timber on the above sixteenth section to support two quarters of prairie land, and there is a plenty of excellent prairie land adjoining said section; and the quarter my improvements are on is about one third good timber, and a great portion of the balance is what we call barrens.

I beg leave, also, to make known to your honorable body that, during the Indian campaign of 1832, I served during the whole campaign under Colonel Henry Dodge, and, unfortunately for me, at the very close of the campaign (at the battle of the Bad-Axe), I was wounded, having a ball pass through my right wrist, then cutting ball deep across the breast, and passing through the left arm above the elbow, and has entirely disabled me from doing any manual labor. A small pension I receive from the United States and my farm are the only means I have for the support of a wife and two children.

I would further state to your honorable body, that as soon as I left the hospital at Prairie du Chien, in the fall of 1832, I repaired to my farm on the above quarter-section, where I have resided ever since. Your peti-

tioner believes that Hon. George W. Jones is known to all the foregoing facts, to whom I would refer for any further information that may be wanted; and if your honorable body will grant the prayer of your petitioner, he will ever pray, &c.

GEORGE C. WILLARD.

IOWA COUNTY, *Territory of Michigan, December* 27, 1835.

24TH CONGRESS.] No. 1503. [1ST SESSION.

RELATIVE TO AN INCREASE OF FORCE IN THE GENERAL LAND OFFICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 6, 1836.

GENERAL LAND OFFICE, *April* 4, 1836.

SIR: Since I had the honor of conversing with you, on the subject of the proposed organization of this office, and submitting, for the consideration of the committee, an exposition of the present embarrassed condition of the office, arising from a defective organization, an immense amount of arrears, and a force totally insufficient to cope with the existing embarrassments, I have prepared, with much care and attention, a tariff of salaries under the proposed organization, which takes into view the magnitude of labor, and the comparative degrees of responsibility, which will devolve on each individual attached to the several branches. A copy of that paper I take leave most respectfully to submit to the Committee on the Public Lands.

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

ETHAN A. BROWN, *Commissioner.*

Hon. RATLIFF BOON, *Chairman Committee on Public Lands.*

Table of Salaries.

No.	Bureaus.	Subordinate officers named in the bill.	First class of clerks.	Second class.	Third class.	Fourth class.	Fifth class.	Sixth class.	Messengers.	Packers and sealers.	Assistant messengers.
1	Public lands, chief clerk	.....	.....	1,500	1,400	1,250	.....	.....	.....	.....	.....
2	Private land claims, chief clerk	.....	.....	1,500	.....	1,250	2 of 1,500	.....	.....	.....	.....
3	Surveys, first clerk	2,000	.....	.....	2 of 1,400	1,250	.....	.....	.....	.....	.....
4	Recorder	.....	.....	.....	1,400	2 of 1,250	.....	35 of 1,100	.....	.....	.....
5	Accounting	.....	.....	.....	2 of 1,400	.....	1,150	.....	.....	.....	.....
6	Virginia military lands and scrip	.....	1,600	.....	1,400	1,250	1,150	.....	.....	.....	.....
7	Miscellaneous, and of patents	.....	.....	1,500	.....	2 of 1,250	1,150	.....	.....	.....	.....
8	Book-keeping	.....	.....	1,500	8 of 1,400	11 of 1,250	.....	.....	.....	.....	.....
9	Pre-emption	.....	.....	.....	1,400	1,250	.....	.....	.....	.....	.....
10	Solicitor	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
11	Messengers, assistants, packers & sealers	.....	.....	.....	.....	.....	.....	.....	2 of 700	2 of 450	2 of 350

RECAPITULATION.

1st class	1 clerk at $1,600	$1,600
2d class	4 clerks at 1,500	6,000
3d class	16 clerks at 1,400	22,400
4th class	20 clerks at 1,250	25,000
5th class	5 clerks at 1,150	5,750
6th class	35 clerks at 1,100	38,500
Aggregate	81	$99,250
Two messengers at	$700	$1,400
Two packers and sealers at	450	900
Two assistant messengers at	350	700

24TH CONGRESS.] No. 1504. [1ST SESSION.

ON DRAINING THE INUNDATED LANDS ON THE MISSISSIPPI AND ARKANSAS RIVERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 7, 1836.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of the Territory of Arkansas upon the subject of draining the inundated lands on the Mississippi and Arkansas rivers, and also the report of the Secretary of the Treasury, on the same subject, made in compliance with a resolution of the House of Representatives of the 2d March, 1835, reported:

Although your committee have not been able to collect such precise information as they would have been glad to have had in their power to lay before the house upon a subject of such magnitude as the present, yet they conceive that sufficient has been obtained, which is here embodied, to enable the House both to see and to feel the necessity of at once entering upon the proposed undertaking. For the purpose of more fully understanding this subject, and of presenting it in some systematic form, your committee have considered it under the following heads:

1. The probable expense of constructing a levee on the public lands on the western bank of the Mississippi, and on the southern bank of the Red river.

2. Also, of constructing levees on, or removing obstructions from, the Missouri, Arkansas, and St. François rivers, through the public lands, wherever it may be necessary.

3. The probable quantity, quality, and value of land belonging to the United States which will be reclaimed by such works.

4. The probable effect upon the health of the country in which such works may be constructed.

5. The probable advantages and disadvantages of such works respectively, and the effect which they will likely have upon the general prosperity of the country.

Before entering upon the consideration of the first head, it may be proper to remark that such data cannot be given as will lead to certain conclusions; the nature of the subject, and the character of the country which falls within the scope of the examination, are such as utterly to forbid the hope that we can begin upon known and established facts, and end in safe and certain results. Covered, as the inundated lands of the Mississippi and many of its tributaries are, with impenetrable swamps and marshes, no surveys have been made from which we can draw anything like exact information; nor is it possible that successful examinations can be made without first accomplishing to some extent such objects as are here contemplated. Enough, however, is known to justify the conclusion to which the committee have arrived, that the inundated lands of the Mississippi and its tributaries can be reclaimed, and become subject to the labor and industry of man in all the various arts and improvements of civilized life.

The point at which the inundated lands commence on the Lower Mississippi may be said to be the sources of Cape La Croix creek, in the State of Missouri, about three miles from the town of Cape Girardeau. It extends from this point south 135 miles, in a parallel direction with the Mississippi river; its mean breadth is 22 miles, covering altogether an area, in round numbers, of about 2,000,000 acres. This immense swamp is made principally by the high waters of the Mississippi overflowing the sources of the La Croix, and finding a discharge through the swamp; it is deemed entirely practicable to drain this swamp, and render it fit for cultivation, at a cost comparatively small. To accomplish this, it will not be necessary to construct a levee on the banks of the Mississippi the entire length of the swamp, but it can be effected at less cost, and more successfully, by constructing a levee at the head of the La Croix, so as to keep out the high waters of the Mississippi. This levee will require to be between one and two miles long, and, upon an average, about four feet high; it can be constructed for about $2,500. A canal from the La Croix to Hubble's creek, a distance of eight miles, thence to White water, six miles, and thence to Castor creek, thirty miles, clearing out the obstructions in each, will be required. From the mouth of Castor to the Mississippi, by the head of Portage bay, a canal would be necessary of six or eight miles in length, sufficiently deep and wide to receive the waters of the swamp, and that portion of the St. François which contributes to the formation of Little river, which should be diverted from its present course into the canal by a dam thrown across its channel. There being no streams discharging into the swamp south of Castor, and the outlet of the St. François just mentioned, by diverting them from their present course into the Mississippi through Portage bay, all that portion of country lying between the Mississippi and the St. François, south of Portage bay, will be reclaimed. In the streams mentioned, Hubble's creek and White water, and Castor, there are great quantities of fallen timber, which obstruct the free passage of the water, and cause it to overflow and accumulate in large ponds and lakes; these obstructions removed, and the canal dug, the waters would pass freely along their channels into the Mississippi, and a large portion of the most valuable land would be thus reclaimed.

The canal, until after it had received the waters of White river, would not, probably, require to be more than fifteen feet in width. After that, thirty feet in width would probably be sufficient; especially when we recollect that the whole space through which it would be made, is a rich alluvial soil, calculated to yield to and widen by the force of the passing water. There are no data upon which an estimate for the construction of this work can be founded, but it is supposed that the cost will not exceed $100,000.

As the St. François riven runs through this swamp, parallel with the Mississippi, and its waters, from the obstructions in it, overflow its banks, and contribute to the formation of the swamp, it is proper that we should take a view of what may be necessary to confine its waters within its banks, and make it fit for navigation. The St. François is a large stream; at present navigable from 100 to 150 miles above its mouth, and would be navigable 500 miles for steamboats, but for the obstructions which prevent it. The first obstruction is what is called the "sunken lands," about 150 miles from its disemboguement into the Mississippi. This strange name is derived from the circumstance that, in 1811 and 1812, the land sank about 100 feet perpendicularly for 50 miles in length and thirty in breadth, caused by those terrible and well-known earthquakes which produced so much alarm in that portion of the State of Missouri, and changed so completely the face and character of the country. This singular occurrence multiplied the channels of the river, so as to render it dangerous to navigation; the true channel not having been discovered since this circumstance took place. The estimate cost for restoring the waters to their main channel, made by those who have seen and are acquainted with

this obstruction, is $50,000. The other obstructions in this stream are three rafts, the principal one of which is about a mile long. These, like the rafts in Red river, cause the waters to overflow the banks of the river, and to inundate the adjacent country. Those acquainted with this stream and its obstructions, calculate that $15,000 will be sufficient to remove all the rafts in it.

Were these rafts removed, the water which now overspreads the country would be collected and confined within the channel, and the volume of water which would thus pass down the stream, being so much larger, would gradually deepen the channel; and the points between the existing lakes, bayous, and the river, would be gradually deepened by the continual flow of water, and thus reclaim a very large quantity of the finest and most fertile lands.

When the Mississippi is high, its back waters extend up the St. François a considerable distance, and overflow the lands lying between the two rivers. To secure the lands from these inundations a levee should be constructed on the eastern bank of the St. François, for a hundred miles up the river. The levee should be about five feet high, and twenty feet at the base. It is supposed that this would not exceed the mean estimate for the construction of levees on the Mississippi, which is $4 per rod. This estimate would make the cost of a levee on the St. François, as above mentioned, amount to $128,000. According to the calculations of your committee, the aggregate cost for the works deemed by them necessary to reclaim this extensive swamp, would amount to the sum of $281,000; but supposing it necessary to levee the banks of the Mississippi, at certain points on a range with the swamp, and that too low an estimate has been made for the works here contemplated, your committee would fix the cost at the round sum of $400,000. For this amount very nearly 2,000,000 acres of land would be reclaimed, made fit for cultivation, and would command a ready market.

The distance from Cape Girardeau, in Missouri, to Helena, in Arkansas Territory, is computed to be 350 miles, and the inundated lands from one point to another, it is supposed, will average thirty miles in breadth, the breadth gradually increasing as you descend the river. This calculation will make the inundated lands in this distance amount to 6,720,000 acres. But as we have already had under consideration the quantity included in the "Big swamp," and given an estimate for the construction of the works necessary to reclaim it, it will be proper to deduct this quantity from the calculation. As the amount of land covered by the swamp is estimated, in round numbers, at 2,000,000 acres, and its length at 135 miles, the remaining quantity will be 4,720,000 acres, and the distance 215 miles, upon which it may be necessary to construct levees.

In considering the cost of constructing levees, we approach something like known *data*, by which we may be governed in our calculations. Such works being common, as you descend the Mississippi to its mouth, it is not difficult to ascertain the usual cost of their construction. To reclaim the vast quantity of land which is covered, from the lower extremity of the swamp, to the town of Helena, it may be necessary to raise a levee the whole distance. Upon this supposition, a levee averaging from four to five feet high, and from fifteen to twenty feet at the base, at the estimate of $4 per rod, will cost $275,000. But allowing in this, as we have in the other case, that too low an estimate has been made, which may be so, as there may be an occasional bayou, or other stream, requiring to be embanked, it cannot be considered that the calculation will fall short of the real cost, if the estimate as given is doubled. This will make the sum $500,000, necessary to reclaim at least 4,000,000 acres. This sum will be considered as amply sufficient, when it is recollected that in many places, it may not be necessary to raise an embankment at all. From Helena to the mouth of the Arkansas river is about 100 miles. The average extent of the overflow of the Mississippi, between these points may be assumed at thirty miles, the distance assumed between Cape Girardeau and Helena, although it is known that the bottoms of the Mississippi widen as we descend the river.

The construction of a levee from Helena to the mouth of the Arkansas river, at the estimate of $4 per rod, will cost $128,000. This and the other estimate are made upon the supposition that the levee will follow the meanderings of the river; but this will not always be the case. It should be constructed, as well as circumstances will permit, on a straight line, from one to two hundred yards from the bank of the river. The estimate just given of the cost of a levee from Helena to the mouth of the Arkansas, should be considerably increased, as White river disembogues itself into the Mississippi, about twelve miles above the disemboguement of the Arkansas. This will necessarily have to be embanked some distance above its mouth, as the back water from the Mississippi, independently of the overflowing of its own waters, cause the surrounding country to be inundated to a considerable extent. To construct the requisite levee on this river, and the Mississippi, from Helena to the mouth of the Arkansas, may be fairly estimated to cost $300,000, which will reclaim about 1,920,000 acres.

From the Pine bluffs on the Arkansas river, following the course of that stream to its mouth, to the northern boundary line of the State of Louisiana, may be estimated at 300 miles. A levee on the Arkansas river, it is thought, will cost more than one on the Mississippi, as it will be necessary to make it higher. One from five to six feet, on the average, will be required on this stream. The base should be in all cases four times the height of the embankment. The country between the Mississippi and the Pine bluffs, a distance of about sixty miles, is inundated, or marshy, caused in a great measure by inundations. A levee on the Arkansas and the Mississippi will, without doubt, reclaim this country, to a very great extent, and the average cost may be fairly calculated at $5 per rod to the Louisiana line. An immense body of land, now either a swamp or inundated, wholly useless, and of no value in its present condition, might be reclaimed by the construction of such a work, the cost of which the whole distance mentioned, at $5 per rod, would be $480,000, but which may be set down at $600,000. The quantity of inundated land lying south of the Arkansas river, and north of the Louisiana line, has been variously estimated. If the average width be fifty miles, as is said to be the fact by many who are acquainted with the country, we shall have the enormous amount of 9,600,000 acres of land, subject to be overflowed, and covered with swamp. Although we may reasonably doubt whether this quantity is actually subject to inundation, and covered with lakes and swamps, yet it can hardly be considered an exaggeration, if we take into the account the adjacent lands rendered unfit for the habitation of man, on account of the poisonous exhalations which arise from stagnant waters.

From the northern line of Louisiana to the mouth of Red river is about 300 miles. A levee from one point to the other will reclaim a large quantity of land.

The extent of the inundated lands and of the swamps, increasing as we descend the Mississippi, it is impossible to approach to anything like exactness in the total amount subject to be overflowed. But the calculation, it is presumed, will scarcely be said to be too large, to estimate the overflowed country, between the points mentioned, at 3,500,000 acres, and the cost of a levee at $1,000,000.

From the mouth of Red river it is about thirty miles, on a straight line to the point where we meet with levees already constructed by individuals, at their own expense. Levees below the mouth of this river will cost a good deal more than those above. The average height of one between the points just mentioned, may be estimated at eight feet, and the cost, including all contingencies, may be set down at $85,000. But to this should

be added the cost of a levee on the Atchafalaya, of about seventy-five miles in length, as the country between this river and the Mississippi cannot be reclaimed without it. The sum of $125,000, it is thought, will be sufficient for this purpose. There are 675,000 acres of land said to be in the district of country lying between the Atchafalaya and Mississippi, two thirds of which, at least, belong to the general government, and which can be reclaimed and made fit for cultivation by the means proposed. This, however, is but a small portion of the inundated lands lying between the northern boundary line of the State of Louisiana and the Gulf of Mexico. In the report made by Mr. Graham, and submitted to the House of Representatives, in January, 1829, he estimated the superficial area of the inundated lands at 5,429,260 acres, 500,000 of which had been reclaimed by enbankments, constructed at private expense. Although that gentleman is against the opinion that a levee on the Red river and Mississippi will be sufficient to reclaim the country lying between the Red river and the Gulf of Mexico, and for this purpose suggests the necessity and practicability of carrying off surplus waters to the gulf in another and a different direction from the Mississippi river, yet there are many intelligent persons, whose observations and knowledge of the country justify them in the belief, that this desirable object can be accomplished to a great extent by embankments on Red river and the Mississippi, of sufficient length and strength. Enbankments on Red river should not be less than eight feet high, and thirty-two at the base. It will be necessary to levee this river about sixty miles, which would cost about $153,000, but making allowances for contingencies and unforeseen difficulties, the estimates may be increased to $200,000. In addition to these enbankments, for the purpose of reclaiming the country as effectually as possible, it will no doubt be occasionally necessary to dig canals for the purpose of leading off the water to be found in the numerous bayous between the Atchafalaya and Red river. This being done, the desired object may be, to a great extent, consummated.

On the Mississippi, above its confluence with the Missouri, there is a large body of land subject to be overflowed, extending more or less along its whole course with the State of Missouri, which can be easily reclaimed by the means proposed. The quantity would probably amount to 300,000 acres. This land is of the richest character, and might be reclaimed for $100,000.

The Missouri river does not overflow its banks to a sufficient extent to deserve attention. The most serious difficulty attending this stream is the numerous obstructions to be found in it, in the form of snags and collected drifts of wood. The sum of fifty thousand dollars, it is supposed, would be sufficient to remove these, and make it safe for navigation.

Having embraced the second head in the views presented upon the first, we now proceed to the consideration of the third, which is "the probable quantity, quality, and value of land belonging to the United States, which will be reclaimed by such works."

We have already remarked that any estimate of the inundated lands must be imperfect. No surveys having ever been made, it is impossible that we can arrive at anything like certainty on this head. We are of opinion, however, from the general information which we have been able to collect on the subject, that we can sufficiently approximate the real quantity, to show that Congress may safely undertake a work of so much importance.

The aggregate quantity of inundated lands on the Mississippi, according to the estimates here presented, is 23,469,260 acres; to ascertain how much of this belongs to the United States, the amount owned by individuals should be deducted, which cannot be said, upon a fair calculation, to exceed one million. Although we are inclined to think actual surveys would show that we are not very far wrong in the aggregate calculation just submitted, yet, for the purpose of bringing our estimate within limits which no reflecting mind can controvert, we will deduct one half, upon the supposition that the calculation is too great, and on the conviction that a considerable quantity of these inundated lands will prove to be, upon experiment, wholly irreclaimable. This will leave the quantity of 11,234,630 acres of land that can be redeemed from its present worthless state.

The quality of this land is the finest on the habitable globe; the rich and fertile lands of the Nile do not excel it; and if we take into view its great extent, the variety of climate, and the great variety of staple articles which it may produce, we may safely say that there is not an equal extent of land in the known world that can vie with it for fertility of soil and the variety of its productions. Extending from the northern line of the State of Missouri to the southern extremity of Louisiana, every species of produce which can be raised within this range of latitude will be the rich return of the farmer and the planter. It is the opinion of your committee that the United States do not own any lands as valuable as these would be, if reclaimed, independently of the fertility of the soil, their contiguity to the Mississippi river, and adaptation to such a variety of important staples, give them a value that can scarcely be properly estimated. Wheat, hemp, tobacco, cotton, sugar, rice, and indigo, are the principal of these staples, and will abundantly repay the farmer and planter for his industry and labor. As the importance of the commodity enhances the value of the land, and as the most important articles to commerce and manufactures are exclusively produced on such lands as these, your committee do not hesitate to fix the minimum value of these lands at five dollars per acre. According to this computation, the quantity which we have assumed as entirely practicable to reclaim will bring the sum of $56,173,150; the whole cost of reclaiming, according to the calculations submitted, will amount to the sum of $2,267,000, an amount which your committee are willing to double, as being altogether sufficient to cover every expense that may be necessary for the completion of the work; this will leave a balance in favor of the government of $51,343,000. But, on considering every circumstance connected with these lands, your committee are willing to express it as their opinion that they will bring to the government a net amount of at least a hundred millions, when put up at public auction.

4. "The probable effect upon the health of the country in which such works may be constructed."

On this point there can be no doubt of an effect of the most salutary character. All concur in the fact that swamps, and marshes, and stagnant pools, are the fruitful sources of disease; the poisonous miasmata which are evolved in the course of decomposition from vegetable matter in such places generate diseases of the most acute and fatal character. This not only keeps back the improvement of the surrounding country, but in fact deters people from making settlements on land contiguous to such seats of disease and death. For these reasons, large bodies of land, of a valuable and desirable character, lying adjacent to the swamp and inundated lands, have never been taken up, which should enter into the calculations that have been made. It has been remarked, by close and attentive observers, living in the neighborhood of the Big swamp, in the State of Missouri, that sickness exists to the greatest extent in the direction of the prevailing winds, clearly showing its true cause.

5. "The probable advantages and disadvantages of such works respectively, and the effect which they will likely have upon the general prosperity of the country."

Your committee are not aware that any disadvantages can possibly arise from the construction of such works to individuals, the community at large, or to the general government. On the contrary, the effect will be, in every particular, of the most beneficial character. The land subject to inundation is, perhaps, more valuable from the extraordinary and inexhaustible qualities of its soil, than from the extent of its superficial area. For

there is not a doubt, that as long as the Mississippi rolls the mighty volumes of its turbid and angry waters into the gulf of Mexico, the soil of these lands will be as fresh and vigorous as the day when the enterprise of man made the first stroke to subdue it from its natural rudeness, and subject it to all the various arts of cultivation and improvement. With such facilities as would belong to them, if reclaimed, who can say what point will be the extent of the improvement, the wealth, the greatness, and the power of this portion of our country? The brightest picture which fancy can paint of its condition, will scarcely be an insight into its future destinies. The Mississippi, instead of being lined with swamps and stagnant waters, presenting a dreary and desolate waste, the loathsome abode of reptiles, and the fruitful source of certain disease, will be thronged with a busy and active population, with their farms, their villages, and their cities, indenting its borders in every direction that the eye may range. The St. François, White river, the Arkansas, the Red river, and other tributaries, the existing obstructions being removed, and the necessary embankments constructed, will present a new and interesting spectacle. Population will flow into and fill up a space which now defies the courage of man to occupy. The desert will be converted into fruitful fields. New channels of commerce will spring up; trade will be extended; the agriculturist will be stimulated to fresh exertions by the exciting causes around him; the resources of the country, which insuperable barriers to individual enterprise have kept hid, will be exploded; the elastic power of man in the avocations of social life will be extended to its utmost capacity, and the country rewarded with the most happy results affecting the moral, intellectual, and political condition of society. In surveying the extensive range of the valley of the Mississippi, and contemplating its future destiny, we cannot but have reference to the facts here set forth in miniature, and to those salient principles in every active and intellectual community which contribute to its progressive improvement, as calculated to realize what may now seem to be the visions of fancy. If any should be skeptical on this head, let them look at the broad deep rivers intersecting it in every direction, its commercial facilities, its agricultural resources, its mineral wealth, sweeping within its immense range every variety of growth peculiar to its climate, from the gorges of the Alleghany, and the frozen regions of the Rocky mountains, to the burning sands on the delta of the Mississippi, each section of the country becoming alternately, in the course of their intercommunication, the suppliers and the consumers to the other, and they may have some faint outline of the boundless capacities and striking tendencies of which we have been speaking.

Your committee, therefore, deeply impressed with the importance of this subject, must be excused for earnestly pressing upon the House the prompt and speedy action in the proposed work. Other considerations than those of mere interest to itself, demand this at the hands of the government. The government is the proprietor of the soil. No steps can be taken toward the accomplishment of this object, unless she shall undertake it herself, or abandon her interest to others who will do so. The government is certainly bound by every obligation which can subsist between itself and the citizens of the country, to do everything calculated to benefit the people and ameliorate their condition. The prevailing sickness which attends a contiguity to these swamps and inundated lands, can be almost wholly prevented by removing its palpable causes. The government is fully able to do this, without the possible chance of injury resulting to herself. Besides this consideration, a no less imperious duty devolves upon it, to redeem from waste and worthlessness a portion of our country, which every reasonable calculation justifies us in saying, can be rendered equal to the finest parts of the habitable globe. In a word, where such great advantages are likely to be the consequences, the government is bound by the most solemn obligations which can enter into the relations of life; if for no other cause, for the sake of its own honor and character, to undertake the projected works. But should the apprehensions exist, that the grounds here assumed are fallacious, and that the danger of involving itself in immense expenses is too great for the probability of permanent advantages that might result to the country from such schemes, and the government should, therefore, decline undertaking the proposed works, your committee, without hesitation, would recommend that these lands be given to the States respectively, or the Territory in which they lie, with an express agreement on their part, that they shall do it. The spirit of enterprise which prevails so extensively in the States, would very soon entitle them to the distinguished honor of accomplishing a work which an overreaching prudence, on the part of the general government, had caused it to lose. If, however, this last suggestion should not be approved of, your committee would venture to indicate another mode. These lands have not been surveyed, and a great portion never can be, without first constructing, to some extent, works of this character. If the government will not engage in it, nor will not give them to the States, that they may do it, then let them be sold to the States in which they may be situated, for such a price as, under all the circumstances, they may be worth. The price that might be exacted, should certainly be very far below the present minimum price of the public lands. These suggestions have been prompted, on the part of your committtee, from the thorough conviction which they feel, that it is due to the honor of the government, and to the States in which these lands are situated, to the health of the people, and the general prosperity of the country, that the most practicable plan, and one which the government might feel was most congenial to her own interests, should be speedily adopted for the accomplishment of a work which, in point of magnificence in its extent and general utility, has not a parallel in the records of any age or nation.

Your committee would refer to the report made to the Senate on this subject by Mr. Livingston, in January, 1830, and beg leave that said report may be appended to this. Your committee, for much of the information here attempted to be given, would refer to the letters of Wm. G. Bozeman, Allen Martin, T. B. Martin, John Rodney, and H. T. Williams, contained in the report of the Secretary of the Treasury, made to the House of Representatives, December 16, 1835.

Your committee, therefore, feeling confident of the practicability of the proposed work to a great extent, have adopted and report to the House, a resolution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of War be and he is hereby directed to be caused to be surveyed, by a sufficient number of competent engineers, the inundated lands on the Mississippi river, the Missouri, the St. François, the Arkansas, and Red river, and that he report to Congress as soon as the same is done, the practicability of reclaiming the same, and removing the obstructions from said rivers; the best mode of doing the same; the amount of money which it will cost to accomplish it; the quantity, quality, and estimated value, of the lands that may be so reclaimed; and the effects which such works may have upon the health and prosperity of the country.

IN SENATE OF THE UNITED STATES, *January* 12, 1830.

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

That the United States own large tracts of land, situated on the banks of the Mississippi, or those of seve

ral of its outlets into the lakes and the sea, and on the water courses called bayous, in that State: that all these lands are subject to be inundated by the annual rise of the Mississippi, until they shall be protected by a levee or embankment; and, until that work is performed, will be of little or no value.

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

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

Since the change of government, no provision has been made for this purpose by the United States. They own the lands, but are subject to none of the burdens that are imposed on individuals for its improvement, or to prevent its becoming the means of ruin to the adjoining planters: they pay no taxes, and their property is increased in value, solely at the expense of the State, which has no interest in the lands, or of individuals, less able to bear it; or, if this is not done, the lands remain unimproved, and injure the value of those which have previously been granted.

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

24TH CONGRESS.] No. 1505. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA AND ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 12, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to which has been referred the memorials and documents, &c. pertaining to the claims of the Baron de Bastrop, Marquis Maison Rouge, and others, in Louisiana, and the claims of Elisha, William, and Gabriel Winters, in Arkansas, together with the memorial from the legislature of Louisiana, all praying that some speedy action may be taken by Congress to effect an adjustment and final settlement of those claims; also, a bill from the Senate, submitting the various questions growing out of those claims to a judicial investigation, reported:

That from the magnitude of the claims, (which amount to millions of acres,) the great value of the property in controversy, (not less than ten millions of dollars,) the deep interest the United States have in the public domain, the great solicitude which the State of Louisiana must necessarily feel in the speedy determination of this question, the continued applications to Congress, for upward of twenty years, to appoint some tribunal before which those claims could be adjudicated on the one side, together with the various allegations of fraud, corruption, and want of fulfilment of the conditions attached to those grants on the other, have all received a due portion of the consideration of the committee. They have also examined various reports, which, from time to time, have been made in Congress, by committees in both branches of the national legislature, with the reasons and conclusions drawn therefrom, and which would be too voluminous to embody in a report at this session of Congress, but will be referred to by the committee, designating the book, date, and No. of document, &c., so that an easy reference thereto may be had by those who are desirous of a more minute investigation of the subject-matter, than can possibly be comprised in a report of ordinary length, and without consuming more time than would be safe to risk at so late a period of this session, with a view to have the action of Congress thereupon. Those references will be appended to this report. The committee consider it to be vastly important to all parties concerned that the action of Congress should be had at this session upon this subject. Some of the reasons which have influenced the committee to this opinion are based upon facts which will be submitted to the consideration of the House.

First. The State of Louisiana, (in the limits of which most of those large grants are said to be located) has been crippled in her energies, paralyzed in her wealth and resources, and greatly restrained in her population and political power; and, furthermore, she has been arrested in her progress, and thrown far behind many of her sister States, in the construction of those valuable works of internal improvement which would benefit that country so peculiarly. All this has been produced by the circumstance, that a considerable portion of the surface of the State is covered by those unsettled titles, so that purchasers or emigrants could not know of whom to buy or take title from. Notwithstanding a large portion of this land is most admirably adapted to the cultivation of cotton, the great staple commodity of the American market, and the yet more important article of home consumption, (sugar) which enters so deeply into the comfort, and constitutes so essential a part of the necessaries of life, in every man's family, still all this wealth and luxury is entirely lost, by reason of the uninhabited state of the country; and this state of things will so remain as long as those claims are unsettled. They will always act like an incubus, pressing upon the energies of the State and its population.

The opinion is entertained by the committee that Louisiana has a just right to claim of the general government a prompt and speedy disposition of this question.

Second. Congress has been perpetually harassed, for upward of twenty years, by the claimants, praying for

the adoption of some mode, or the establishment of some tribunal, for the final determination of this question, and the settlement of those titles. Every succeeding year brings forth new and additional applicants, produced by the circumstance of speculators and companies, in various States of the Union, becoming interested by purchase in those grants, as well as by the multiplication of the heirs of some of the original grantees. By these and other causes, the claimants are becoming more imposing from their wealth, numbers, and influence, yearly. And it is believed by the committee that the longer the question is postponed the more formidable they will be, and the more incessant will be their applications to Congress upon this subject.

Furthermore: if those claims, or any of them, are fraudulent, void, or voidable, there is much more danger that the interest of the United States will suffer by delay, than that of the claimants. Near forty years has passed away since the origin of those claims. Many of the witnesses, who might have given valuable testimony, are dead and gone. The hand of time must press heavily upon those surviving. Some valuable documents, it is believed, have already been abstracted, which would have been useful in the elucidation of the questions arising in these claims, and others have been substituted in their stead (perhaps spurious). If these suppositions be well founded, the longer the adjustment of these titles are delayed, the more difficult will be the proof to establish these facts, as time must sweep away the witnesses daily.

Third. If there is justice in those claims, or any of them, then the parties interested therein have an unquestionable right to that great and fundamental principle of government, which is the pride and boast of an American, *that private property shall be secured, and justice shall be administered, without sale, delay, or denial.*

The laws and constitution have already opened one channel for the relief of all similarly situated to the claimants, namely, a resort to the courts of justice as now organized. The claimants pray that Congress may open another for their especial benefit. There are three modes presented for Congress to pursue, namely:

First, To leave the parties to whatever remedies that can be allowed in the courts of justice, as they are at present organized;

Second, To order those lands into market, under the rules and regulations which govern the land offices in regard to the public domain, generally, and thereby declare (virtually) *those grants or claims void:* or,

Third, To establish a tribunal as prayed for, under such modifications as Congress may think proper.

It is not considered necessary to discuss this first proposition, as it has been long open to the claimants, if it had been considered judicious by them to have selected it.

The last two propositions will be noticed in the order that they have been presented.

The famous Yazoo question, when the legislative power acted upon its own responsibility, and, it is believed, usurped the powers of the judicial department of the government, has been a theme of much legal commentary among the jurists of our country, and a subject of sober reflection with the politicians of the present generation. Notwithstanding the belief is almost universal, that frauds and bribery of the most enormous and flagitious character prevailed in the Yazoo purchase, and without which it could not have been accomplished; yet the sense of mankind has been opposed to the power and the process by which that corrupt speculation was destroyed In all constitutional propriety the same ends should have been accomplished through the judicial department, which it is considered was the fit and appropriate organ by which the same ends could have been attained.

If Congress should act upon the supposition that there is no constitutional objection to a settlement of this question in the National Legislature, yet the committee think it very questionable if justice would be administered there so certainly as in the judicial tribunals. If there should be no party excitement, interested interference, or improper management in passing or defeating the claims, there would be, notwithstanding, many other and extrinsic causes which will have an operating influence upon the minds of the members, to such an extent as to prevent that cool and dispassionate inquiry which would be so essential in arriving at correct conclusions upon a subject so complicated. The want of a thorough acquaintance with the laws, ordinances, usages, and customs of Spain, in relation to her public domain, at the time of the emanation of those claims; the weight of business which is frequently thrown upon the representative by his own constituents; the superior claims upon his time and attention in the consideration of subjects of much higher national importance, which are often presented for the action of Congress, all conspire to make the Congress of the United States a very unsafe tribunal for the determination of such questions. The committee are of opinion that the peculiar adaptation of the judiciary department for the investigation of such subjects, was early foreseen and carefully provided for, in the structure and organization of the government, and they recommend that mode, under specified limitations, accordingly. The committee have been informed, and believe, that in the western district of Louisiana, suits have long since been commenced by the claimants, and are yet pending, against the settlers, who claim adversely to those grants, some of whom claim under the United States, and some under other titles. No reasons have been furnished to the committee why the claimants have not prosecuted these suits to judgment. There are also adverse claims and settlers within the boundaries of some other of the Spanish grants, and particularly in those claimed by Elisha, William, and Gabriel Winters, where there are some settlers by purchase of lands of the United States, which might have enabled the parties to commence suits long since if they had been so disposed.

It is deemed important to notice this fact in two points of view. If those claimants rely upon Congress to provide a tribunal for the trial of these causes, and pay the expenses of its establishment, to try titles for *them,* it surely is reasonable that this shall be done under such regulations, restrictions, and limitations of power, as to produce no injustice or injury to the United States, or the settlers on the lands. If the claimants have quietly stood by and permitted others to settle down and acquire titles within the limits of those grants, without commencing suit in a reasonable time against them, it is submitted to the sound discretion of Congress how far she would lend her aid in turning those settlers out of possession, without imposing upon the claimants terms that would be just and equitable, in the event that those grants, or any of them, should, upon investigation, be deemed valid.

Second. If the claimant or claimants under Bastrop and Maison Rouge grants, or, in fact, under any others similarly situated, cannot get along in the investigation of their titles, or the establishment of their rights, without the aid and assistance of Congress in their behalf, surely Congress has the right, in extending this relief, to exercise such a cautious hand as not to prejudice her own interests or those of the settlers within the boundaries of those claims, but to adopt such a course in the establishment of a tribunal as will insure substantial justice to all parties interested or concerned therein.

If the claimants choose to abandon the suits already commenced, or have refrained from commencing suits when it was in their power to do so, and now pray that the Congress of the United States may establish such a tribunal for their benefit, and to which their claims may be submitted for adjudication, then the committee will insist that it is not only the duty of Congress to prescribe such rules, regulations, and prescriptions, for the government of this tribunal, but to add limitations to its powers, not only in the *modus operandi, but upon the subject which it may be called upon to act.* And if the claimant or claimants shall not be content to submit to the restric-

tions and limitations of power prescribed by Congress, then they are at full liberty to decline the acceptance thereof, and resort to the courts of justice established by the constitution and laws already in force and use. This tribunal should be invested with full power (after full investigation) to decree those grants or concessions good, bad, void, or voidable, either in the whole or in part, as substantial equity between the parties would dictate, and the facts in the respective cases would point out as proper for such a decree.

The committee have been informed, and verily believe, that many persons of high standing, influential stations, and character, have become deeply interested in those claims. And that the cities of New Orleans and Philadelphia, by the last will and testament of the late Stephen Girard, deceased, have become legatees to a large interest therein. And that the most distinguished lawyers in Louisiana and other places have already been retained for the claimant or claimants.

From these and other circumstances the belief is entertained, that if it becomes necessary for the court, before whom said causes may be tried, to impanel a jury to ascertain any fact or facts disputed by the parties, that the United States could scarcely expect to get a fair and impartial trial in the city of New Orleans, which is so deeply interested in the subject-matter of controversy; and that said cause or causes ought to be tried in some adjoining State or Territory, free from those influences. This practice is prevalent and common in many of the western States, where controversies in respect to landed property are of frequent occurrence. If interest or undue influence, prejudices or partialities, for or against a particular title, is sufficiently great to obstruct the channels of justice, State regulations have enabled the party or parties likely to be injured by this undue influence, to remove the cause so situated to some adjoining district or county, where those influences did not exist.

As this practice has often been adopted in the western States with great advantage, the committee can perceive no reason why it may not apply to States in the federal courts, under similar rules to those where causes are removed from one section of the country to another in State courts. The committee will especially invite the attention of the members of the House of Representatives to document No. 50, printed on the 7th of January, 1836, at the instance of Mr. Garland, of Louisiana, and laid upon the table of the members. It has superseded the necessity of making a minute and extended report of the facts pertaining to Bastrop and Maison Rouge's claim, because the report of the board of commissioners, appointed for that purpose, and the report of a former committee of this house, both embodied in document No. 50, have presented the facts with such force and ability as to leave nothing for the present committee to do upon that part of the case.

The committee have drawn up a bill embracing the points and principles presented in this report. If the claimants shall elect to commence suits, and submit to the rules, regulations, restrictions, and limitations, embodied in said bill, a sincere belief is entertained, that substantial justice can be administered to all parties concerned. If they or any of them, however, shall not choose to submit their claims to said courts, under the rules, &c., aforesaid, then they have lost no rights, but may proceed to the investigation of their claims in the courts of justice, as now constituted, without the extraordinary aid of Congress in their behalf.

24TH CONGRESS.] No. 1506. [1ST SESSION.

APPLICATION OF MARYLAND FOR THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, APRIL 12, 1836.

By the House of Delegates, April 1, 1836.

Resolved, by the general assembly of Maryland, That each of the United States has an equal right, in its just proportion, to participate in the benefits of the public lands, the common property of the Union.

Resolved, That the senators and representatives of this State, in the Congress of the United States, be requested to use their exertions to procure the passage of a law to appropriate to the use of the different States of the Union, such part of the proceeds of the public lands of the United States as may be equitable and just, and in accordance with the public interest.

Resolved, That his excellency the governor be requested to communicate a copy of the aforesaid resolutions to each of the senators and representatives of this State, in the Congress of the United States.

By order:

GEO. G. BREWER, *Clerk.*

By the Senate, April 2, 1836.

Read, and assented to.

By order:

JOS. H. NICHOLSON, *Clerk.*

24TH CONGRESS.] No. 1507. [1ST SESSION.

RELATIVE TO FRAUDS UNDER THE PRE-EMPTION LAWS, AND THE EFFECT OF SAID LAWS UPON THE SALE OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 14, 1836.

TREASURY DEPARTMENT, *April* 13, 1836.

SIR: In compliance with a resolution of the House of Representatives, bearing date the 11th day of February last, I have the honor to submit a report from the Commissioner of the General Land Office, accompanied by certain documents therein referred to, in answer to the several inquiries embraced in the resolution.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *April* 11, 1836.

SIR: Pursuant to your requisition, in referring to me the resolutions of the House of Representatives of the 11th of February last, requiring "that the Secretary of the Treasury be directed to communicate to this House any information in his possession of frauds or fraudulent practices, under the existing pre-emption law; and that he also inform the House what has been the effect of the pre-emption laws now in force, or heretofore passed, upon the sales of the public lands, and upon that branch of the public revenue;

"*Also*, the quantity of land entered or purchased in the State of Louisiana, under the pre-emption law approved the nineteenth of June, 1834, designating the quantity entered or purchased in each land district, and the quantity entered as *floats* in each district, under the second section of the pre-emption law, approved May 29, 1830, revived by the pre-emption law of June 19, 1834; together with copies of all documents and papers on file in the department, relating to the official conduct of the late register of the land office and receiver of public moneys at Opelousas, in the aforesaid State, or either of them; also, copies of all letters written by the late Commissioner of the General Land Office, and Gideon Fitz, esq., formerly register of the land office at Mount Salus, or Clinton, in the State of Mississippi, upon the subject of allowing pre-emptions or *floats*, under the second section of the pre-emption law, approved May 29, 1830; together with copies of all the instructions that have been given to the registers of land offices and receivers of public moneys, for their government in executing the pre-emption laws of 29th May, 1830, and the 19th of June, 1834;

"*Also*, that he communicate to the House any information in his possession respecting combinations of persons, by force or otherwise to prevent or obstruct the sale of the public land, either at public sale or private entry;"

I have the honor to report, that the written information, in possession of the General Land Office, of fraudulent practices to obtain the advantages of the pre-emption laws, is principally set forth in the printed document No. 125, of the first session of the 24th Congress, printed by order of the House of Representatives, which I beg leave to make a part of this report, and to add such further written communications on this topic as may be found in the copies marked A, B, and C, herewith transmitted. The oral information received on this subject consists, for the most part, of public rumor, credited and uncontradicted, without the specification and proof necessary to give it a shape for official action, as I had the honor of representing to you in my report, comprised in the document above referred to.

This office possesses no data whereby to estimate with tolerable accuracy how far the sales of public lands have been affected, in respect to quantity, by the pre-emption act of 19th of June, 1834. Considering the great demand for land within the last two years, it remains to be shown that a greater number of acres has been disposed of in that period in consequence of the privilege it confers. It is quite impossible to estimate with satisfactory accuracy the effect that has been produced on this branch of the revenue by allowing (to those who have, and pretend to, a right of preference) the choice, at the lowest rate, of distinguished sites for towns, and their vicinities, the best mill-sites, and the finest farming lands, including those so highly prized for the culture of cotton.

The General Land Office has no certain data for a just calculation of the amount which the Treasury has been prevented from receiving by the operation of this law; but considering the many tens of thousands of claims that have arisen under it, and the prevailing desire, in the meanwhile, to vest money in public land, the conclusion seems fair that the selected spots would have been sold for a price proportioned to their excellence, if no such law, nor any improper conspiracy, had existed. The estimate of three millions of dollars, which I had the honor to submit to you on the 28th of January last, appears to me now to underrate, much rather than magnify, the difference between the receipts for pre-emption concessions, and the sum the same lands would have brought into the Treasury had no impediment laid in the way of full and free competition for the purchase.

It is but just, however, to observe, that the revenue from public lands has not been impaired by pre-emptions alone, and I may be allowed to remark, in this place, that the information, on the subject of the last resolution referred to me, consists of what common fame represents as avowed and notorious, to wit: that the public sales are attended by combinations of two kinds, interested in keeping bids down to the minimum: the one composed of those who have, and those who pretend to, a right of preference, and resort to intimidation by threats and actual violence, as exemplified most particularly at the public sales at Chicago, in June, 1835, when and where the controlling party is represented to have effectually prevented those from bidding who were not acceptable to themselves; the other description formed of persons associated to frustrate the views of individuals desirous of purchasing, who refuse to join their coalition or submit to their dictation, by compelling the recusants to forego their intended purchases, or give more than the market value of the lands. With the papers marked A, B, and C, heretofore referrrd to, are copies of letters found in the files, relating to this kind of conspiracy, which the penal enactments of the law of 31st March, 1830, have not hitherto operated to repress, in the least, so far as I have been informed.

I have the honor, in compliance with the second resolution, to annex a table, marked D, showing, as well as the records of the General Land Office permit, the quantities of land entered under the pre-emption laws, within certain periods, in three districts of Louisiana, distinguishing, so far as the returns enable the officer to

discriminate, those entered under the provisions for that sort of claims vulgarly called "floats;" and also to transmit copies, in pursuance of that resolution, of all documents and papers on file in this office relating to the official conduct of the late register and receiver at Opelousas, which will be found in the letter of Benjamin F. Linton, United States District Attorney, and in an extract of a letter from ——— Morgan, in the document No. 125, before referred to.

The copies marked E will show all the correspondence which has taken place between the General Land Office and Gideon Fitz, late register of the land office at Mount Salus, or Clinton, relative to allowing pre emptions or "floats" under the act of 29th May, 1830.

The printed documents herewith transmitted, marked F, are copies of the instructions which have emanated from this office to the different registers and receivers of the district land offices in relation to the execution of the pre-emption laws.

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

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Document No. 125, *referred to in the foregoing.*

TREASURY DEPARTMENT, *January* 26, 1836.

SIR: I have the honor to enclose a communication from the Commissioner of the General Land Office, on the subject to which your letter of the 16th instant relates; and to inform you that the documents referred to in the commissioner's letter will be transmitted as soon as they are prepared.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. A. G. HARRISON, *of the Committee on Public Lands, H. R.*

GENERAL LAND OFFICE, *January* 28, 1836.

SIR: You have been pleased to refer to me a letter from the Hon. A. G. Harrison, accompanied by a resolution of the Committee on the Public Lands, the letter advising you that a bill granting pre-emption to actual settlers, then before the committee, had been drawn with an eye particularly directed to the frauds alleged to have been committed, and expressing that the great desire of the committee, to adopt such provisions as will prevent the future possibility of such frauds, had led to the communication, believing that you may have it in your power to give additional light on the subject. The resolution of the committee aforesaid being in these words: *Resolved*, That the resolution of the House, instructing the committee "to inquire into the expediency of modifying the different acts of Congress, granting pre-emption rights to settlers on the public lands, so as to protect the rights of settlers, and prevent frauds against the United States," be referred to the Secretary of the Treasury; and that he be requested to furnish the committee with the best plan which occurs to him, of securing the right of pre-emption to actual settlers, and of preventing said frauds." I have attentively considered the said letter and resolution, and have the honor to report:

The Committee on the Public Lands apply to you, sir, for "all the information in your department, concerning the alleged frauds."

Most of the knowledge possessed by the General Land Office, concerning frauds practised in relation to pre-emptions, of which I am now able to speak, consists of uncontradicted reports, in general currency and credit; of oral communications to me, and letters to me and others, from persons in high standing; most of the writers either requesting that their names may not be published, or not giving authority for such publication. The terms of these communications are rarely sufficiently specific and tangible to fix peculiar instances, except in the cases of interested correspondents; some of whose representations have been verified, others not; while want of time and opportunity has delayed an investigation of the greater part of this last class.

The requisition of the committee above-mentioned is sufficiently comprehensive in terms to include every case and its circumstances as well as the general representations that have reached this office. I must take the liberty to observe, that a literal compliance with the requisition cannot be speedily yielded. It would render the report very voluminous, and require to search the files of an immense correspondence, and the investigation of many tens of thousands of pre-emption cases reported, which we have not yet been able to take up for examination. To particularize every exceptionable case, even of those that have attracted attention since the act of 1834 has been in operation, would require more time in the revision and narration, than would seem to comport with the desire of the committee to act soon upon the bill alluded to by Mr. Harrison; and, therefore, with your permission, I will confine myself, on this occasion, to the imputations currently believed, and general heads of impositions attempted and practised, which have been detected in some of the contested cases examined, or which common fame has represented as having been but too common in some quarters; and without comment on the conspicuous cases of the military reservation at Chicago, and the missionary stations in Mississippi, I proceed to remark that the loudest and most numerous complaints, arising from the pre-emption policy, that have reached the General Land Office, have been against the alleged abuse of the privilege commonly called floating claims. Some who claim to be the bonafide cultivators and occupiers under the act of 1834, complain of being vexed and disturbed by these "floats." A more numerous class, not comprised in the provisions of the act, are said not to be less clamorous because the floats have been *lawfully* located on their chosen spots; but chiefly the virtuous and patriotic citizens of Louisiana have been disgusted and alarmed by the extent to which fraud and perjury are asserted to have been carried, in the manufacture of such claims within that interesting State, threatening to cover a large portion of the most valuable lands that have been surveyed. These representations are made by individuals in highly respectable standing, besides our own officers; and it is said, on credible authority, that preparations appear to be making, in hopes of a pre-emption act at this session of Congress, to acquire at a minimum cost a great part of the precious lands on Red river. No particular instance of these practices has been indicated to me, but the opinion is prevalent that they are transacted. It is believed that the number of bonafide pre-emptions in Louisiana is comparatively small, as information derived from persons distinguished by public confidence in that State, represents a belief that a claim to pre-emption was not often heard of on the island of New Orleans, nor west of the Mississippi, before this multiplication of "floats" was devised to be laid on the finest vacant lands.

This iniquitous scheme appears to be of late date in that region, as the first intelligence of it seems to have been communicated to the General Land Office, some time after it was placed in my charge. Agreeably to your direction, sir, circumspection and vigilance were recommended to the land officers in Louisiana, in order to guard against imposition; and I ventured to direct the surveyor general to retain the plats in his hands, which were destined for the land offices, until further orders. Other steps have recently been taken at this office, to put in train a rigorous scrutiny into the legitimacy of the floating pretensions in that State. Letters, and copies of letters, on this subject, Nos.— to — are herewith transmitted. Contrivances have been brought to light in other places, showing where a family occupying the same tenement, where father and son, and mother and son, dwelling together, have set up the pretence of separate cultivation and occupancy, to divide a quarter-section, and obtain a float for each half.

Claimants of another reprehensible description are they whose pretensions are founded on depositions in general terms, or wearing the appearance of being artfully worded, admitting a subterfuge in the attempt to give a legal coloring to their proceedings, by construing the statute to suit their purposes. The law, as its title imports, is in favor of *settlers;* but pretensions have been set up by persons dwelling in town with their families, and there following mercantile or other pursuits, while they caused a little show of improvement, that scarcely deserved the name, to be made for them by others; no proof being produced of their personal superintendence or direction on the spot. Cultivation by slaves or hirelings in 1833, and one or the other, or a growing crop on the place on the following 19th of June, have been assumed as fulfilling the required conditions.

Among the pretences to cultivation, there have been disclosures as follows, viz.: where the cutting and burning a small patch of cane; where an enclosure, not entitled to be called a fence, around a space only large enough for a very small garden, and the planting of a few culinary vegetables: and where scattering an undefined quantity of turnip or grass seeds, and in one case, planting a few turnips or onions, have been claimed as cultivation, to meet this condition. Further remark upon constructive possession may be dispensed with.

The registers and receivers are made judges of the credibility and sufficiency of the proof, except in contested cases, which are required to be sent to the Commissioner for decision. My predecessor ordered the evidence in every case to be forwarded; but during near five months of my superintendence, it has been quite impossible to scrutinize the proof in about sixteen hundred of the former class, without neglecting duties that appeared more pressing and imperative. In those examined, contradictions, prevarications, and other circumstances, have occasionally placed parties and witnesses in no favorable point of view. In the contested class, the land officers must be presumed, *prima facie*, to have acted correctly. If honest, they would not knowingly pass a fraudulent claim; if conniving, they will hardly be expected to expose themselves voluntarily. The necessary *quantum* of evidence can hardly be prescribed, the same proof being more or less convincing to different persons.

The bill mentioned by Mr. Harrison as having for subject the granting of pre-emptions to actual settlers, and to prevent the future possibility of such frauds as are alleged to have been committed, forms no part of your reference; and it would perhaps be improper to allude to it in this place, if the letter did not seem to indicate an intention on the part of the writer, and of the committee to which he belongs, to extend the grants of pre-emption to others than those who come within the provisions of the act of 1834. Believing such a disposition to be implied, and that a new law to that effect will go far to form the pre-emption policy into a durable system, involving considerations of great importance to the Treasury, and materially affecting the land establishments under my particular charge, I hope it will not be considered officious or impertinent to submit a few remarks, though not expressly called for, upon the hypothesis that such an extension of the pre-emption privilege is contemplated.

The pre-emption laws originated and bestowed rights, but recognized none in the settlers as previously existing. I conceive they have no other rights, in this respect, than what the law confers; and that the pre-emption privilege may be considered little else than a mere benevolence, enabling the adventurer to appropriate to himself the choicest lands, most valuable mill-sites, and localities for towns, at a vast cost to the public; or in other words, preventing the receipts of vast sums into the Treasury. It is confidently believed that these privileges, covering at least four millions of acres of land, joined with outrageous combinations to intimidate purchasers, and other unjustifiable confederacies, have diminished the receipts for public lands, in the year 1835, full three millions of dollars, at a moderate estimate, below what they would have brought in fair competition. If frauds in pre-emptions were unknown; if no one obtained a pre-emption but upon a faithful compliance with the conditions prescribed; still the selections of the most valuable lands, and most desirable situations, at the minimum price, would produce an effect upon the revenue too considerable to be overlooked by the financier. I should step out of my province, as Commissioner, by urging officially the questions, whether other considerations of public policy counterbalance this cost, or whether the settlers have extraordinary merits transcending this calculation, and accordingly abstain from the discussion.

If the propriety were conceded of making the pre-emption policy a part of our land system, there would be still no evident fitness in extending the concession to a full quarter-section of land. An allowance of half that quantity of the very best land is surely munificent; and if presumed poverty be one of the considerations for the grant, it may be observed that many a good farm in the west contains no more than an eighth of a section.

The committee request you, sir, to furnish them with the best plan which occurs to you of securing the right of pre-emption to actual settlers, and of preventing said frauds, viz.: against the United States.

In relation to the first branch of this request, I have to observe that the act of 1834, and the precautions already taken by the Commissioner, with the advice of the Secretary of the Treasury, appear to have provided sufficiently for the fair claimants, under the present law. The resolution is silent respecting the nature and extent of any future grants of this kind that may be contemplated; and the difficulty of devising a plan for their protection under such circumstances must be apparent.

The second part of the request presents a difficulty extraordinary. The temptation to abuse the charity of the legislature is so radically intermixed, and so inextricably interwoven, with the operation of the pre-emption laws, that I should despair of laying before you a plan altogether effectual for the prevention of fraud on the part of claimants. It seems to me a hopeless task to project any modification of existing enactments that shall silence perjury, and defeat the devices of sagacious speculators, so long as their ingenuity shall be sharpened and stimulated by the prospect of an immense gain attending their success. The conscientious will resort to no dishonest tricks, but the contagion of speculation is proverbial: and when an expectation may be entertained of obtaining, by indirection, for the lowest price, land worth from five to forty dollars per acre in the market, the inducement to perjury and fraudulent shifts will be too strong to be resisted, by many of weaker morality. A scheme of extreme liberality toward the settlers might diminish the number of fraudulent cases, by partially removing the motive to such practices; but I do not imagine any project to defeat them altogether, so long as there remain legal restrictions upon the invasion of the public property by unlicensed intruders, who, by a statue unrepealed, are considered as trespassers—liable to be prosecuted as such, and to be forcibly removed, at the discretion of the President, as has heretofore been done.

It will be seen in the preceding remarks, that protection of the rights bestowed by the pre-emption act of 1834, is considered to be well provided for by that act, and by the liberal construction it has received in instructions that have emanated under your sanction; and that similar provisions will suffice for similar cases, in future concessions of the pre-emption privilege.

The practices by which the United States have been most defrauded in claims of this nature, are believed to consist principally of the misstatements, or improper coloring of facts, and the evasions and prevarications of parties and witnesses. To obviate such iniquitous proceedings, it will be proper to provide a mode of subjecting the deponent to the test of a rigorous interrogation and cross-examination. I ask leave, however, to suggest that the interest of the Treasury seems to demand a guard against force as well as fraud. I allude to that system of terror that threatens the competitor for the purchase of public land with the vengeance of the settler with whose usurpation he may interfere. In some quarters, this state of things is become formidable: probably finding its origin, in a great measure, in the pre-emption laws, whose repeated enactment may have led the settlers to the erroneous persuasion, that they have acquired rights not given by law. Be this as it may, experience has shown, that by mutual support and open menace, they have succeeded in deterring others from bidding against them at the public sales, and it is evident that the prospect for the future is not less threatening. The injurious effect of the continuance of such acts upon the Treasury will be obvious to you.

Respectfully submitted. ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *February* 4, 1836.

SIR: I enclose a letter from the Commissioner of the General Land Office, with certain documents referred to in his letter of the 28th ultimo, in answer to the inquiries made in your letter of the 14th ultimo.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. A. G. HARRISON, *of the Committee on the Public Lands, H. R.*

GENERAL LAND OFFICE, *February* 3, 1836.

SIR: I have the honor to transmit herewith copies of certain documents, numbered 1 to 13 inclusive, on the subject of frauds and embarrassments consequent on the pre-emption law of the 19th of June, 1834, which could not be prepared in time to accompany my report to you of the 28th ultimo, and I request that you will have the goodness to regard them as connected with such report, and to dispose of them accordingly.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

WASHINGTON CITY, *August* 25, 1835.

To ANDREW JACKSON, *President of the United States:*

By an act of Congress, dated 29th of May, 1830, giving to actual settlers and occupants on the public domain the right of pre-emption, according to the requisites stated in said act, and by subsequent acts continuing in force the act of 1830, a new era was introduced on the subject of land claims to the citizens of western Louisiana. Although the legislation of Congress on the subject of public lands is as mild and beneficent as any system on earth, since the government tolerates, in the first instance, a trespass in the citizen which subsequently perfects a *title* in himself; yet, amid this mild and merciful legislation, persons are found perverting the designs of these acts to selfish and corrupt purposes. I will call your attention to a part of these acts, in order more fully to understand my subsequent statement. By the act of Congress of 1830, where two persons live on the same quarter-section, cultivate and improve it, the register and receiver are required, upon due proof exhibited to their satisfaction, to divide the quarter-section between the occupants. Independent of this, the law accords to each of them what is called a pre-emption float of eighty acres each, to be located on any unappropriated lands of the government. It will be supposed for a moment that two pre-emption floats are located as required by law. The rights of the occupants on the first quarter-section, according to the construction of the law which prevailed at the land office at Opelousas, Louisiana, have not yet ceased. The moment they make the location of their pre-emption floats, they are entitled to what is called a back concession, which is the same quantity of land as the pre-emption float itself. These two occupants of a quarter-section have that quarter-section divided equally between them. They acquire by the accident of occupancy a right to 320 acres each.

In addition to this view of the question, if men were strictly honest, it would present no avenues for imposition, frauds, or perjuries. I regret to say, because I religiously believe, that the most shameful frauds, impositions, and perjuries, have been practised upon the land office at Opelousas, Louisiana. I make no imputation upon the official conduct of Mr. King, the late register at Opelousas, nor upon the present receiver; but from my statement it will appear that they must have been most grossly imposed upon, and should have put them more completely upon their guard, so as to have guarded themselves against the wiles of notorious land speculators. I will here mention a construction of the law, which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction: two persons living on a quarter-section, or who pretend that they do, on lands not worth a cent an acre, men who can neither read nor write, men who have never seen a survey made, and know nothing about sections or quarter-sections of land, and who, in point of fact, live five, ten, and, in many instances, twenty miles apart, go before a justice of the peace, as ignorant as themselves, and swear to all the facts required by law to make their entry; this, too, in a section of country never surveyed by the authority of government, nor any competent officer thereof. Would it be believed that any officer of the government would admit an entry under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned by higher authority?

Can it be possible that an entry of that kind can either be in conformity with law, justice, or right? I state, of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states positively he knows many of them to be founded upon the same corrupt perjury, persons swearing that they lived on the same quarter-section, when, in truth and in fact, they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole western district of Louisiana; and yet, since the first of January, 1835, up to the 27th of May, there have passed, at the land office at Opelousas, at least 350. And who are the owners of these floats principally? One, or not more than three speculators. Since the first of January, of this year, up to the 27th of May, day after day, week after week, I might say month after month, a notorious speculator, and who must have been known as such to the officers of the land office at Opelousas, was seen occupying that office to the almost total exclusion of everybody else. No other person appeared to understand how to get pre-emption floats through; and no one did succeed until an event, which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society, in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them, before some justice of the peace, in some remote part of the country. These claims, to an immense extent, are presented and allowed; and upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry. And would it be believed, that the lands where these quarter-sections purported to be located, from the affidavit of the applicants, had never been surveyed by the government, nor any competent officer thereof, nor approved nor returned surveyed? I further state, that there was not even a private survey made. These facts I know; I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above. This state of things had gone on from the first of January until about the middle of April or first of May of the present year, when it was suddenly announced that a more rigid rule would thereafter be adopted; which was this: that a sworn deputy surveyor of the United States should, in all cases, make the survey, in order to ascertain if the parties were on the same quarter-section; and to testify before the register that such was the fact. Besides this, they required the applicants to produce very satisfactory evidence from their neighbors that they had cultivated and improved as stated in their notice. Pre-emption floats, when tested by this rule, were found to be very few indeed. Governments, like corporations, are considered without souls, and according to the code of some people's morality, should be swindled and cheated on every occasion. Whether such a distinction can be reconciled to either morality or law, one thing is certain, that equal protection and advantages are not afforded to all. I would further suggest to your excellency to withhold your signature from all patents when entries have been made, and consequent pre-emption floats have resulted, since the first of June, 1834, to the first of July, 1835; that James Ray, lately appointed register of the land office at Opelousas, Louisiana, and some other competent persons, be appointed a board of commissioners, to examine all the entries from which pre-emptions have resulted during the above period; that the said board of commissioners have the power to administer an oath to all persons who may appear before them desiring to make entries of land; that some qualified attorney be appointed to appear before the said commissioners to represent the interest of the government, to put cross-interrogatories to elicit the facts, whether true or false, in regard to the validity or illegality of the said claims; that this said board of commissioners shall, under the supervision of the said attorney, take down the evidence in each entry, with its consequent pre-emption floats; shall file the same with them; shall give their opinions upon each, respectively, in writing, with references to the evidence and law, and shall forward the same to the Commissioner of the General Land Office; that if said board, upon the examination of any pre-emption claims or floats, which hitherto have been allowed, are satisfied that they were passed upon the affidavit of the parties alone, without other and corroborating evidence, and if they are further satisfied that the land proposed to be entered has not been surveyed by a competent officer of the government, approved and returned to the Land Office, they shall unconditionally reject the said claims, with their consequent pre-emption floats. These suggestions are made, not with the belief that they may be adopted in the investigation that may be ordered, but simply with a hope that they might afford some aid in laying down the rules of that investigation. It may not prove so extensive a fraud, and show such gross impositions upon the officers of the government, and such glaring perjury, as did the Arkansas land speculation; yet the investigation will show enough of each to entitle this administration to the lasting gratitude and approbation of its friends in western Louisiana, as well as a majority of its political opponents.

I am, with great respect, sir, your obedient humble servant,

BENJ. F. LINTON, *District Attorney, Western District of Louisiana.*

GENERAL LAND OFFICE, *September* 29, 1835.

SIR: I enclose you a copy of a communication addressed to the President of the United States, by B. F. Linton, esq., upon the subject of the pre-emption claims heretofore awarded at the land office at Opelousas. In consequence of that communication, all patents for pre-emption claims in your district will be suspended until the merits of the claims have been re-examined and fully investigated. This examination will be made in the first instance by yourself, in conjunction with the receiver; and I have to request that you will immediately upon the receipt of this, give public notice, and proceed anew to the examination of the claimants themselves, and of such witnesses in support of the claims as may present themselves before you for that purpose. Those claims which may be sustained by you will also be re-examined here, and those heretofore admitted which shall not be sustained upon your revision, will be regarded as definitely rejected. I enclose you a form of interrogatories calculated to elicit the truth in relation to the validity of each claim, which you will propound, together with such other questions as may be suggested to you by the peculiar circumstances developed in the examination of each particular case. As soon as the examination shall have been completed, I will thank you to forward a report, together with all the testimony, to this office, and have to request that in the admission of new cases the utmost caution may be observed, and the instructions with which you have been furnished strictly adhered to. While upon this subject, I deem it important to call your particular attention to one of the allegations of Mr. Linton, viz., that, in addition to the pre-emption granted by the act itself, the claimants have been permitted to enter a back pre-emption equal in quantity to the tract first granted: the act of 19th June, 1834, and that of the 29th May, 1830, which restrict the quantity of land to be acquired under their provisions to 160 acres, would of themselves preclude any such construction, and I am at a loss to conceive how the land officers could so far have misconceived the terms of the act of the 15th June, 1832, granting these back pre-emptions, as to have given to that act a

prospective effect, when its provisions are specially restricted to those individuals who were then in possession under one of the descriptions of title stipulated by the act itself.

I am, &c. E. A. BROWN, *Commissioner.*

REGISTER *at Opelousas.*

Interrogatories to be propounded to the pre-emption claimants, and, with the necessary modifications, to the witnesses produced by them in support of their claims:

1. What is the description of the tract claimed by you?
2. Did you cultivate the tract described in 1833? If not, state what tract was cultivated by you in that year.
3. State the nature, extent, and manner of such cultivation.
4. Were you in possession of the tract claimed on the 19th of June, 1834?
5. Had you a dwelling-house upon the tract claimed, and were you residing therein, on the 19th of June, 1834? If not, state whether you resided upon public land, and describe the tract upon which you resided.
6. If you were not residing upon the tract claimed, in what did your possession consist?
7. Did any other person cultivate the tract claimed in 1833?
8. Was any other person in possession of the same on the 19th of June, 1834?
9. To what extent did he cultivate, and what was the manner of his possession?

Extract of a letter from —— Morgan to Henry H. Johnson, Esq., dated October 6, 1835.

"It is stated, and generally believed, and the receiver's books of public lands will show the fact of the case, if it is one, that spurious claims have covered all the *Atchafalaya railroad,* all the lands on the Granfete bayou, Maringin, Fordorche, Atchafalaya, Latanache bayous, something like one hundred and fifty-four miles in front, with one and a half miles deep, have been located within ninety days by different companies and different men. It may be that the law warrants such locations; there are many things make me believe there is something wrong. As to improvements, none were ever made on not over fifteen of all the one hundred and fifty or sixty miles front; and only a few surveyors and bears ever passed over them. If you believe the information worth the attention of the Patent or Land Office, you are at liberty to communicate the fact; the books, names, and surveys, can easily be examined. If the companies and individuals are acting correctly, this information can do them no harm; if incorrectly, they ought to be stopped at once. I write you this information, as there are big fish engaged in this traffic, though little ones do the business; how it is done, as yet I have not been able to learn, except by lax construing and foul swearing.

"There are yet many small claims been investigated twenty years, not approved of, and the claimants entitled to them; while a set of speculators are getting titles by proving pre-emptions by hundreds where they never were. If it is law, it is an unjust one."

GENERAL LAND OFFICE, *December* 17, 1835.

GENTLEMEN: It has been represented to the department that associations of men are engaged in speculating in the purchase of floating rights, under the late pre-emption law; and by means of facilities afforded by deputy surveyors, acting as agents in their location, much valuable land in Louisiana is thus engrossed; and that these rights are multiplied by the recognition of separate pre-emption rights, in the parents, children, and hired men, of each family, and fictitious persons.

The Secretary of the Treasury has directed that the most prompt and energetic measures be taken to detect and arrest frauds of the character alluded to; and, with this view, I have to require of you to enter into the most rigid scrutiny of all pre-emption claims and floats alleged in your district, and resort to such means and sources of information, within your reach, as will lead to a faithful and satisfactory result in the ascertainment of whatever may be the facts.

Your immediate attention to this important matter, with a view to a report on the subject at the earliest possible date, is strictly required. To guard against imposition, the closest adherence, on your part, is required to the principles of the law, and those laid down in the printed letters of instruction, bearing date the 22d July and 23d October, 1834.

I am, &c. ETHAN A. BROWN.

P. S.—You are required by the Secretary of the Treasury to institute, forthwith, such inquiries as will enable you to report an opinion on the subject of the rumors and representations which have been the occasion of this communication, so as to enable the department to form something of a definite and adequate idea as to the extent to which the evils exist in the premises.

In case your inquiries should lead you to suspect the existence of frauds, the Secretary requires that, without loss of time in writing for further orders after your report herein to the department, you will forthwith proceed to take such testimony in support of the facts in the alleged abuses which you shall have ascertained; and should you find yourself at any loss in the progress of the investigation, the secretary directs that you will promptly call to your aid the advice of the district attorney, whom you are to address on the subject.

I am, &c.

E. A. BROWN.

The REGISTER AND RECEIVER,
at New Orleans, Opelousas, Ouachita, and St. Helena, La.

GENERAL LAND OFFICE, *December* 19, 1835.

SIR: I herewith enclose to you a copy of a letter addressed to the registers and receivers of the United States, on the subject of fraudulent practices alleged to exist in the proving of pre-emption rights, and obtaining what are called "floats," under the act of 19th June, 1834.

You are hereby directed to furnish to the district land officers no more plats of surveys, until you shall have received further directions. You are requested, however, to transmit the plats to this office as fast as they can be prepared.

I am, &c.

ETHAN A. BROWN, *Commissioner.*

H. T. WILLIAMS, Esq., *Surveyor General, Donaldsonville.*

GENERAL LAND OFFICE, *December* 21, 1835.

GENTLEMEN: In relation to the subject of pre-emption rights, concerning which I addressed you on the 17th instant, you are particularly required to keep in view the following general principles, in fulfilment of the meaning and intent of the act of the 19th of June, 1834, and of the instructions heretofore issued by the department.

1st. In cases where two or more persons are settled on the same quarter-section, the *first two actual settlers,* (and they only,) who cultivated in 1833, and had possession on the 19th of June, 1834, are entitled to the right of pre-emption. If an equal division of such quarter, by a north and south, or east and west line, will not secure to each party his improvements, they must become joint purchasers or patentees of the entire quarter-section; if otherwise, it will be divided so as to secure to the parties respectively their improvements; in either case the said *first two* actual settlers, who obtain the right of pre-emption to the quarter-section, and none others, are entitled each to a pre-emption of eighty acres elsewhere in the same land district, to be located so as not to interfere with other settlers having a right to pre-emption. This right to locate eighty acres elsewhere, usually called a floating right, must be located and determined at the time the quarter-section is paid for on which the right accrues.

2d. Only one pre-emption to the maximum quantity of one hundred and sixty acres is allowed to a family when cultivation is in common, or for common benefit, and no floating right is allowable under such circumstances.

3d. No one employed by another as a laborer on his improvements, can be admitted to a pre-emption right.

By a careful attention to the act and the instructions, you will save to yourselves, as well as the department, much trouble and embarrassment in finally determining rights accruing under the law.

I am, &c.

ETHAN A. BROWN, *Commissioner.*

REGISTER and RECEIVER, *at New Orleans, Opelousas, Ouachita, and St. Helena, La.*

QUINCY, MONROE, Co., MISS., *December* 28, 1835.

DEAR SIR: I hope you will excuse me for the liberty I have taken, and should not have troubled you with this communication, but for an injury done myself, and a fraud practised on the government, which I hope I have proved to the satisfaction of the department; I speak with regard to a pre-emption and float that was obtained at the land office, in Columbus, by John and William Purser. I have forwarded an affidavit to Major William Dowsing, register of the land office at Columbus, showing that said Pursers had no shadow of a claim to the land on which they got a pre-emption and float until after the 16th of October, 1834, and also proving that I bought the improvement of John Purser in August, 1835. John Purser was residing on the land since he first purchased the land, but William Purser has never resided on the land, and never had any kind of claim to the same. I have sent the affidavit to Major Dowsing for the purpose of having it sent to the General Land Office. I have got several of neighbors' names to the affidavit, and can give any recommendation in this county; and although I am not personally acquainted with Major Dowsing, I can refer you to him for my character. It is probable that the persons that have bought the floats may try to make some exertions in behalf of the Pursers, but I am certain that they cannot get a witness of respectability to strengthen their claim. I have omitted to give the numbers of the land above, they are as follows: southeast quarter of section nineteen, in township twelve, range sixteen west.

You will have the goodness to inform me if I have taken the proper course to defeat said claimants, and whether or not they can have a pre-emption under the above circumstances.

Very respectfully, your obedient servant,

JEREMIAH RIGGINS.

Hon. E. HAYWARD, *Commissioner of the General Land Office.*

AUBURN, HINDS Co., MISS., *December* 7, 1835.

DEAR SIR: Permit me, as one of your constituents, to call your attention to a case in the General Land Office, in which I am immediately concerned. On the 30th of June last, I purchased at the land office, Mount Salus, (Clinton,) in this State, the northeast quarter of section twenty-seven, township four, of range four west, for which I had a receipt in these words, to wit:

"No. 22,184. "RECEIVER'S OFFICE, *Mount Salus, Miss., June* 30, 1835.

Received of Reuben Collins, of Hinds county, Mississippi, the sum of one hundred and ninety-nine dollars, fifty-six cents, being in full for the northeast quarter of section twenty-seven, township number four, of range number four west, containing 159.65 acres, at the rate of $1 25 per acre.

"$199 56. "S. W. DICKSON, *Receiver.*"

I now understand that one Uriah H. McManis, and his brother, Archibald McManis, have set up a claim, and that they having failed to establish any color of claim by a pre-emption in the land office here, they have petitioned the General Land Office, or the department thereof, for said land. Of this I knew nothing until a few days since, and on Saturday last I applied to the land office to know if such were the facts, and was informed by the register that they had petitioned both for a pre-emption, and that Archibald McManis had sworn that he had paid the money into the land office some two years since, for the land which Uriah now wishes to claim by

pre-emption. Well, sir, if the department of the General Land Office thinks their claim has any color of law or equity, I only ask to be informed of the same, and I fear not the result if I can be allowed to confront them with testimony. The fact is this: U. H. McManis, in the year 1822, bargained with one Cooper for his claim or improvement on the west half of the quarter-section above mentioned, and shortly afterward reported that he had paid for the quarter-section. And one William Spinks, a poor but industrious man, with a large family, was improving the east half of the said quarter-section; Spinks removed, and McManis rented the land to Cooper, from whom he had purchased the claim, and got rent for it off him (Cooper) in 1833. In 1834, Mark Snow, by his negroes and overseer, one Mathews, cultivated the land, and paid McManis rent; and this year, 1835, Richard J. Malett raised a cotton crop, and has promised rent. In the meantime, Uriah and Archibald McManis were merchandising, one in the town of Raymond, the other in Clinton; neither of them ever occupied the land, and how they can expect to come in under the pre-emption law I know not: and as to having paid for the land long since, is to my mind strange, when they can neither produce a receipt, nor make a showing of the records to that effect. In the absence of all this, is it possible that they can have any legal claim? I stand ready to prove the statements which I have made. I can prove, by unimpeachable testimony, that Archibald McManis has said, since I paid for the land, that he applied to pay for the land, and that he was told that there was a pre-emption upon it. How does this look beside his oath that he has actually paid for the land? No, sir, he never paid for the land; it is true the map was marked with a pencil mark, with the letter S, the usual mark for sold, and when I paid for some of my land two years ago, it was marked S. Now, the question is, who marked it? Why, I will tell you what I think: it was some one interested, that it should not be known that it was unsold. It is a well-known fact, that while Mr. Gwin was register, the map was frequently marked S, and the land still was unsold; and many accused him and his particular friends of corruption and speculation; but I am inclined to the belief that others marked the map by getting permission to examine it while the register was otherwise engaged, and had no idea such was the design of those who practised the fraud.

In conclusion, let me ask you to be so kind as to lay this letter before the department of the General Land Office, and request for me a hearing, if, as I have before remarked, the case presented shall seem to require it.

I remain, your obedient servant,

REUBEN COLLINS.

Hon. JOHN BLACK.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, January* 9, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th ultimo, enclosing a copy of one directed to the register and receiver of the different land offices in Louisiana.

I assure you it was a great relief to me, as the demand for speedy returns had become almost intolerable; and my aversion to a compliance was produced by the fear that many frauds were practised under the late pre-emption law.

So far as relates to the deputy surveyors, I have uniformly discountenanced any participation in the speculation, and when they have been known to be concerned, I have suspended their functions; but the sacrifice they make is so inconsiderable, that while the temptation exists, there seems to be but little prospect of correcting the evil. I am pleased, however, to say, that I have not heard of one unlawful claim that has passed through the hands of a deputy, and that, excepting in one or two cases of a disposition manifested to locate them so as to interfere with the rights of other persons, (which has been counteracted,) they are free from censure, nor am I, in any other respect, entitled to the compliment gratuitously conferred on me in some of the newspapers.

I have no doubt but the wealth and influence of this country are embarked in this immense tide of speculation, but I fear that little can be done to arrest it, unless it should be in the power of Congress to repeal the act of the 14th July, 1832, supplemental to the act granting the right of pre-emption, &c., or to limit the operation of the law, so that the settler would be required to take the vacant land next adjacent to the settlement; beyond this, the only remaining hope is to bring the public land into market as expeditiously as possible.

I am decidedly of opinion, that there are not more than three or four private, unlocated claims in the townships included in the list enclosed in my letter of the 6th of November, and the enclosed list may now be added to the number.

I do not think it would be proper to have a sale in this State between the middle of May and the 1st of November, but it is earnestly urged by the inhabitants, that if it could be effected before May, I think it would be advantageous to the government.

With great respect, sir, your obedient servant,

H. T. WILLIAMS, *Surveyor General, Louisiana.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

LAND OFFICE, *New Orleans, January* 9, 1836.

SIR: In reply to your letter of the 17th December last, we beg to state, that all applications that have been made to us for entries of lands in this district were accepted by us, after having been found in conformity with law, and your letters of instruction of the 22d July, and 23d October, 1834. But, inasmuch as it could be possible that, among those that have been presented from the different parishes (for the law permits the settlers, who cannot bring forward their witnesses to this office, to make affidavit, supported by the corroborative testimony of two persons, in presence of one of the judges of the parish wherein he resides,) there might be some not altogether legal, yet we would observe, that however great the fraud might have been represented to you, we nevertheless think that the mischief is not as great as you seem to suppose.

In order, however, to remedy, as far as in our power lies, the evils which may have crept into the present system, we have deemed it our duty to enter into the following arrangements with the surveyor general, which will have a tendency to lessen frauds, if not to stop them altogether.

That every time an application will appear suspicious to us, a copy of the same shall be sent to him, and he will forthwith send a qualified person on the premises, in order to ascertain the validity of the claim.

We request of you, sir, to bear in mind, that we shall do all in our power to deserve a continuance of con-

fidence from the government; and that if we discover any frauds we shall immediately communicate the same to you, and have the offender prosecuted by the district attorney.

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

B. Z. CANONGE, *Register*,
MAURICE CANNON, *Receiver*.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

LIST OF DOCUMENTS REFERRED TO.

Documents marked A.

Letter from the register of the land office at Chocchuma to the Commissioner, dated 29th November, 1833.
Letter from the same to the same, dated at Natchez, 27th March, 1834, enclosing a communication of same date from George Dougharty.
Letters from the register and receiver at Columbus to the Commissioner, dated 15th March and 3d May, 1834, with a communication from R. T. Archer, dated 1st March, 1834.

Documents marked B.

Letter from ——— ———, dated Point Coupee, January 3, 1835.
Extract of a letter from E. B. Williston to the Secretary of the Treasury, dated 30th November, 1835.

Document marked C.

Letter from John Irwin, dated January 4, 1836, to the Commissioner, with sundry depositions relating to a fraudulent pre-emption claim in Alabama.

Document marked D.

Exhibit of the quantity of land entered under the pre-emption laws in Louisiana.

Documents marked E.

Letters from Gideon Fitz, late register at Mount Salus, to the Commissioner, dated 5th July, 28th November, and 7th December, 1830; 16th January, 20th March, 8th May, and 11th July, 1831.
Letter from Samuel Gwin, former register at same place, to the Commissioner, dated 22d June, 1832.
Letters from the Commissioner to Gideon Fitz, dated 28th July, 1830; 17th (two) February, 6th June, and 3d August, 1831, and 8th August, 1832.

Documents marked F.

Circular letters from the Commissioner to the land officers, dated 10th June and 14th September, 1830; 8th May and 28th July, 1832; May 17th, 1833; March 1st, 22d July, and 23d October, 1834.

A.

CHOCCHUMA, *November* 29, 1833.

SIR: I have now a momentary respite to drop you a line on the operations of this office during the last six weeks. From the moment the public sales opened the crowd was immense, up to yesterday. The sales have been immense, falling little short of $400,000, notwithstanding the greatest juggling and the most formidable combination that was, perhaps, ever arrayed at a public sale. A formidable company was formed on the second or third day of the sale, that silenced all opposition, and the lands went off, generally, at government price. It was so ingeniously arranged that all the settlers were interested in it; of course that stopped opposition. All the persons of capital were in it. Lands were offered, and where there was no opposition, of course were knocked off at government price, and then a resale took place among the parties concerned, where the lands sold, generally, very high. We had no means in our power to break up this combination, unless we suspended the sales, and this was too heavy a responsibility for us to take. I intend to send you the abstract of two days' sale, that you may see the deep schemes by the forfeitures and the prices the lands sold for the next day.

I have no doubt but in the strict interpretation of the law the sales are void, and the individuals interested subject to a public prosecution. It is not very material whether you bribe off opposition or use physical force. The results are the same to the government. I shall give you my views more in detail when I have more leisure. I wish the President to be informed of the matter, and whatever steps may be adopted will be for the best. It is the policy of the government that her lands should go at $1 25 to those who intend to cultivate them; but the good intention of the government is defeated by these companies, as they sell the lands for their intrinsic valuation, and persons of limited capital are, by this means, deprived of the bounty of government to a great extent. If required, I can furnish the plainest proof on the above matters. It is notorious to the world. I have fretted myself into a fever at these movements, and I shall hold myself prepared to prove this and more too.

Our entries have amounted to upward of 2,100. I have been compelled to have a clerk to myself during the sales, and I must ask that you allow me one until January, as I do not think I can get everything up by that time. From the heavy amount of sales, I am persuaded you will grant the request, as I shall be compelled to take some exercise in my present situation, with my health not good.

It is very hard to get a person, in this new country, that can be trusted in an office, and I have been compelled to give the per-diem allowance as stated in the instructions, and will have to pay it myself, unless granted by the

department. It will be the last of next month before our returns will be finally prepared to be forwarded, but I am making out, with all possible speed, the general abstract up to the end of the present month, which I will forward to you in advance of the other accounts, for your information and the information of the President, presuming that it may be wanted for congressional purposes. I have had to send express to Clinton for blank abstracts, and am now out, or nearly so. I learn from the receiver that he is short, also, in his abstracts, which will retard our returns until others can be forwarded from Washington. As yet we have no mails, and our communications have to be sent by hand to the nearest post-office, fifty miles.

I must ask leave of absence for two months, as soon as I can arrange my returns. The death of a brother since I left Clinton, with whom I was concerned in a plantation on the Missouri river, leaves my property there greatly exposed only under the charge of negroes, my cotton, I fear, yet standing in the field. I will arrange everything here so that my absence will not be felt.

In haste, your obedient servant,

SAMUEL GWIN.

ELIJAH HAYWARD, Esq., *Commissioner, &c.*

NATCHEZ, *March* 27, 1834.

SIR: Enclosed you will receive the deposition of Mr. Dougharty, one of the persons who signed the paper complaining of the conduct of the speculators, at the recent public sales. As Mr. Dougharty was one of those that gave rise to the action of the department on the matter, at the suggestion of my friends I thought it best that his statement should go on to show that *no allusion whatever* was made to the operations of the Chocchuma land office.

As I perceive by the last papers that our *veracious* senator, Mr. Poindexter, has introduced sundry resolutions in the Senate, founded in part on the recent public sales, and implicating the officers of the government, I have advised Mr. Robert J. Walker to forward to the government the *original article of agreement*, signed by the speculators, or a certified copy of it. I have never seen it, but I got Mr. Senator Black to read it, and also the laws of Congress, and if the agreement was contrary to law, to advise me what course I had better take in the matter, or whether I could act at all on the subject. After a careful examination, Mr. Black informed me that there was nothing in it or in the acts of the speculators that was in violation of the law.

I was prepared to adopt any measures to defeat the object of the speculators, had they been violating law. In my letter from Chocchuma, on this subject, I advised you that Mr. Archer had no complaints to make as to the Chocchuma sales, and, with the affidavit enclosed, I hope it will satisfy all concerned that their complaints or insinuations are unfounded. It is true, as I have before advised you, that companies were formed—that some tracts of good land did sell at government price, that were very valuable, and that I did suppose, until Judge Black informed me to the contrary, that they were contrary to law; yet I am free to say that the formation of these companies has greatly advanced the interests of the government, by selling a much larger portion of land than otherwise would have been sold; and were the sales annulled, not one half of the lands sold would now sell. Another advantage in these companies was, *every settler* got his improvement, and a *quarter-section* of land around it, at the very *same price* that the speculators had to pay; this accounts for the great number of transfers, nearly all of which were made to the settler. So united were the settlers on this subject, that, at the close of the first two weeks' sale, they gave the persons composing these land companies a *public dinner*, at which the Hon. Mr. Plummer, (who was also one of the company,) at the instance of the settlers, returned their cordial thanks to them, and informed them that they had done more for them than all the pre-emption laws that could have been passed by the government; and to this hour you cannot find an individual in the nation who will not defend the companies.

It is true that I did all in my power to embarrass the company at the time; but it was, as I then supposed, in violation of law; and instead of the officers of the government being concerned with them, the reverse is known by every man on the ground; and so determined were the members, that where either the receiver or myself wanted land where there was a settler on it, it was run up to the full value of the land, for the benefit of the settler.

I see it is the intention of the land committee to institute a *secret* inquisitorial examination of the conduct of the officers, without letting them know the nature of the charges against them, or even permitting them to know the witnesses to be used against them, or cross-examine them. This is in character with many other acts of this party; but as an officer, or a man, I am prepared for the severest investigation, but would prefer that the accused, accuser, and witnesses, might all be ordered on to give evidence.

I shall remain in Clinton for some time yet, closing my business there, and wish any immediate communications to me sent there.

I am, respectfully, your obedient servant,

SAMUEL GWIN, *Register.*

E. HAYWARD, Esq.

NATCHEZ, *March* 27, 1834.

SIR: In reply to your inquiries relating to the sales of the public lands, and whether a certain communication made by R. T. Archer and myself had any relation to the sales at Chocchuma, I wish it distinctly understood, that no reference or allusion was intended to the sales at Chocchuma, *but to Columbus alone.*

On the contrary, I believed that the sales at Chocchuma were conducted in a manner strictly legal, and much to the advantage of the settlers. I was at that place only a few days, at the commencement of the sales; in that time I did not hear of any attempt made by speculators to prevent the bid of any person, nor any complaint of any settler in that district against any speculator; nor have I heard of any complaint since that time.

I attended the sales at Columbus, to purchase lands for R. J. Walker and Thomas Barnard, of Natchez, and was instructed by them not to bid on any man's improvement, and also that I should not, on any account, join any company at the sales; this was afterward repeated in a letter from R. J. Walker, Esq., while I was at Columbus. I acted in conformity with their instructions.

The communication from R. T. Archer and myself to the President of the United States, contains particulars relative to the land sales at Columbus only; as I have no copy of that communication, reference must be had to the original.

I will add, that it was a general complaint among the settlers that the speculators did not act at Columbus as the speculators did at Chocchuma, at which latter place the lands were very generally bid off for the settlers by R. J. Walker, Thomas G. Ellis, and others, and all transferred, at government cost, without any compensation or reward whatever, as I understood at the time, and now believe. I know that it was insisted on by R. J. Walker, esq., at Chocchuma, that not one cent, in any form or shape, should be exacted from the settlers for the land on which they had settled; but that in all cases they should have it at government cost, (that is, for the same price that it was bid off at,) let that be less or more. This proposition was objected to by speculators from Alabama at first, but was afterward acceded to.

I am, sir, very respectfully,

GEO. DOUGHARTY.

Col. SAMUEL GWIN.

STATE OF MISSISSIPPI, *Adams County:*

Personally appeared before me, the undersigned, justice of the peace in and for the county aforesaid, George Dougharty, who being duly sworn, makes oath that all the matter stated in the above and foregoing letter are true, to the best of his recollection and belief.

GEO. DOUGHARTY.

Sworn to, subscribed, and acknowledged, before me, this 27th day of March, 1834.

WM. B. MELVIN, *Justice of the Peace.*

N. E. LAND DISTRICT OF MISSISSIPPI, *Columbus, March* 15, 1834.

SIR: Your communication of the 13th of December last, with the accompanying copies of letters to which you referred, was received in due time.

In pursuance of your instructions we designated a day (1st Monday inst.) to proceed to the taking of depositions against the speculators, and notified Messrs. Martin, Archer, and Dougharty, of the day and place, (Columbus,) requesting them to attend, and bring with them all persons by whom any fact might be elicited to convict the persons implicated; but to our disappointment, not an individual attended on that day or since.

We entertain no doubt of the organization of a speculating company during the sales at this place, by which we are impressed with the opinion, that the government has been defrauded, and some individuals have been made to suffer.

So soon as we were impressed with the belief of the existence of such a company, we threatened them with a suspension of the sales; and indeed we should have done so, had we seen any authority in the laws for such a course; but believing that we could not exercise any such discretion without hazarding censure, we declined doing so. Will you be so good as to let us know how we should act in future, in the event of a recurrence of the kind: also, what course we should take (if any) in reference to past occurrences. As before observed, we have no doubt but a company was organized, and well disciplined, during the last sales; for you will discover by our returns that most of the land sold at the minimum price, a great deal of which was as valuable as any land in the State.

Very respectfully, your most obedient servants,

WM. DOWSING, *Register.*
W. P. HARRIS, *Receiver.*

Hon. E. HAYWARD.

N. E. LAND DISTRICT OF MISSISSIPPI, *Columbus, May* 3, 1834.

SIR: We herewith enclose you a communication and deposition forwarded to us, some time since, by Richard T. Archer, esq., at the reception of which, we had received no answer from either of the other gentlemen to whom we had written, in reference to the same subject, and concluded we would wait on them awhile, and we are sorry to say, that we have not heard a word from any person, other than the one alluded to above, and we are under the impression, from what we have heard, that no person will appear to implicate the speculators unless he be *compelled.* We have very little doubt but that facts might be elicited from several persons to commit the speculators of a violation of the law, were it in our power to *coerce* the attendance of witnesses. Our impressions, however, are founded on rumor principally.

Very respectfully, your obedient servants,

WM. DOWSING, *Register.*
W. P. HARRIS, *Receiver.*

Hon. E. HAYWARD, &c.

HONEY ISLAND, *March* 1, 1834.

GENTLEMEN: Your favor of the 10th ult. is before me. I was aware of the propriety of giving my testimony in relation to the matter on which you solicit my presence. I, therefore, have carefully noted down such evidence as I can testify to, in form of a deposition, which I should have sent you before this, that but I have been disappointed in meeting with a justice of the peace or magistrate, before whom to qualify to it. I consulted the United States attorney, for the Mississippi district, to know if this would be sufficient, and am advised by him that as the investigation is exparte, and designed as an inquiry into facts, for the purpose of instituting suits or indictments, if the facts disclosed will authorize, he thinks it will be all-sufficient, and that my presence may be dispensed with by sending the deposition. I could not, without extreme inconvenience, leave home at this time. I am truly desirous of affording all aid in my power. I have already notified you of such persons as I believed to be able to testify on the subject. I have recommended to some to give their testimony, but I believe they are unwilling to do so until required. I am unable to induce any to go to Columbus on this business. I am so remote from Colonel Martin, that I suppose he has as good or better opportunity of receiving a communication from your quarter than this. We were all requested to attend at Chocchuma on the same business, on the first Monday in March, and think he will be in attendance there. I shall go to Lexington (the seat of justice of Holmes)

on Monday, to qualify to the deposition which I shall enclose in this letter, which I detain for that purpose. This is Saturday, and I received your second communication about one hour since.

Very respectfully, yours, &c.

RICHARD T. ARCHER.

P. S. Not being able to see a magistrate in my county with convenience, I have qualified to the enclosed deposition at Manchester. I have sent Colonel Martin a message that will supersede the necessity of writing.

Yours, &c. R. T. A.

Messrs. Wm. Dowsing and W. P. Harris.

Richard T. Archer being solicited by Messrs. William Dowsing and Willy P. Harris, of the United States land office at Columbus, in Mississippi, to give such information as comes within his knowledge of fraudulent and illegal practices, alleged to have been perpetrated at the land sales at Columbus, in November last, by certain speculators, of whom Isaac Lane, Daniel Green, and John C. Whitsett, of Alabama, and Dr. John H. Hand, and W. W. Cherry, of Mississippi, and others, are believed to have been the principal actors and authorized agents, being duly sworn, deposeth: that said speculators, by their agents, Isaac Lane and others, did demand of him pay for transferring to him certain lands which had been stricken off in the name of Isaac Lane, but which said Archer did believe that he was bidding for for him; that on his refusal to pay a cent it was objected, that the *company* would be dissatisfied, and alleged that others paid them; also, that he, the said Archer, heard Allen Sharkey say, that he paid the speculators $500 not to bid against him; that he had contracted to pay $1,000, but paid only $500; also, that he heard Jerrry Robertson say, that he paid them for the like purpose; that he contracted to pay $400, but paid something less; also, that he heard Dr. Fisher say, that he paid them $800; that it was arranged between them that one eighth of a section of the land which he wanted was to be stricken off to the speculators, and afterward to be purchased by him, and that it was so purchased at $800; also that he heard Dr. Garret Keern say, that finding that others paid them, that although he had made no agreement with them, that he paid them $200; also, that he heard Mr. Gallespie say, that he paid them, and that the matter was arranged with them by Allen Sharkey for him; also, he heard Mr. Garey say, that he had to buy one eighth of a section from them; that they would not agree to take money from him, but that they should buy one eighth of a section of the land, and sell to him; and in this way, I think, he said he paid them $200; also, that he heard Isaac Lane say, publicly, while the bidding for the public lands was actually going on, in a loud voice, that if the settlers would put themselves under the protection of the company, that the company would protect them; also, that Mr. McLemore came to him and stated, that he had a communication from the company to make; that the company were aware that he (R. T. Archer) could do them great injury; that they had no hostile feelings to him, and as evidence of it, showed a list of prices they had put on lands already purchased by him (R. T. A.) at lower rates; that he returned for answer, by Mr. McLemore, that he was actuated by feelings of hostility to no one; that for himself he asked nothing of them, but if they would desist from the practices which he reprobated, and let the settlers buy their lands without extorting sums from them, that he would take no notice of the past, but if they did continue these practices, he would certainly report them; he afterward saw McLemore take J. Lane out, and they had a conference for a considerable time. And further this deponent saith not.

RICHARD T. ARCHER.

Sworn to and subscribed before me, this 3d day of February, A. D. 1834.

F. W. QUACKENBOAS, *J. P.*

B.

Point Coupee, La., *January* 3, 1835.

My Dear Sir: I avail myself of this early moment to give you my views of the unprecedented and palpable frauds practised in the land offices in this State, under the provisions (as a cloak) of the act of Congress, approved the 19th June, 1834, reviving the act of the 29th May, 1830, granting pre-emption rights to settlers on the public lands.

Enclosed is a sample for the eye of yourself and Judge Porter, to form your opinions of the loose manner in which honest citizens are deprived of the advantages so kindly held out to them who settled in good faith, and the government swindled out of two thirds, at least, of the best public lands in the State of Louisiana. I was in the land office in New Orleans a short time past, when the enclosed application was made, by handing the paper to the clerk of the register, (the register, as usual, absent,) by Mary Sturgen, and on examining his plat for the sections, township, and range, he said the sections were taken by William Bryan and Sarah Bryan, who proved their occupation and cultivation by William Summers, Hally B. Roundtree, and Samuel Westaker, upon which she replied, that they had all sworn to falsehoods, as she would prove by all her neighbors, that she settled on the land in 1830, and had continued to reside on and cultivate the same until this time, and that no other person had occupied or cultivated this land but herself, and those who worked for her.

I then told this woman to take home her application and testimony, and told the clerk to give her the names of the applicants, witnesses, and justice, who had thus taken her land, and charged her to bring all to me as soon as she learned I had returned home, and I would have the persons apprehended and committed to answer to an indictment for perjury.

A few days past, she came to my house with her son Robert, who appears as an applicant with her, and the sample sheet enclosed, with a list of those names from the clerk of the register. She told me the applicants were gone; I suppose to the usual retreat—Texas. I then told her to go back, remain on her land, and if any person attempted to take it from her, let me know, and I would protect her, and as soon as the government filled the land offices with efficient officers, I would have her testimony taken properly, entitling her to the right to purchase, and if she hears of the perjurers' returning, she is to bring witnesses to enable me to have them arrested.

It has been intimated to me by many, and, I fear, with too much ground of cause, that not only many concerned in the land department, but others high in office and confidence in the State, are deeply interested in this swindling business of land-floating.

When floating assumed a daring stride, and even men, barred by the oaths of office, began to speak without restraint, I made some inquiries for the fountain-head of the floating current, as if wishing to purchase, and was uniformly answered, "Go to Meloden, in New Orleans, and you can get whatever number you wish." After-

ward, when in the register's office, filing a claim and testimony for a confirmation of a Spanish title to the land I live on, I saw a man come in and return one of these blank floats and transfers, filled up, as you see the enclosed, with the names of the applicant, witnesses, and justice, but the clerk filled the blanks for section, township, and range, in the float. On this man pointing his finger to the numbers in the plat, he told the clerk he could fill those blanks in the transfer at another time; the clerk answered, "Yes," and lodged them both in his desk.

This man, (who called himself Christie,) it was said, was a deputy surveyor, or had been; that he sold some floats to Meloden for one hundred dollars each, which was too cheap, but that he had done it to get a start to procure more, and for which Meloden should pay higher prices. He introduced himself to me, and proposed furnishing any number if I would furnish the funds, as he knew all the best lands in the State to lay the floats on. I answered him, that he had better examine well the ground he was passing; and that for myself I did not like to dabble in dirty water. I then left him and the clerk in the office. After I returned home, I learned that many floats had floated into Point Coupee for sale; I inquired for some; one or two were soon handed to me. The applicant's name, witness's name, and justice's name, all filled out and signed and certified; but the blanks of the sections, townships, and ranges, yet remaining to be filled. I observed that such swearing to blanks was surely a short cut to floats, and asked the reason why those blanks were still open, being sworn to. The answer was, he did not know where to lay them on good land, as so many had gone before him. I advised the holder to return them, as he might see, as well as myself, that they were obtained by forgery or perjury, as all the writing on the face of the paper was in the same handwriting; and to have nothing to do with this floating business. He has told me since that he has returned them.

Again: a man by the name of Bishop, who said he was of New York, called on me, professing a wish to buy my land, and to know if I and my neighbors intended to save our back concessions. Supposing him a tool or understrapper of the banditti, I asked him if he was attached to the company of Robert J. Walker (of notoriety) in the land-jobbing Green school. He said Mr. Walker was of the company, that he had saved fifty or sixty thousand acres in Arkansas, since the passage of the present pre-emption law. I asked him where Walker got the money to pay for such a quantity of land. He answered, he had paid for all he had bought, and could command money to pay for all he wished to buy; and that he (Bishop) could draw on New York for five hundred thousand dollars, if the quantity of land to be had required it.

This man, Bishop, has been (as I am informed and believe) through all the valuable public land in the State, with hireling surveyors, whether deputies under the surveyor general, (as many allege,) I cannot say; but I do say that I cannot get any deputy, and I have heard other citizens say that they could not get a deputy, to run out old lines, or locate back concessions, without paying three prices, until this banditti of floating speculators is served. And I believe that not more than from fifty to one hundred honest settlers, in good faith, were entitled to a preference for a quarter-section in the parish of Point Coupee. I think that more than five times that number of sections have been covered by floats; and I do believe that this banditti, and many of the villains of Vicksburg notoriety, have combined and confederated together to take the whole of the most valuable lands in the State, as well as elsewhere; the small fry and understrappers to apply for and prove up; then sell to the floating company, and slip off to Texas, leaving this banditti to hold the swindled prize, under that well-intended principle of law, that third innocent purchasers cannot be deprived of their lands, not recollecting that equally wise rule, that titles, obtained through fraud, are void, and no subsequent act of parties can make the same valid.

Again: the practice of obtaining many floats has been for the father, and sons or daughters, perhaps down to the cradle, to claim to have lived together and cultivated on various sections. Thus, taking to the father and first son one quarter jointly, and each a float for eighty acres, and the balance of the family to take floats for the other tracts, purporting to have been cultivated, when not a stick had been cut on the land; and where there are no sons or daughters, the banditti furnish applicants and witnesses, to prove for each other that all lived together, or by twos, on the quarters to be taken jointly, and the others take the floats, when, in numbers of instances, the land has never been seen by any of the parties, except, perhaps, the examining agent, as Bishop, to see if the land is good, or was pointed out by the hired surveyor. As a proof of this kind of family arrangement, Mary Sturgen, applicant in the enclosed sheet, admitted to me that her son Robert, signed as an applicant, was but twelve years old, and, from his appearance, he cannot be more. When I told her that the law allowed no such tricks, she said she was advised that, by using his name, she could get two quarters, and, of course, double the sum she had agreed to sell the one quarter for. She said that Justice Dawson knew the age of her son, and that, when he took the affidavit and testimony for Bryan and his daughter, he knew the girl was under age, and that all of the parties were swearing falsely, as he well knew when she settled on the land, and that no other persons occupied or cultivated it but her or those who worked for her. I will here remark that, when I detected fraud in the register's office, and told Mary Sturgen to go home and remain on her land, that she could not be deprived of her right unless she sold it for a trifle to speculators, as many of the ignorant settlers had done, her speculating purchaser, by the name of Lewis, then at her elbow, told her that she was at liberty to drop the sale to him, on which she said she would do so.

I do think that the true interest of the government requires speedy action in this behalf; that the present inefficient officers either be superseded, or more competent persons, as supervisors, sent to their aid, to overhaul every entry made in the offices under the provisions of the present law, and the testimony re-examined or expunged (as in many cases must be done) and new testimony taken; and that all further proceedings in the register's and surveyor's offices, touching locations or entries of pre-emptions or floats, be enjoined or suspended, until a full legal and honest investigation be had on claims made, and to be made, under the provisions of the present law; otherwise, two thirds, at least, of the best land in the State will be lost to honest citizens, or to the government, and be monopolized by a base set of swindling and suborning knavish villains.

I am far from charging public officers with turpitude of intentions, but I feel clear in noticing their negligence and errors which they could have avoided. Mr. Canonge, and Mr. Cannon, the register and receiver at New Orleans, were absent at the North nearly all the summer and fall, when many of these abuses of their offices were committed; leaving their offices under the sole control of their clerks, whom I have ever considered only recorders of such acts and writings as were proper to be recorded in their offices; and as the register and receiver, in certain cases, sitting as a board, were sole judges of the rights of applicants, on the testimony adduced, could not delegate their judicial power to their clerks, therefore the adjudications by the clerks must be void, and, at least, great inconvenience would result. Then the neglect of their offices, and erroneously suffering their clerks to fill their places, and sign their names officially, is, I conceive, highly reprehensible.

I must say that, although neither are competent to the discharge of all the duties of their offices, yet the receiver, when at home, is prompt to attend when called on, but the register can never be found at his office when he can locate himself elsewhere.

These offices should be filled with profound legalists, and good judges of the human character, as well as men of strict attention and integrity to their responsibilities.

The law requires, as well as the written instructions of the Commissioner of the General Land Office, the testimony to be taken before the register and receiver, sitting as a board, unless inconvenient to have the witnesses at the office, when it is to be taken elsewhere, before some justice, I should suppose, or commissioners from a court. These modes have not been pursued by the board at New Orleans, nor has a proper certificate of character been required of applicants or witnesses; the whole has been under the control of the clerk of the register, and he has received them uniformly in the form you see in the enclosed—blanks made out somewhere, and filled up somehow, by honest or dishonest means, we know not which, perhaps both, but under no known sanction of law.

I am, with true esteem, most obediently, your humble servant,

——— ———.

Application to the Register and Receiver of the Land Office for the southeastern district of Louisiana, at New Orleans.

GENTLEMEN: In virtue of an act of Congress, approved on the 19th June, 1834, entitled, "An act to revive the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved on the 29th May, 1830," we apply to become the purchaser of a certain tract of land, situated and lying in township No. 2, of range No. 9 east, designated as, and being, section No. 14, containing —— acres, agreeably to the township plat, on file in the register's office. We cultivated the said tract of land (designated as above) in the year 1833, by raising corn, &c., thereon; and continuing on the same, was in actual possession and peaceable occupancy thereof at the date of the passage of the above-mentioned act. We therefore pray that we may be permitted to enter the said tract according to law.

MARY STURGEN,
ROBERT STURGEN.

Affidavit of applicant.

Personally appeared before me, Thomas Dawson, a justice of the peace, Mary Sturgen and Robert Sturgen, who, being duly sworn, depose and say, that the facts contained and set forth in their foregoing application are true, and that every matter and thing therein stated is strictly correct. So help them God.

MARY STURGEN,
ROBERT STURGEN.

Sworn to and subscribed, at the town of Bayou Tunica, in West Feliciana, this 12th day of December, 1835, before me,

THOMAS DAWSON,
A justice of the peace, in and for the parish of West Feliciana, and State of Louisiana.

Corroborative testimony.

Also, personally appeared Jesse L. Sanders and William P. Mulder, of said parish of West Feliciana, who, being duly sworn, declared (in answer to interrogatories to them propounded by me) that they are well acquainted with the said Mary Sturgen and Robert Sturgen, of the parish of Point Coupee; that their within application has been fully read and explained to these deponents, and that all the facts therein contained, in relation to the cultivation and possession, by the said Mary Sturgen and Robert Sturgen, of the land described in the said application, are, to these deponents' knowledge, true.

And these deponents further declare that they are in no manner interested or concerned with the said applicants in the said tract of land.

JESSE L. SANDERS,
W. P. MULDER.

Sworn to and subscribed, this 12th day of December, 1835, before me.

THOMAS DAWSON, *Justice of the Peace.*

Agreeably to the provisions of the 9th section of the act of Congress, approved on the 19th of June, 1834, Mary Sturgen and Robert Sturgen were permitted to take lands elsewhere, in order to make up the quantity the law allowed each. They, in consequence, entered section No. 13, township No. 2, of range No. 9 east; said entry not interfering with other settlers having a right of preference, as it has been satisfactorily proved to the register and receiver, by the following testimony, viz.:

Personally appeared before me, Thomas Dawson, one of the justices of the peace in and for the parish of West Feliciana, Jesse L. Sanders and William P. Mulder, who, being duly sworn, declare that it is to their knowledge that the above described section is not cultivated or inhabited by any person who is or was entitled to a right of preference.

W. P. MULDER,
JESSE L. SANDERS.

Sworn to and subscribed before me, at Bayou Tunica, in the parish of West Feliciana, this 13th day of December, 1835.

THOMAS DAWSON, *Justice of the Peace.*

I hereby certify that the facts contained on this sheet are, to my knowledge, true, and that all the witnesses are gentlemen and ladies of truth and veracity.

December 12, 1835. THOMAS DAWSON, *Justice of the Peace.*

Further corroborative testimony.

STATE OF LOUISIANA:

Personally appeared before me, the undersigned, justice of the peace, Jesse L. Sanders, William P. Mulder, Mary Sanders, Ann Mulder, William Kean, who, being duly sworn, declare that Mary Sturgen and Robert Stur-

gen were the first settlers of both the aforesaid described sections, their house being near the line that divides said sections; and that said applicants settled there about 1830 or 1831, and have kept said sections in cultivation ever since, each having labored on said section, and are now in possession; and that no other person or persons are better or as well entitled to said described land as they are; and that none of these deponents are in any manner interested in said described land.

WILLIAM KEAN,
JESSE L. SANDERS,
MARY A. SANDERS,
FRANCIS FISH,
MARY ANN FISH,
W. P. MULDER,
C. A. MULDER.

Sworn to and subscribed before me, this 12th day of December, 1835.

THOMAS DAWSON, *Justice of the Peace.*

Extract of a letter from E. B. Williston, to the Secretary of the Treasury, dated

DONALDSONVILLE, LA., *Nov.* 30, 1835.

"I also take the liberty to inform you, that it is a matter of general notoriety here, that gross abuses are practised under the late pre-emption law. Great numbers of floating pre-emption claims have been unjustly got up, with all the necessary legal formalities, and have been located on highly valuable lands, to the great detriment of the interests of the government.

"The fraud consists in persons falsely pretending to have been settlers on the public lands at the time of the passage of the act.

"I have no doubt if the department were to direct an examination of all the tracts of land which have been represented to the registers as having been settled upon at the time of the passage of the law, great numbers of them would be found, *even at this time*, destitute of the least improvement. There is an immense system of fraud, I fully believe, and nothing but the interference of the department, or the immediate sale of the public lands, can put a stop to it."

C.

WASHINGTON CITY, *January* 4, 1836.

SIR: I present herewith a number of affidavits in relation to pre-emptions obtained by Gabriel H. Tutt to the southeast quarter, Richard Tutt to the east half of the northeast quarter, and Benjamin Tutt to the west half of the northeast quarter, of section number three west, in the land district of Demopolis, in the State of Alabama. These affidavits have been taken by some of the most respectable men in the State of Alabama, and have been sent on to me for the purpose of procuring the grant of the above pre-emptions to be set aside, on the ground that they were obtained by fraud and imposition; and that this is the fact I entertain no doubt whatever. Shortly before I left Alabama I was in the immediate vicinity of the above lands, and heard a number of persons speaking of the manner in which they had been paid out; and the opinion was general, without exception, that a most shameful and scandalous imposition had been practised upon the government. There is no doubt that all the lands mentioned were paid out at the instance and for the benefit of James B. Tutt; a man, to *my knowledge*, of notoriously bad character. Gabriel H. Tutt, as the affidavit shows, is a citizen of Greene county, (the county in which I reside myself,) and I know him well, and that he never did reside on the quarter-section paid out in his name, or near it, his residence in Greene county being at least fifteen or twenty miles from the land paid out in his name. Richard Tutt and Benjamin Tutt are, I believe, both *public paupers* and have been so for years—I *am confident* as to one, and am satisfied in my own mind as to the other. I have known them for several years; they have lived in Greene county, and has been supported at the charge and expense of the county. Neither of them, as the affidavits show, has resided on the lands since they were paid out; and Richard Tutt was not on the land paid out in his name until January, 1834, and had no improvements whatever in 1833.

I know several of the persons by whom the accompanying affidavits were made, and know them to be men of honesty and integrity. Among the affidavits there is one made by R. Eskridge, in relation to the time at which a man named Brown came to the State of Alabama and went to live with James B. Tutt. If I mistake not, Brown's affidavit was procured and relied on, in paying out these lands; and the object of Eskridge's affidavit, if I understand it, is to show that Brown swore to what he could have known nothing about. It will be observed that Mr. Eskridge, in his affidavit, does not mention the year particularly, but only the month. It is obvious, however, that he meant the year 1834, as that was the year the affidavit was taken. I have written to Alabama to have his affidavit taken over, so as to ascertain the time of Brown's coming to Alabama explicitly.

If, after examining the accompanying affidavits, a doubt should remain as to the fraudulent and improper nature of the transactions they are intended to expose and have set aside, I feel authorized to say, from the high character of the persons who have undertaken the task of having the matter investigated, that upon that doubt being made known by the department, ample additional evidence will be produced to remove it. I feel bound to state, in justice to the gentlemen who have interested themselves in the matter, that they do not pretend to set up any claim whatever to the land, and I am not aware that they have the slightest pecuniary interest in the matter; a shameful fraud, as they honestly believe, has been committed in their immediate neighborhood, and they have come forward to expose and defeat it.

If reckless and unprincipled men can succeed in cheating and defrauding government, by appropriating and securing to their own use public land at the minimum price, under acts of bounty and benevolence, passed for the benefit of honest, enterprising, and industrious settlers, corruption and venality must and will become the order of the day, wherever there is a quarter-section of public land left worth contending for; and it is greatly to be feared that this has become too much the case already. May I ask to be informed of any steps taken by the department in this matter, as early as convenient?

I have the honor to be, your obedient servant, JNO. ERWIN.

Hon. ETHAN A. BROWN, *Commissioner, &c.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Jacob Danner, of said county, who, being sworn, deposes and says that he lived on section 3, township 19, range 3, west, in 1833, and is well acquainted with said section of land, and that one James B. Tutt cultivated and claimed the northeast and southeast quarters of said section of land in 1833, and that no other person, except the said James B. Tutt, cultivated on said quarter-section of land during the year 1833; that one Richard Tutt moved on the northwest quarter of said section about the last day of January, 1834, and that one Austin Prestwood now lives on the southwest quarter of said section, the same this deponent resided on in 1833, and that they, the said Prestwood and Richard Tutt, are the only persons who now reside on said section, and that the said Richard Tutt neither had any improvement or cultivation on said section of land in 1833, either by himself or agent; and he further saith that the said James B. Tutt and the said Richard Tutt are the only persons of that name who reside on or cultivate said section of land.

JACOB DANNER.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, A. D. 1834.

[L. S.] DANIEL WOMACK.

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Marshall Hitt, of said county, who, being duly sworn, deposes and says that he is acquainted with section 3, township 19, range 3, west; that James B. Tutt has a cultivation on the northeast and southeast quarters of said section of land, and that Austin Prestwood lives on the southwest quarter of said section, and has ever since the fall of 1833; that one Richard Tutt settled on the northwest quarter of said section about the last days of January, 1834, and had no cultivation thereon or improvement in 1833, and that the said Richard Tutt is the only person of that name who resides on said section, or ever has resided on said section.

MARSHALL HITT.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, John Hall, of said county, who, being duly sworn, deposes and says that he is acquainted with the number of section 3, township 19, range 3, west, and that one James B. Tutt cultivates on the northeast and southeast quarters of said section, but resides on section 2 of same township and range; that Austin Prestwood resides on the southwest quarter of said section 3, and that one Richard Tutt settled on the northwest quarter of said section 3, he believes, about the last days of January, 1834, and that he, the said Richard Tutt, had no improvement or cultivation thereon in 1833; and that the said Prestwood and Richard Tutt are the only persons who reside on said section, or have resided thereon for the present year.

JOHN HALL.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, William Hall, of said county, who being duly sworn, deposes and says that he knows section three, township nineteen, range three, west, and that one James B. Tutt cultivates on said section, but does not live on the same, and cultivated the same in 1833, and that one Richard Tutt settled on the same section since the first day of January, 1834, he believes about the last day of January last, and that he, the said Richard Tutt, is the only person of the name who resides on the said section, and that there is a house on said section, said to be Gabriel Tutt's; that no person named Gabriel Tutt has ever resided on the same, but that he, the said Gabriel Tutt, resides in Greene county, and never has cultivated on said section to the knowledge of this deponent.

WILLIAM HALL.

Sworn to and subscribed before me, this 10th of October, 1834.

P S GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificates, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Wade R. Thomas, who, being duly sworn, deposeth and saith that he is acquainted with section three, township nineteen, range three, west, and that James B. Tutt cultivated on the northeast and southeast quarters of said section in 1833, and that he, the said James B. Tutt, was the only person named Tutt who claimed and cultivated on said section in 1833, subsequent to the middle of May; that one Richard Tutt settled on the northwest quarter of said section, between the first of January and the first of March, 1834; and that he, the said Richard Tutt, is the only person named Tutt that now resides on the said section of land.

W. R. THOMAS.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace of said county, Richard Eskridge, of said county, who, being duly sworn, deposes and says that he is acquainted with one Jubia Brown, who now resides with James B. Tutt, of the aforesaid county, and that he was formerly a resident of the State of Kentucky, and that he never moved to the county of Sumter till about the first day of April, and that about the 20th of April, he, the said Brown, commenced living with the said James B. Tutt, in the aforesaid county.

R. ESKRIDGE.

Sworn to and subscribed before me, this 10th of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally appeared before me, Philip S. Glover, an acting justice of the peace for said county, Jacob Simms, of said county, who, being duly sworn, deposes and says, that he lives on the adjoining section to section three, township nineteen, range three, west, and he is somewhat acquainted with said section three, &c.; that James B. Tutt claimed the southeast quarter of said section, and that Richard Tutt resides on the northwest quarter; that he, the said Richard Tutt, settled on the same about the last days of January, 1834, and had no improvement or cultivation in 1833, either by himself or agent, and that no other person named Tutt ever has lived or cultivated on said section of land.

JACOB SIMMS.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Livingston, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

STATE OF ALABAMA, *Sumter County:*

Personally came before me, Philip S. Glover, an acting justice of the peace for said county, Austin Prestwood, of said county, who, being duly sworn, deposes and says, that he lives on the southwest quarter of section 3, township 19, range 3, west, and is well acquainted with said section of land; and that one James B. Tutt, of the same county, cultivated, in the year 1833, on the southeast and northeast quarters of said section of land, and that no other person except the said James B. Tutt cultivated the said quarter-sections of land; and he further deposes and says, that there is a house on the southeast quarter of said section, claimed, as he is informed, by one Gabriel Tutt, and that there is no further improvement, and that the said Gabriel Tutt resides in Greene county, as he is informed; that he, the said Gabriel Tutt, does not reside on said section of land; and that he, the said Gabriel Tutt, has never cultivated said land, either by himself or his agent; and this deponent further saith, that one Richard Tutt resides on the northwest quarter of said section of land, and that he, the said Richard Tutt, settled on the same about the last days of January, 1834; and that the said Richard Tutt had no improvements on said section of land in 1833, either by himself or his agent.

AUSTIN PRESTWOOD.

Sworn to and subscribed before me, this 10th day of October, 1834.

P. S. GLOVER, *Justice of the Peace.*

STATE OF ALABAMA, *Sumter County:*

I, Daniel Womack, clerk of the county court of the county aforesaid, do hereby certify that P. S. Glover, whose name appears to the foregoing certificate, is an acting justice of the peace in and for said county, and was at the signing of the same, and that due faith and credit may be given to his official acts as such.

Given under my hand and seal of office, at Lexington, this 10th day of October, 1834.

[L. S.] DANIEL WOMACK, *Clerk.*

I do hereby certify that I am personally acquainted with the men that have signed the nine attached certificates, and that they are all men of good standing in their settlements.

[L. S.] DANIEL WOMACK.

D.

Exhibit of the quantity of land entered or purchased under the pre-emption laws of the 29th May, 1830, (revived by the act of 19th June, 1834), and of the 19th June, 1834, designating the quantity entered under each act, with the quantity entered "as floats," in each of the land districts of the State of Louisiana, from the date of the passage of the last-mentioned act to the 31st of January, 1836.

Land districts.	Act of 29th May, 1830.	Act of 19th June, 1834.	Entered "as floats."
	Acres.	Acres.	Acres.
Ouachita	2,069.12	34,046.48	12,922.13
Opelousas	....	18,570.63	6,942.26
New Orleans	1,107.70	110,227.95	....
St. Helena	....	....	....
	3,176.82	162,845.06	19,864.39

E.

LAND OFFICE, *Mount Salus, July 5*, 1830.

SIR: Your letter of the 10th ult., accompanying the pre-emption law of the 29th of May last, has just come to hand. I beg leave to ask your opinion on some points which will arise under the law. The quantity of land allowed to each settler, is "not more than one hundred and sixty acres, or a quarter-section." It will often happen that a quarter-section, or two eighths of different sections or quarters, will contain more or less than one hundred and sixty acres, and as the law contemplates "legal subdivisions," it would be best to be governed by them, rather than exact quantity. In fractional sections it may sometimes be necessary to cut off part of the fraction, but it would be extremely troublesome to cut off, or add on, parts of eighths or quarters, either in the square sections, or those of two acres front, and forty deep, on water-courses. The lands of this district not yet offered for sale, lie along the Mississippi river, and between that and Yazoo river, where, I presume, the tracts of much value will be laid off two acres front and forty deep. Those lots rarely contain the exact quantity of eighty acres, and should they be lessened, the purchaser will require it to be cut off on the back part, but if enlarged, he will require it on the front part; and, therefore, I presume it would be best, in all cases, to be governed by the legal subdivisions, rather than quantity, as the average quantity will be about one hundred and sixty acres to each settler, though some will have a few acres more, and others less.

It is much to be regretted that the surveys are not made, and the lands offered for sale, before the country is settled. Pre-emptions, in parts of the country where there are no private claims to adjust, seem to hold out rewards to those who, in the first instance, violate the laws with a view of greatly benefitting themselves, by securing the choice parts at the lowest price, while others, more conscientious, wait for the public sales. It has a very demoralizing effect: the temptation is so great to get land worth five to ten dollars an acre, in many instances, at the government price for the poorest land, that witnesses will be found to prove up the occupancy of the land. It occasions severe disputes between the settlers, and much troublesome unthankful service for the officers, all of which would be avoided by hastening the surveys, and immediately offering the lands for sale. The witnesses are sometimes, probably, deceived, by not knowing where the subdivisional lines would run if extended through the tracts.

I also beg your advice on another subject, which relates to giving out patents where the purchaser has lost the receipt of the receiver. This often occurs, and I have let some patents go out of this office on taking the certificate of the party concerned, that the receiver's receipt for the tract has been lost, destroyed, or cannot be found, which certificate, signed by the party, is filed among the receipts taken in the office.

With great respect,

GIDEON FITZ, *Register.*

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

NOTE.—The second section of the act seems to contemplate the privilege, where two settlers are on one quarter-section, that each may have a half quarter elsewhere in the district, without being confined to land adjoining their improvements. This will be a troublesome privilege. Ought the first applicant be questioned as to his knowledge of another settler on the same quarter-section, and should the entire quarter be sold to the first applicant, if it appears that there is another entitled to a preference on the same quarter?

It is presumed that the law embraces those tracts having two acres more or less front, with forty in depth, as laid out generally on the Mississippi river, as well as square sections, though the lines do not run north and south, east and west. G. F.

GENERAL LAND OFFICE, *July* 28, 1830.

SIR: Your letter of the 5th instant has been received. In reply to your inquiries, I have to state:

First, the pre-emption law of 29th of May last, which restricts the quantity to be located to "one hundred and sixty acres, or a quarter-section," does not intend that any excess of quantity over 160 acres in a tract of land, technically known as a quarter-section, should be cut off, in order to restrict the quantity literally to 160 acres. The law has taken it for granted that every quarter-section contains 160 acres, which not being the fact, we must be guided by what we know to be the spirit and intent of the law. The same remark will apply to the excess of an eighth of a section over and above eighty acres, in cases where the tract is technically known to the law as a legal subdivision of a quarter-section.

In cases of fractional sections, you must conform to the legal subdivisions reported in the township plats, taking due precaution to adhere to the quantity to which the law restricts the pre-emption as nearly as practicable. You are not authorized, under any circumstances, to recognise or make any subdivision of a fractional section, in reference to location under the pre-emption law, or under any other circumstances whatever, but must be implicitly guided by the subdivisions sanctioned by the surveyor general.

In locating subdivisions of fractional sections, large excesses are not to be admitted. No *general* rule can, however, be prescribed; your own discretion will have to govern you, and special cases, in which you have doubts, may have to be referred to this office.

Tracts of land having a water front, and extending back for quantity, and which may sometimes exceed the quantity of eighty acres, are, nevertheless, legal subdivisions, subject to the pre-emption privilege.

In locating this description of lots, two lots are not to be taken, which, in the aggregate, would greatly exceed the quantity of 160 acres, a small excess in such cases may be admitted, where it is evidently the design of the surveyor to obtain, as nearly as practicable, the quantity of 80 acres.

In reply to your inquiry respecting giving out patents where the duplicate receipt cannot be produced, the party should be required to make oath that the receipt has been lost or destroyed, as the case may be.

I am, &c.

J. M. MOORE, *Chief Clerk and Acting Commissioner.*

GIDEON FITZ, Esq., *Register, Mount Salus, Miss.*

GENERAL LAND OFFICE, *June* 5, 1831.

SIR: Your letter of the 8th ultimo has been received, in which I understand you to say that you have issued floating rights in those cases in which the individuals have not paid for the tract whereon the floating rights accrued under the 2d section of the act of May 29, 1830, which provides "that if two or more persons be settled on the same quarter-section, the same may be divided between the two first actual settlers, if by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section, and in such cases the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference."

This provision of the law is perfectly intelligible, but lest any misconstruction should take place by not demanding payment at the time of filing the proof, and in giving the pre-emptor until the 29th of May, 1831, to complete payment subsequently to filing his proof, and the admitting of his claim, the circular of the 14th of September last, 9th clause, states: "the law contemplates that payment be made for the lands claimed by the pre-emption right, at the period when the proof shall be filed."

Under these plain provisions of the law and the instructions, I am totally at a loss to comprehend your meaning, when you state "that a total perversion of the meaning of the act is held to be correct." By whom is such perversion of the intention of the law entertained? If by the people at large, it is manifestly the duty of the register and receiver to give no countenance to such false opinions and gross attempts to violate the law. You proceed by stating that "the only small part of the law that seems to guard against the unlimited fraud on the public domain is set aside and totally evaded. This evasion and perversion is effected by applying the provisions of the act to lands which have long ago been offered for sale, and were subject to entry at the date of the act. Lands that intruders have cut down and worn out, and which they never intend to buy at any price. On these lands they prove that two settlers cultivated in 1829, and have possession on the 29th of May, 1830. There being two settlers on the same quarter-section gives them a right each to claim eighty acres elsewhere in the land district."

If it is to be understood from the foregoing quotation that you have permitted the subdivision of quarter-sections between two settlers, without requiring each to pay for his half of such quarter-section, there has been a most palpable misconstruction of the intention, as well as of the letter of the law, and the parties could not be legally entitled to floating rights for eighty acres without having made payment for the half quarter-section on which the floating right accrued, as well as for the floating right itself.

You are, therefore, requested, as soon as practicable, to prepare a list of all the quarter-sections upon which the settlements were proved and pre-emption rights admitted, and on which the *floating rights accrued*, agreeably to the form herewith transmitted, showing the *names* of the settlers, *tract, quantity, purchase money, and number of the certificate*, in case you have so misunderstood the law as to grant certificates for such quarter-sections where there was no payment made thereon; and opposite to each case, under the head of "floating rights," state the particular *tract* on which the floating right was *applied*, by *whom applied*, and *number of the certificate*.

No patents will be issued for lands in your district until you shall have reported in the mode above required, and the office is satisfied that the floating rights have been granted agreeably to law.

Your special and immediate attention is requested to this subject, and it is desired that you communicate this letter to the receiver, who is to join you in making the report.

I am, &c.

E. HAYWARD.

GIDEON FITZ, Esq., *late Register, Mount Salus, Mississippi.*

GENERAL LAND OFFICE, *August* 3, 1831.

GENTLEMEN: In reference to the subject of my letter of the 6th of June last, to G. Fitz, late register, a copy of which was enclosed to you in my letter of the 22d ultimo, I have to inform you that a reply has been received from Mr. Fitz, from which I am happy to learn that the lands claimed by right of pre-emption, where two

parties were interested, and on which floating rights accrued, were all paid for on or prior to the 29th of May last.

Hence the difficulties which were apprehended in consequence of Mr. Fitz's representation in his former letter do not exist.

I am, &c. E. HAYWARD.

REGISTER and RECEIVER, *at Mount Salus, Mississippi.*

GENERAL LAND OFFICE, *August* 8, 1832.

SIR: In reply to your inquiry whether the affidavit required under the instructions of the 8th of May last is to apply to all cases of ordinary private entries, I have to apprise you that such is the intention of the instruction; otherwise the affidavit would be no safeguard to prevent a conflict with *vested rights*.

No applicant has good cause to object to the affidavit, inasmuch as it only requires him to testify to the best of his knowledge and belief that he is not interfering with a vested right, as such interference would vitiate his entry.

Where a person applies for a pre-emption, who has built his house immediately over the corner of a section, and his claim is in parts of four sections, and a portion of the land covered by his alleged claim has been sold since the 1st of May last, he has no claim to the portion so sold, as he has given no evidence of right to any particular tract. The law did not contemplate that any individual claimant should be allowed to stay the private entry of portions of *four* sections until the 5th of October next, and the party claiming the right of pre-emption has no right to complain, when he is permitted to make his election out of the unsold portions of the sections over which the greatest portion of his improvements extend.

I am, &c. E. HAYWARD.

SAMUEL GWIN, Esq., *Register, Mount Salus, Mississippi.*

LAND OFFICE, *Mount Salus, November* 28, 1830.

SIR: I beg leave to draw your attention to the instructions given by Mr. Moore, the acting commissioner, on the 14th of September last, in relation to the pre-emption law of the 29th of May, 1830.

Until these instructions were given, I believe no person here supposed the law had any relation to lands which had previously been offered for sale, but the idea being once created, is likely to give a great deal of trouble in the land offices.

The law seems to depend entirely on the President's proclamation. The 4th section provides, "that this act shall not delay the sale of any of the public lands of the United States beyond the time which *has been* or *may be* appointed for that purpose by the President's proclamation; nor shall any of the provisions of the *act* be available to any person or persons who shall fail to make the *proof and payment* required *before* the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed."

The law does not provide for the entry of any other lands than such as were occupied and cultivated in the year 1829, and, therefore, under this act, no unimproved land can be entered, because the 3d section requires proof of "settlement and improvement," to be made in every case, before the entry can be made. The 4th section requires that the "proof and payment" shall be made *before the commencement* of the sales, including the lands on which the pre-emption is claimed, and consequently, all lands after being offered at public sale, are freed from any further incumbrance of pre-emptions under the act. The act is to continue in force one year from its date, but if all the public lands should, before that date, be offered for sale, the act would cease to operate.

Mr. Moore has suggested the expediency of requiring each applicant to take an oath that, "to the best of his knowledge and belief, no claim exists to the same land, as a pre-emption, under the act of 29th May, 1830." If the applicant claim by pre-emption, this oath would be improper, because it would go to disprove his right, and as the law does not authorize the entry of any but pre-emptions, the oath would seem to be inapplicable. It would be extremely troublesome to require this oath in every case, where the land has been offered for sale; some would refuse to take the oath, because they do not believe the law applied to such cases. Many persons send money by mail, by servants and others, who could not take the oath, nor do the purchasers themselves, in all cases, know whether the land is improved or not.

I beg you will excuse me for troubling you on this subject; the inconvenience in this office, in answering the thousands of questions, as to what may, or what may not, be done under this act, is beyond anything you can imagine. It is not generally believed that the law intended to prohibit entries of any land which has been offered at public sale, and there seems to be a contradiction between the law and instructions; because the law requires proof of occupancy in all cases, and the instructions require an oath that would go to disprove that fact. If it is desirable that the above oath shall be taken in every entry, when the land has been offered for sale, you will have the goodness to advise me, as it is my wish to comply with instructions which are intended for the guide of the registers.

With great respect,

GIDEON FITZ, *Register.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington.*

GENERAL LAND OFFICE, *Feb.* 17, 1831.

SIR: In recurring to your letter of 28th November last, it appears you misconceived the meaning of the circular letter of the 14th September last, in reference to the pre-emption law of the 29th May, 1830. That act grants pre-emption rights in virtue of cultivation in 1829, and possession at the date of the act to *all lands* which have been surveyed, and not appropriated, and requires that its provisions shall not delay the sale of any public lands. The provisions of the law should have been restricted to those lands which had not been offered for sale at its date, thereby placing the individual who occupied and cultivated lands subject to private entry at the date thereof on the same footing as any other person who was willing, and had the right to purchase the land at the minimum price. As the law requires that its provisions should not delay the public land sales, the only regulation by which delay of public sales could be prevented was, to require the pre-emptioner to prove his right pre-

viously to the commencement of the public sales. But the lands subject to private entry at the date of the act, were also made subject by the law to the pre-emption privilege throughout the whole term of its operation, and no authority of law existed to compel the pre-emptioner to prove his right before the utmost limit of the term, 29th May, 1831, a whole year. The question, therefore, arose how to admit the private entries of lands which had been offered at public sales prior to the date of the act of 29th May, 1830, proceed as usual without running the hazard of interfering with persons who, under the strict letter of the law, might have a vested right to a pre-emption, but whom we could not compel to come forward with the proof of such claim within the year. The measure proposed in the 2d article of the circular of 14th September last, was merely intended as a preventive for wilful or ignorant interference with the individual thus situated, who had a good claim to a pre-emption under the letter of the law. The oath there required has no reference to the proving of a pre-emption right, but is a precaution to prevent interference with such right; and, on a strict perusal of the circular, and comparison between it and the instructions of 10th June, 1830, with the act itself, you will find that there is no contradiction, and, moreover, that no pre-emption rights are intended to be established or recognized on lands after they have been offered at public sale, subsequent to the passage of the act, and at any time during the operation thereof; but, on the contrary, that those claims are proveable only prior to the public sale. I would observe that many cases exist where lands have been sold at private sale to which the right of pre-emption has been since proved, and will be sustained under the law.

I am, &c.

ELIJAH HAYWARD.

GIDEON FITZ, *Register of the Land Office, Mount Salus, Miss.*

LAND OFFICE, *Mount Salus, December* 7, 1830.

SIR: I beg leave to ask your opinion on the following points, relating to the pre-emption act of 29th May, 1830:

1. What limit, if any, may be set as to the age or denomination of persons who may claim pre-emptions?

2. If the father of a family had settled and improved on the corner of four adjacent quarter-sections, may his children, who resided with him, whether under or over the age of 21 years, claim three of these adjacent quarters, and the father have the remaining quarter?

3. If two settlers on the same quarter, as father and son, two brothers, or other persons not related, residing in the same house, and cultivated together the same ground, which ground cannot, from its situation, be divided as the law directs, and whose claim to that quarter may be entered jointly, will each be entitled to an additional half quarter, and if so entitled, may such additional half quarter be entered separately, or should another entire quarter be entered jointly by them?

4. The instructions of the 10th June, require that the testimony shall be taken "*in the presence*" of the register and receiver; but as the law only requires that the testimony shall be "*satisfactory*" to them, and there being widows, aged and infirm persons, who cannot attend at the land office, or whose indigent circumstances may prevent them, I respectfully suggest the propriety of having the testimony of such persons taken by a magistrate in answer to such interrogatories which may be furnished by the registers and receivers.

5. If the occupant who cultivated in the year 1829, had died in 1830, before the passage of the act, but his slaves or hired persons, or others, continued to occupy and possess on the 29th May, 1830, when the act was passed, would the widow or other legal heirs or representatives of such person be entitled to the benefits of the pre-emption?

6. Will the cultivation of pumpkins and planting of peach-trees in the year 1829 be sufficient cultivation?

These questions are now waiting for determination at this office.

With great respect,

GIDEON FITZ, *Register.*

ELIJAH HAYWARD, Esq., *Com. of the Gen. Land Office, Washington.*

GENERAL LAND OFFICE, *February* 17, 1831.

SIR; In reply to the first and second inquiries of your letter of the 7th December last, I have to state the law sets no limit to the age of the party recognisable as entitled to a right of pre-emption. If a man has a number of children who each cultivated a separate tract of land, each one is to be permitted to prove his claim, and if the same be admitted, each is entitled to a certificate of purchase on payment of the purchase-money.

Reply to third inquiry: When two or more of a family, no matter how related, cultivate, jointly, a tract of land, they are to receive a joint certificate for such tract of land, and a joint floating right to a quarter-section elsewhere. The patent will issue to them as tenants in common, and the partition of the land among themselves is to be a private transaction.

Reply to fourth inquiry: The testimony must be taken in such way as will be fully satisfactory to the register and receiver, who are the judges of the proof.

Reply to fifth inquiry: If the cultivator in 1829 died before the passage of the act, and his children, widow, or others of the same family interest, occupied at the date of the act, the right is to secure to the head or representative of the family, or person having the maintenance thereof.

Before replying to your sixth inquiry, whether the cultivation of pumpkins and planting peach-trees in the year 1829, be sufficient cultivation within the meaning of the act, I must inspect the proof. You will, therefore, be pleased to forward the same.

I am, &c.

ELIJAH HAYWARD.

GIDEON FITZ, Esq., *Register of the Land Office, Mount Salus, Mississippi.*

LAND OFFICE, *Mount Salus, Mississippi, March* 20, 1831.

SIR: I have received your letter of the 17th February, in reply to mine of the 28th November last. As a public officer I think it my duty to make some further remarks, and give you some further information as relates to the pre-emption act of the 29th May, 1830.

I beg you will have the goodness to bear with me, as the subject is of great importance to the public. I do not wish to contend unreasonably as to the true meaning of the act, but to suggest to you from experience, what mischief may arise from a doubtful or wrong construction of the act. First as to the words of the act: the first section gives to any settler or occupant of the unappropriated public lands who was then in possession and cultivated any part thereof in the year 1829, the right to enter not more than 160 acres, to include his improvements, upon paying the minimum price, &c. This is not a new privilege as regards lands then liable to entry, because settlers had that right before, without proof of occupancy, and without limit to quantity or time of payment. The privilege, therefore, must have been intended for some other lands than those which were then liable to entry. The first section of the act does not say *when* the payment shall be made, but the fourth section does fix the time of paying, by providing that none of the provisions of this act shall be available to any person or persons who shall fail to make the proof and payment required (that is, required by the first section of the act) "before the day appointed for the *commencement* of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed." There is but one kind of pre-emption right created by the act, and to perfect that, the proof and payment must be made before the first day of the public sales, which embrace the pre-emption tract. This provision also defines clearly what class of the public lands is subject to the pre-emption right. If the pre-emption right given by the first section of the act was applicable to lands then liable to private entry, that part of the privilege is effectually repealed and rendered void by the fourth section, which guards against any delay of the sales, as well private as public, "beyond the time which has been [that is, all past time] or may be [that is, all future time] appointed for that purpose by the President's proclamation." You will observe that the act does not read as indicated in your letter, that is, "should not delay the *public land sales*," but it reads "that this act [that is, that no part of the act] shall delay the sales of any of the public lands of the United States," which applies as well to private as public sales,) beyond the time which has been or may be appointed for that purpose by the President's proclamation. These words of the act apply as well to private as to public sales, and to past time as well as to future time, and no other meaning can be attached to the words from any other part of the law. As the fourth clause governs all other parts of the act, as to the time of making payment, it explains or repeals in effect, all parts which do not comport with that meaning. The fourth section prohibits the public officers from suspending, under that act, any public land from sale after it has been offered at public sale, according to the President's proclamation. The act is to continue in force one year from its date, but that section does not give the privilege of applying it to land then subject to private entry. Thus much for its words, and now for its reasoning and effect. The credit system, as relates to the public lands, has been fully tried and abandoned, it is to be hoped forever. After having first extended the term for making payment for four years, then from time to time for a long series of years, and at last vast quantities of the public land reverted to the United States, after a considerable portion of the price had been paid on it, how is it to be expected that settlers now will pay all up in one year, and free the land from intruders? In general, they will do no such thing; and at the end of the year a large additional number will be settled, claiming equal privileges with their neighbors, and uniting to elect members to Congress, who will promise to continue the pre-emption privilege from year to year forever.

The act takes effect from its date, and could not be known in the public land districts for months after its passage.

In all that time, the sales, private and public, were going on under the full faith of the government, pledged for the validity of such sales under former laws. It is too unreasonable to think, that the government would involve its citizens in such enormous difficulties, without a possibility of their knowing anything of the matter. Cultivation in 1829, and possession on the 29th of May, 1830, is all that is required to give the pre-emption privilege. If a child, a slave, or hired person, without regard to age, sex, or color, should have cultivated a hill of corn, potatoes, or ground peas, on the land in 1829, the father of such child, the owner of such slave, or employer of such hired person, and the hired person and child themselves, living on public land, may claim the right of pre-emption, long after the tract may have been purchased by an innocent and honest purchaser, and houses, gins and fields, made thereon, worth thousands of dollars. The improvements made by the pre-emption claimant on the land, may be so obscure as not to be observed by a purchaser even if he had examined the land for that purpose, or such improvement may never have existed; if it be proved in the land office, it will be sufficient to get the title. As to possession on the 29th of May, 1830, it had as well mean nothing as something, because that is always established, if it cannot be disproved, by showing that the claimant had relinquished or abandoned his pretensions. If a person had cultivated a hundred tracts, more or less, scattered all over the district, by himself, negroes, hirelings, or children, each having a hill of corn, potatoes, goober peas, or one turnip, he could keep all those tracts out of market one year, for he may select which he pleases, just before the close of the term, or may not purchase any. It is calculated to bring into fierce action two among the worst passions of the human heart, if not properly controlled, that is, avarice and revenge. Many pre-emption rights may be claimed for no other view than to get the labor and improvements of honorable and innocent purchasers. It will bring about the most odious schemes of extensive speculation. The demoralizing system of fraud and speculation, if only confined to lands which have not been offered for sale, will by and by be looked on with serious regret by the moral part of the community; but if suffered to be applied to land which has been offered for sale, and was subject to entry at the date of the act, the evils will be beyond anything that you can now imagine. It will begin with heart-burning litigation and bloodshed, if not something like a civil war. Swarms of speculators will be out to get floating rights, as they are called, from every part of the district, which floating rights will be scattered along the banks of the Mississippi, and other valuable land, leaving small intervals which could not suit other persons, and thus secure all the best land at the government price, and deprive the greater part of the community of all chance to purchase, but at second hand, and at a high price. If the evil would stop here, it could be borne with, but many innocent and honest purchasers will probably be totally stripped of their labor and improvements.

The mischief likely to be done to innocent and honest purchasers is likely to be ten times greater than the injury would have been to lawless settlers on the public lands. Such settlers generally have but small improvements, and it has been common among purchasers, to pay such settlers a generous price for their improvements, both at public and private sales. There have been very few complaints of hardships of that nature in this district. I am in favor of donations of land to those who are not able to purchase, and that is the only way in which they can be benefited. Pre-emptions are of but very little use to those who are not able to pay for them. They may lose their time and labor on them, and at last have to give them up. But no claim should be suffered to exist on the public lands, until the tracts claimed can be designated and marked on the maps. All other schemes of designating are too uncertain and dangerous to the rights of individuals. Permit me, sir, respectfully to suggest the propriety of suffering the pre-emption act to be construed finally hereafter by an act of

Congress when its effects will be better understood, and the executive officers may be relieved from the responsibility.

With great respect,

GIDEON FITZ, *Register.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

LAND OFFICE, *Mount Salus, May* 8, 1831.

SIR: It becomes my painful duty once more to write in relation to the pre-emption law of 29th of May, 1830. I have been informed that a total perversion of the meaning of the act is held to be correct, and the only small part of the law that seemed to guard against unlimited fraud on the public domain, is set aside and totally evaded. This evasion and perversion is effected by applying the provisions of the act to lands which have long ago been offered for sale, and were subject to entry at the date of the act—lands that intruders have cut down and worn out, and which they never intend to buy at any price. On these lands they prove that two settlers cultivated in the year 1829, on the same quarter-section, and had possession on the 29th of May, 1830. There being two settlers on the same quarter-section, gives them a right each to claim eighty acres elsewhere in the land district.

These two floating eighths are purchased from the claimants by bands of speculators, and located on the choice rich land on the banks of the Mississippi, that is now worth, in its wild state, from five to ten or twenty dollars per acre. They are sometimes located on improved places, but not cultivated in 1829. The floating privileges were at first worth $100 for each tract, but have become so plenty now as to be had at ten dollars each. The speculator pays a dollar and a quarter per acre to the United States for the floating rights, but no payment is made for the cultivated tract, which is the basis of the claim. The pre-emption claimant then perhaps takes his grog, and returns home to live on the public land, as usual; and when that tract is worn out he will move to another, and be ready to sell another floating right. He says he would be a great fool to buy land, because those who have purchased land and reside on it, can have no such privileges. That in future, not more nor less than two settlers should get on the same quarter-section, because two has become the lucky number. In old times the odd numbers were supposed to be the lucky numbers, but things have changed, and the United States are now in fact hiring intruders to go on the public lands, and bribing them not to buy land. The first two intruders on a quarter-section now get from $10 to $100 for violating the laws of their country; and the keen-eyed speculator gets a quarter-section, that the government could sell for $800 to $1,000, by doing justice to the community, and giving each individual an equal chance to buy. Under these unfortunate systems of exclusive privilege, the idea has become wide-spread, among old and young, that there is no harm in defrauding the public; that it is fair game: that when laws are made to give exclusive privileges, the people are no longer bound in honor to observe those great moral rules that bind a people together by equal burdens, and equal rights. I am persuaded, that when persons, of tender age at least, learn to get valuable property by hard swearing, they will in the next generation transfer their plans from the government to operate on individuals.

I am of opinion that the pre-emption privilege does not obtain without payment being made for the land which was cultivated in the year 1829, and possessed by the same individual, or individuals, on 29th May, 1830, because the words of the law, (first section) which gives the right, makes payment the condition on which the privilege may originate: that is, the right to enter land under the act depends on the fact of payment being made for the land which embraces the improvement. As the President is the officer, under the constitution, to see the laws be properly executed, I beg leave to suggest the propriety of submitting the case to him for consideration; and if he should be of opinion that the practice above alluded to of totally evading the intention of the law, by which individuals can possess themselves of the most valuable property of the government, without an equivalent, or any excuse for doing so, is a violation of the provisions of the act, the register should be instructed to report every such case to the Commissioner of the General Land Office.

The pre-emption system is not a practicable system to dispose of the public lands; and if the President could see the outrageous uproar and confusion in the register's office for one day, I am well convinced he would never sign another pre-emption law. The pre-emption rights heretofore were confined to small districts, interspersed with private claims, and the right was given only to actual settlers who *resided* on the very tract claimed by them, and then only to heads of families, and persons over twenty-one years of age. There were no floating rights. Even that system created great confusion and fraud in Louisiana, and was generally believed to do more harm than good. I know one considerable battle royal fought on the occasion, and was told by the deputy surveyors, that many of the tracts they surveyed, perhaps in the very year the pre-emption right obtained, were in a wild state, where they did not see the trace of a human being, were proved to be in a state of cultivation. At present it is customary for the leader of a party of speculators to agree with a number of dealers, with their witnesses, men, women, and children, to meet on a certain day at the register's office. They come like the locusts of Egypt, and darken the office with clouds of smoke and dust, and an uproar, occasioned by whisky and avarice, that a register at least can never forget. Hundreds of questions are put to know the meaning of a law that no mortal ever understood. The papers, books and maps, are whirled through the house from place to place, and a dozen persons claiming to be first in to prove. Then twenty more wish at once to know what they have to prove. The great difficulty is generally over when it is known what is to prove. The speculator tells the settler that he cannot get his money without proving, and if the claim is not so clear as it might be, that it is as good as others that have been allowed: that he had as well have the land as another. In this way sometimes three hours are consumed before one claim is got through. I believe I should have quit the office ere this, but for the expectation of being relieved by my successor. I am distressed, and my health is fast sinking under this dreadful system. I cannot hold out long, and no price would induce me to act under such another pre-emption law.

It is believed by many that the law itself was intended for fraud, because if it had been the object of him who drew it to give the settler his improvement only, it was wholly unnecessary to give him floating rights, contrary to the object of all such laws; and if the object of Congress was to prevent any land from being sold for more than a dollar and a quarter per acre, then it would only be necessary to let the lands be entered without offering them at public sale. The valuable lands can very easily be disposed of for that price without killing the public officers to write volumes of pre-emption lies or truths.

With great respect,

GIDEON FITZ, *Register.*

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office, Washington city, D. C.*

WASHINGTON, MISS., *July* 11, 1831.

SIR: I have received your letter of 6th June, 1831, requesting a report of tracts of land claimed under the pre-emption act of 29th May, 1830, from which floating claims have originated, and on which payment has not been made for the basis of the claim. The cases alluded to in my letter of the 8th May, were such as speculators had purchased the floating part from the claimants, and paid the United States for such floating tracts, but no payment was made for the basis of the claim.

On discovering that some of the claimants and speculators supposed that such a course was justifiable, or would not probably be examined into, I took prompt measures to ascertain the facts at the receiver's office, that I might report the cases to the General Land Office. My determination was made known, and I wrote a note to the receiver, requesting him to report such cases to me; and on making out the applications afterward, I wrote across the face of them, the word "Pre-emption," extending entirely across the application as well for the basis as the floating part, which prevented the application from being torn apart, or separated, without being detected by the receiver. This course created doubts in the claimants and speculators as to the effect, and then the speculators determined not to pay the claimant for the floating part, without first seeing the basis of the claim paid for to the government. When the claimants were not able to pay for the basis of the claim, the speculator furnished the money, and took the claimants' obligation to refund it, or make over the title of the whole to the speculator after the patent issued. Thus, the project of obtaining the receiver's receipt for the floating part, without paying for the basis of the claim, was defeated, and before the last day of the term, 29th May, 1831, the whole were paid for. There are no cases to be reported that I know of, and I was very particular in examining the entries for this purpose. I am glad that it ended as well as it did; but it is to be hoped that no other pre-emption law will ever be passed. I believe that the community have become disgusted at the demoralizing effect of the system, and the unequal bearing it has on the community generally.

You seem to be under the impression that the floating *rights* were, or might have been, issued in other names than the settler's. This was not the case. The title, in every case, is intended to come out in the name of the settler, and all the entries are made in that manner, because the law forbids, or renders void, any transfer of title before the patent issues.

With great respect,

GIDEON FITZ, *Late Receiver at Mount Salus, Miss.*

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

LAND OFFICE, *Mount Salus, June* 22, 1832.

SIR: Does the word "*ordinary,*" in the third paragraph, under the oath prescribed in your instructions of the 8th ultimo, for pre-emptors, allude *to all entries,* whether they should be for sections, halves, quarters, eighths, or does it have allusion alone to the entries under the forty-acre law?

The construction put on this clause in the office is, that it has allusion to the forty-acre entries, for were it to extend "*to all,*" it would greatly retard the sale of public lands.

The first day after the instructions were received, we required *all* applicants to take the oath. Some refused to do so, when there was not a stick amiss on the land, alleging, that if it was required by the government for them to search half a day for a magistrate to take an oath, they would not enter, but settle on the land, and run future consequences.

Again, suppose a person applies for a pre-emption, (the land applied for being already sold, *but since the 1st May last) whose house stands immediately over the corner,* or, in other words, *is on four sections in part,* but on no one in the whole, is he entitled to a pre-emption to that portion already sold as above? To be a householder, to hold a pre-emption, must not the house be *entirely* on the land he wishes to hold?

Your answers are requested early. I believe as yet we have only two conflicts in this office.

Yours respectfully,

SAM. GWIN.

ELIJAH HAYWARD, Esq., *Commissioner General Land Office.*

LAND OFFICE, *Mount Salus, Miss., January* 16, 1836.

SIR: The many different propositions made by members of Congress to dispose of the public lands, makes it probable that some change in the system will be effected; I therefore ask your indulgence to make some general remarks on the subject: I have been engaged in the land business from the year 1806, first as a deputy surveyor, about one year; then, about fifteen years as principal deputy for the western district, Louisiana; four years of which time, as one of the commissioners for deciding on and adjusting the claims of that district; and have now been more than eight years register for the Choctaw land district. I think it is to be regretted that there is so much feverish anxiety to make alterations in the land system, by members of Congress, who have not the practical experience necessary to enable them to avoid confusion and endless difficulties.

The pre-emption act of the 29th May, 1830, is the most unguarded, and in all respects the worst land law that has ever been passed in the United States. In districts where the public land could not be disposed of, for many years, on account of private claims, there seemed to be some necessity for allowing pre-emptions, but where there are no private claims to be adjusted, the exclusive advantage given to those who go on the most choice spots, and that in direct violation of an act of Congress, has a very unequal bearing and demoralizing effect. If the whole community, who are equally interested, were authorized by law to make settlements on the public lands, the advantages would seem to be equal, but if such was the case, I think it likely that it would cause the loss of many lives in the general scramble which would take place. If the pre-emption right only extended to the forfeited lands, or such as had been improved under the credit system, where the tracts paid for had cost the parties a high price, there would seem to be some reason in it; but that a general sweep should be made of the most valuable lands of the United States by intruders, at as low a price as that which the poorest person in the nation would have to pay for the poorest pine barren, is unreasonable in the extreme.

The unfortunate provision in the act of 1830, which authorizes a *floating eighth,* as it is called, is likely to create much speculation. Where two settlers are on the same quarter-section, and each of their improvements cannot be included respectively in a half-quarter, by an east and west or north and south line, then each is entitled to eighty acres "*elsewhere* in the district."

I find there is great anxiety among claimants to get out these *floating half-quarters*, which can be placed on other valuable places, leaving strips of vacant land between, so as to prevent the sale of the intermediate lots to any but those who hold the pre-emption claims.

The excuse for all these exclusive privileges ever has been to favor poor people, but it is a fact that the rich are the persons benefited in the end, because the poor, or at least that degree of indigence which would render acts of charity necessary on the part of the government, cannot pay for the land, and all they can do is to sell their claims and remove to some other place. It is also a fact that many of the very wealthy inhabitants send overseers and slaves, or hire men to make improvements on the most choice places for the purpose of getting pre-emptions. Those meritorious citizens who wait patiently for the sale of the public lands, and will not violate the sacred laws of the land, cannot procure a choice place, but at second-hand, and then at a high price.

To remedy these intolerable evils, it is only necessary to cause the surveys to be made, and offer the lands for sale with proper despatch. The poorer classes are greatly benefited by having a great extent of country to select in, and the rich are not so anxious to buy when there is a great quantity of land in market. The mere speculator in land is always deterred from buying when he knows that the prospect of selling to advantage is weakened by the great quantity in market. I think it would be beneficial to the government, and of great advantage to the poor, to suffer such as are not able to buy land, to have a half quarter or quarter-section donated to them. Their inability to buy might be proved to registers and receivers, on a plan that pensions are obtained by the Revolutionary soldiers. But such donations should be confined to lands which had been subject to entry some few years. I think also that it would be justice to lessen the price of land which had been subject to entry, say five years. This could be carried into effect by the President's proclamation designating the townships which should be subject to entry at the reduced price. The maps of such townships then might be marked conspicuously, so as to enable the registers to avoid errors in the sales. It is certainly unreasonable to sell the poorest land at the same price with that of the richest. It is a disadvantage to any government or community to have beggars, and the best way to avoid that, is to let every head of a family own land. The project proposed by some to cut up the sections into forty-acre tracts, would be attended with endless difficulty. It would destroy the use of all the tract-books at present in use in the land offices, and would make it so difficult for purchasers to describe the *lots*, for the tracts could not be designated in any other way, that erroneous entries would continually occur. It is very difficult now to make purchasers understand the divisions of half-quarters, simple as it is; besides a tract of eighty acres is small enough for any one person to live on, and it would be much better to lessen the price than to lessen the tracts. The surveyors general should have a sufficient number of efficient clerks to keep up the business in their offices. This department has never been sufficiently provided for. It is a responsible laborious office. Public officers should not be necessarily dependent on other employments for a living, but should be dependent on their offices, be well paid, and made to do their duty, and then the public would be benefited.

With great respect,

GIDEON FITZ.

P. S.—If pre-emptions are allowed on land which has been offered for sale, and is at any time liable to entry, then the private sales will cease entirely, for no person will pay for land while it can be held under improvements, and if one year only be allowed at first for such privileges the settlers will have increased at the end of that time tenfold, and the community will unite in electing members to Congress, who will *promise* to extend the privilege from year to year forever. In this case it would be better at once to give up the public land to the States and Territories where it lies.

G. F.

ELIJAH HAYWARD, Esq., *Commissioner of the General Land Office.*

F.

Copies of the circular letters of instruction to the registers and receivers of the several district land offices, in relation to the execution of pre-emption laws.

GENERAL LAND OFFICE, *June* 10, 1830.

GENTLEMEN: Annexed you have a copy of the act of Congress approved on the 29th ultimo, entitled, "An act to grant pre-emption rights to settlers on the public lands."

This act grants to any person who actually *cultivated* a tract of the public lands in the year 1829, and who, continuing thereon, was in the *actual possession* of that tract at the date of the passage of the act, a pre-emption right to the lands at $1 25 per acre.

The fact of the *cultivation* in 1829, and that of the *possession* of the land applied for, on the 29th of May, 1830, must be established by the affidavit of the occupant, supported by such corroborative testimony as may be entirely satisfactory to you both. The evidence must be taken by a justice of the peace, *in the presence* of the register and receiver, and be in answer to such interrogatories propounded by them as may be best calculated to elicit the truth. The whole of the evidence must be carefully filed in the office of the register.

All lands *not otherwise appropriated*, of which the township plats are, or may be, on file in the register's office, prior to the expiration of the law, are subject to entry under the act.

Where the whole of the improvement is embraced in the limits of a *quarter-section*, the occupant must be confined to the entry of that particular "*quarter-section*;" but where the improvement is situated in different quarter-sections, then the occupant is entitled to enter the two adjacent legal subdivisions or half-quarters in which the improvement may lie, not exceeding one hundred and sixty acres in the whole.

In making your usual returns to this office you will, in all cases of purchase under this act, designate them by marking on the returns and the certificate of purchase, "Pre-emption act of 1830."

With great respect, gentlemen, your obedient servant,

GEORGE GRAHAM, *Commissioner.*

REGISTER and RECEIVER *of the land office at* ———.

AN ACT to grant pre-emption rights to settlers on the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be and he is hereby authorized to enter with the register of the land office for the district in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty, or a quarter-section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however,* That no entry or sale of any lands shall be made, under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States, in which any of the public lands may be situated.

SEC. 2. *And be it further enacted,* That if two or more persons be settled upon the same quarter-section, the same may be divided between the two first actual settlers, if by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SEC. 3. *And be it further enacted,* That, prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose; which register and receiver shall each be entitled to receive fifty cents for his services therein; and that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. *And be it further enacted,* That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been or may be appointed for that purpose by the President's proclamation; nor shall any of the provisions of this act be available to any person or persons who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption contemplated by this act extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever.

SEC. 5. *And be it further enacted,* That this act shall be and remain in force for one year from and after its passage.

Approved, May 29, 1830.

ANDREW JACKSON.

GENERAL LAND OFFICE, *September* 14, 1830.

GENTLEMEN: Numerous interrogatories having been propounded in relation to the act of 29th May last, entitled, "An act granting pre-emption rights to settlers on the public lands," I subjoin the following replies for your information and government, embracing, it is believed, all the prominent points which have yet arisen; and have to add that, if any case shall occur at your office which, after a careful perusal, appears to you not provided for in the present or former circular letter, in relation to that law, you will make it a subject of a joint communication.

1. In cases where more than two persons were settled on the same quarter-section, the first two actual settlers only are entitled to the right of pre-emption under the second section of the act, and none others are provided for.

2. As the law grants to any settler on the public lands, who was in possession thereof at the date of the act, and cultivated the same in 1829, a right of pre-emption to lands which, having been offered at public sale, were subject to private entry at the same date, and has provided the term of one year for its operation, the question arises whether the ordinary private entries of such lands are to be suspended until the 29th of May, 1831, when the occupant's claims shall have been proved and filed, or whether the ordinary private entries can proceed at the hazard of interfering with the occupant within the year. This being a difficulty against which the law has omitted to provide, and it not being believed to be the intention of its framers that the ordinary private entries should be suspended for the term of one year, we must, therefore, so act as to make the law available to the occupant, to its full extent as to time, and also permit the ordinary private entries to proceed. It is, therefore, to be expressly understood that every purchase of a tract of land, at ordinary private sale, to which a pre-emption claim shall be proved and filed according to law, at any time *prior* to the 30th May, 1831, is to be either null and void, (the purchase money thereof being refundable under instructions hereafter to be given,) or subject to any future legislative provisions.

Therefore, prior to your permitting any entries of land, you will have to exercise every possible precaution to prevent such interference. The only precaution that can be pointed out to you is, to require the oath of the applicant, that, to the best of his knowledge and belief, no claim exists to the same land as a pre-emption under the act of 29th May, 1830.

The right to enter pre-emptions within any tract of country offered at public sale *subsequent* to the date of the act, ceases at the time of the commencement of such public sale. Therefore, all tracts remaining unsold after such public sale are, of course, liable to private entry in the same manner as if the pre-emption law had not been passed.

You are requested to make a report to this office on the 1st of November next, of all private sales which shall, up to that period, be found to conflict with pre-emption rights; and *monthly* reports of the same character are requested thereafter.

3. The settler has the right to select any one of several tracts which he may have actually occupied at the date of the act, and cultivated in 1829.

4. It is the intention and object of the law, that where two persons are settled on a quarter-section, each of them should obtain his own improvements as near as practicable, and if this can be done by dividing the quarter-section by an east and west or a north and south line, the register and receiver will proceed to make the division; but if such division would deprive either party of a material portion of his improvement, then the parties may be permitted to take the whole quarter-section jointly, and make such division among themselves as they may prefer for their mutual interest. The entries in your books, the receiver's receipt, and the register's certificate, in such case, are to be in the *joint names* of the parties, and the patent will be issued to them as tenants in common.

5. When two or more persons have settled on a quarter-section, and have relinquished their claims to one person prior to the date of the act, those who have relinquished have no claim to a pre-emption.

6. The act of 31st March, 1830, entitled, "An act for the relief of the purchasers of the public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," has provided the special privilege of pre-emption to the purchasers, their heirs or assignees, of all lands relinquished under any of the laws passed for the relief of purchasers of the public lands, and of such lands further credited under the relief laws passed in the years 1821, 1822, or 1823, as have since reverted to the United States by reason of non-payment, which right extends to the 4th day of July, 1831. The privilege of entering any such lands under the general pre-emption law of 29th May, 1830, does not exist. The right of pre-emption under the act of 29th May, 1830, may, however, be claimed on that description of lands remaining unsold, *which were not further credited* under any of the relief laws above mentioned, and which *have reverted* to the United States for non-payment under the act of 10th May, 1800.

7. It being the intention of the law to confine the privilege of pre-emption to the *tract* occupied and cultivated, to a *maximum quantity of one quarter-section*, it results that where such tract is a *fraction* containing *less* than the quantity of a quarter-section, the right of pre-emption does not extend beyond the quantity of such fraction. In cases, however, where the fraction exceeds the maximum quantity, the entry is to be made conformably to the legal subdivisions, in such manner as to obtain the quantity as nearly as circumstances will admit, and to include the improvements of the occupant.

8. Although a quarter-section may be found to contain rather more than the ordinary quantity of one hundred and sixty acres, the right of pre-emption is to extend to the full quantity of such quarter-section. If, however, such quarter section (situate on the north or west sides of the township in which the excesses of quantity are thrown agreeably to law) should contain so large an excess as to have rendered it necessary for the surveyor general to subdivide the same into three or more lots of eighty acres each, the party in such case is to take two adjoining lots, including his improvements.

9. The law contemplates that payment be made for the lands claimed by the pre-emption right, at the period when the proof shall be filed.

10. Possession at the date of the act, and cultivation in 1829, are both essentially necessary to the conferring of the pre-emption privilege. The absence of either of these requisites will vitiate the claim. The building of a mill is a "*possession*," but without actual cultivation, it does not confer the pre-emption privilege under the law. The extent and nature of the *cultivation* are points concerning which the law is silent. The ordinary culture of the soil, with the view to the raising of a crop for *farming purposes*, either of Indian corn, small grains, clover, cotton, tobacco, or esculent roots, is all that is to be looked to as regards the requisite "*cultivation*."

11. An individual who mediately or immediately has acquired a title to a tract of public land which he occupies and cultivates, and who, either by accident or design, has so constructed his fence as to include part of any adjoining tract of public land, does not thereby acquire a right of pre-emption, under the law, to such adjoining tract.

12. When the occupant is unable to pay for a full quarter-section, he may be permitted to enter the half-quarter which shall include his improvements, to be either the east or west half of such quarter, the divisional line running north and south, in the ordinary mode prescribed by the act of 24th April, 1820.

I am, very respectfully, gentlemen, your obedient servant,

JOHN M. MOORE, *Acting Commissioner*.

REGISTER and RECEIVER *of the land office at* ———

P. S.—To the RECEIVER: You are requested hereafter to render your quarterly accounts in a book form of the foolscap size, the sheets of paper to be securely stitched together, and all receipts for incidental expenses, and for register's salary and commission, to be written on one or more of the last pages of the account.

GENERAL LAND OFFICE, *May* 8, 1832.

GENTLEMEN: The following is a copy of the act of Congress, approved on the 5th of April, 1832, entitled, "An act supplementary to the several laws for the sale of public lands."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of May next, all the public lands of the United States, when offered at private sale, may be purchased at the option of the purchaser, either in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections; and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west; and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained, as nearly as may be, in the manner and on the principles directed and prescribed by the second section of an act entitled, "An act concerning the mode of surveying the public lands of the United States," passed on the 11th day of February, 1805; and fractional sections, containing fewer or more than 160 acres, shall, in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; *Provided*, That this act shall not be construed to alter any special provision made by law for the sale of land in town lots; and *Provided, also*, That no person shall be permitted to enter more than one half quarter-section of land under this act, in quarter quarter-sections, in his own name, or in the name of any other person, and in no case unless he intend it for cultivation, or for the use of his improvement; and the person making application to make an entry under this act, shall file his or her affidavit, under such regulations as the Secretary of the Treasury may prescribe, that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another; *Provided, further*, that all actual settlers, being housekeepers, upon the public lands, shall have the right of pre-emption to enter, within six months after the passage of this act, not exceeding the quantity of one half quarter-section, under the provisions of this act, to include his or their improvements, under such regulations as have been, or may be, prescribed by the Secretary of the Treasury. And in cases where two persons shall live upon the same quarter-section, subject to be entered under the provisions of this act, each shall have the right to enter that quarter quarter-section which includes his improvements.

Under the provisions of this act, no one person is permitted to enter more than one half quarter-section, in quarter quarter-sections, in his own name, or in the name of any other person; and in no case, unless he intends it for cultivation, or for the use of his improvement.

The following is the form of the affidavit (prescribed by the Secretary of the Treasury, in pursuance of the requirements of the act), which is to be attached to, and filed with, the application for the entry of the one or two quarter quarter-sections, as may be desired, under the privileges conferred by the act:

"I (or we) do solemnly swear, (or affirm,) that the land above described is intended to be entered for my (or our) personal benefit, and not in trust for another; and that the same is intended for the purposes of cultivation, or (as the case may be) for the use of my (or our) improvement, situate on the of section No. township No. range No. ."

This affidavit to be made before a justice of the peace, or other officer legally authorized to administer oaths.

Pre-emption privilege in favor of housekeepers on the public lands.

The act further provides that "all actual settlers, being housekeepers upon the public lands, shall have the right of pre-emption to enter within six months after the passage of this act, not exceeding the quantity of one half quarter-section, under the provisions of this act, to include his or their improvements under such regulations as have been, or may be, prescribed by the Secretary of the Treasury, and in cases where two persons shall live upon the same quarter-section, subject to be entered under the provisions of this act, each shall have the right to enter that quarter quarter-section which includes his improvement."

The proof to be adduced to you, that the party applying for the benefit of the act is rightly entitled thereto, is his or her own affidavit before a magistrate, or other officer, duly authorized by law to administer oaths, setting forth the fact that he or she is an actual settler and housekeeper on *public* lands, (*not on lands already purchased from the government,*) and that the half quarter-section applied for includes his or her improvement, which affidavit is to be sustained by the affidavits of one or more *disinterested persons*, substantiating the fact to your entire satisfaction.

Form of the affidavit.

"I do solemnly swear, that I am an actual settler and housekeeper on a tract of public land, viz., the quarter of section No. in township No. of range No. and hereby apply to enter the quarter of the said section, under the provisions of the act of Congress approved on the 5th of April, 1832, entitled, 'An act supplementary to the several laws for the sale of public lands,' which will include my improvement."

The operation of this pre-emption privilege, in favor of housekeepers, will exist until the *fifth* day of October next; and I have it in charge from the Secretary of the Treasury to inform you that this privilege must not have the effect to stay or interfere with either public sales or private entries of lands during the same period.

Where the right of pre-emption exists to lands not at this date subject to private entry, and that will be offered at public sale prior to the 5th October next, the evidence of claim under the act must be filed with you, and the purchase money paid prior to the day of the public sale, otherwise the pre-emption will not be recognized.

In order to prevent collision between the ordinary private entries, and the pre-emption rights intended to be secured to housekeepers by the act, the Secretary of the Treasury directs that in all cases of applications to make private entries, within the term of six months ending on 5th October next, the applicant (not being the pre-emptor) be required to make affidavit in the following mode and form, viz.:

"I do solemnly swear (or affirm) that the tract of land intended to be applied for, viz., the quarter of section No. township No. range No. in the district of lands subject to sale at is not, to the best of my knowledge and belief, subject to any claim by pre-emption right, under the provisions of the act of Congress passed on the 5th April, 1832, entitled 'An act supplementary to the several laws for the sale of public lands.'"

"In cases where two persons shall live on the same quarter-section, subject to be entered under the provisions of this act, each shall have the right to enter that quarter quarter-section which includes his improvements;" and should any cases exist where the improvements of both parties fall within the same quarter quarter-section, they must apply *jointly* for the purchase of the land, which they are respectively entitled to enter under the law. The receiver's receipt and register's certificate will issue in their *joint names*, and they will become co-patentees, and thereby be enabled to make such division of the tract as may be mutually satisfactory to them.

Of the subdivisions into quarter quarter-sections.

The act of 24th April, 1820, entitled, "An act making further provision for the sale of the public lands," authorizes the subdivisions of quarter-sections into half quarter-sections, by a line supposed to be run north and south from points to be ascertained on the principles laid down by the act of 11th February, 1805, entitled, "An act concerning the mode of surveying the public lands of the United States." Such points are intermediate between the established corners, on the lines running east and west.

Under the provisions of the act of 5th April, 1832, the corners and contents of quarter quarter-sections must be ascertained on the principles of the act of 11th February, 1805, by lines running *east* and *west*. Such east and west lines must, therefore, be supposed to run through the section from intermediate points between the established corners on the sectional lines which form the eastern and western boundaries of the section, so as to divide each half quarter-section into two equal parts. Therefore, the contents of a quarter quarter-section are to be assumed as the one half of the contents of a half quarter-section.

In cases where the sectional lines diverge from the cardinal points, the divisional line, to constitute the quarter quarter-sections, will be considered as running parallel to the line forming the northern or southern boundary of a section; for instance, the line constituting quarter quarter-sections, in the two southern quarter-sections, is to be considered as running parallel to the southern boundary of the section, and the line constituting the quarter quarter-sections, in the two northern quarter-sections, is to be considered as running parallel to the northern boundary of the section, starting, in each case, from points intermediate between the established corners in the eastern boundary of the section, and running west to join the corresponding intermediate points, between the established corners in the line forming the western boundary of the section.

The act of 5th April, 1832, prescribes that "fractional sections, containing fewer or more than 160 acres, shall, in like manner, as near as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury." The Secretary directs that the subdivisions of fractional sections shall be made by the surveyors general, into lots containing the quantity of a quarter quarter-section, as nearly as practicable; by which subdivisions you will be governed.

Of the practical operation on the books and maps.

The tract books, as now opened, admit of the entry of sections by half-quarters. Where it is practicable to interline the entries of quarter quarter-sections in a suitable manner, (which can be the case only where the hand-writing is small and neat,) and interlineation will answer the purpose.

In those cases where the entry in the tract book has been for a quarter or half-section, such of the spaces opened for the entry of the same quantity in eighths, as remain vacant, may be occupied by the entry of the quarter quarter-sections.

Where it is, from any cause, inexpedient to interline the entries of quarter quarter-sections in the regular tract book, they will have to be entered into a "Miscellaneous Tract Book," as they occur, in the order of their dates, and a reference must be made in the place where such entry ought to appear in the regular tract book, to the number of the receiver's receipt, issued on payment for the quarter quarter-section, which proceeding will always furnish the means of tracing up the entry.

The map is to be marked, in such case, with the number of the receiver's receipt, corresponding in number with the register's certificate of purchase for the same tract.

The quarter quarter-sections are to be described as the northeast, northwest, southeast, or southwest quarters, as the case may require; and the subdivisions of fractional sections into quarter quarter-sections, as nearly as practicable, are to be designated in the mode to be indicated by the surveyor general, in the plat of subdivision which he is required to furnish you.

The register is requested to furnish the surveyor general, as soon as practicable, with a schedule of the fractional sections and parts of fractional sections remaining unsold, and which are liable to be subdivided under the provisions of the act of 5th April, 1832.

I am, very respectfully, gentlemen, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

REGISTER and RECEIVER *of the land office at* ———

GENERAL LAND OFFICE, *July* 28, 1832.

GENTLEMEN: Subjoined is a copy of the act of Congress approved on the 14th instant, entitled, "An act supplemental to the act granting the right of pre-emption to settlers on the public lands, approved the 29th of May, 1830."

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all the occupants and settlers upon the public lands of the United States, who are entitled to a pre-emption according to the provisions of the act of Congress, approved the twenty-ninth of May, eighteen hundred and thirty, and who have not been, or shall not be, enabled to make proof and enter the same within the time limited in said act, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale on account of a disputed boundary between any State or Territory, the said occupants shall be permitted to enter the said lands on the same conditions in every respect, as are prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the said lands shall be proclaimed for sale before the expiration of one year, as aforesaid, then they shall be entered before the sale thereof.

"SECTION 2. *And be it further enacted,* That the occupants upon fractions shall be permitted, in like manner, to enter the same, so as not to exceed in quantity one quarter-section; and if the fractions exceed a quarter-section, the occupants shall be permitted to enter one hundred and sixty acres, to include his or their improvement, at the price aforesaid."

The provisions of this law extend to public lands surveyed, or in process of being surveyed, prior to the 29th May, 1831, but where the township plats of the same were not filed in your office until after the 29th May, 1831, when the act of 29th May, 1830, ceased to operate.

Under the provisions of this law, any actual settler or occupant of a quarter-section of land, surveyed as aforesaid, or of a fraction not exceeding the quantity of one hundred and sixty acres, and who cultivated the same in the year 1829, and had possession thereof, on the 29th May, 1830, may be permitted to file proof of his or her right of pre-emption thereto, on the terms and in the mode heretofore prescribed under the said act of 29th May, 1830, at any time within one year after the lands were surveyed, and if the lands shall be proclaimed for sale before the expiration of such year, the claim must be duly proved and entered prior to the day of sale, otherwise the party forfeits his right of pre-emption. Where the year since the survey was made, and plats thereof returned to your office, has expired prior to the date of this act, the right of pre-emption is not vested.

The provisions of this act also extend, under certain restrictions, to lands surveyed on the 29th May, 1831, which were not attached to any land district; also, to any lands reserved from sale on account of a disputed boundary between any State and Territory.

In cases where two or more persons cultivated the same quarter-section or fraction, in the year 1829, and had possession thereof, on the 20th of May, 1830, they are to be permitted to enter the tract in their joint names, and the receipt and certificate of purchase will be filled up accordingly, and the patent will issue to them as tenants in common. This course will enable the parties to make any division of the land they may find expedient for their mutual interest. No floating rights accrue under the provisions of the aforesaid act.

All receipts and certificates of purchase issued under the present act are to be headed thus:

"Pre-emption under act of 14th July, 1832."

All receipts and certificates of purchase for pre-emption rights under the act of 5th April, 1832, are to be headed thus:

"Pre-emption under the act of 5th April, 1832."

Your respective monthly abstracts are to indicate opposite each entry of lands under the two aforesaid acts, the fact of the entry being by pre-emption right, and also the day of the act, thus:

"Pre: 14th July, 1832."
"Pre: 5th April, 1832."

The provisions of this act do not apply to the Indian reservations in the State of Ohio, the title to which has been recently acquired by the United States, and which are to be sold to the highest bidder, agreeably to the

treaty stipulations; nor to the lands in Alabama and Mississippi, recently acquired from the Creeks and Choctaws; nor do they apply to lands which have been appropriated by law, or reserved in any manner for the purposes of the government.

In the execution of the present act, you will be governed by the instructions heretofore given under the act of 29th May, 1830, so far as they are applicable to the circumstances of the existing law.

The present opportunity is embraced to advise you respecting sundry points which have arisen in the execution of the act of 5th April, 1832, entitled, "An act supplementary to the several laws for the sale of the public lands."

First. Persons who made settlements after the 5th day of April, 1832, are not entitled to the benefits of the act, which intends to confer the right of pre-emption to those only who were settlers and housekeepers on public lands (not on land sold by the United States) at the date of said act. This right of pre-emption was vested on the 5th April, 1832, and six months from that date are allowed to the claimant to prove his right and make his entry; if within that period, the land to which such right is vested should be sold at private sale to another, the facts must be specially reported by you in a joint communication to this office, and an order will be issued to refund the purchase money.

Second. Where there are two adjoining and contiguous legal subdivisions of the same fractional section, the aggregate quantity of which does not exceed eighty acres (or the quantity of a half quarter-section, as nearly as practicable), they may both be taken by an actual settler and housekeeper residing on one of them, provided there is no *bonafide* adverse claimant of a pre-emption right to the other.

Third. Where the improvements of the pre-emptor lie partly in both of two adjoining and contiguous legal subdivisions of the same fractional section, the aggregate quantity of which does not exceed eighty acres (or the quantity of a half quarter-section, as nearly as practicable), he may take either or both of such fractions at his option, provided there is no *bonafide* adverse claimant.

Fourth. In case a pre-emptor has built his house immediately over the corner of a section, he can maintain his claim under the law only to that half quarter-section in which the greatest portion of his improvements lie.

Fifth. The act of 5th April, 1832, provides that no person shall be permitted to enter more than one half quarter-section of land in quarter quarter-sections, in his own name, or in the name of any other person, and in no case unless he intends it for cultivation, or for the use of his improvement.

In cases where two adjacent quarter quarter-sections are intended to be entered, forming parts of the same quarter-section, (viz. the east or west halves, or the north or south halves, of the quarter-section, as the case may be,) the entry, certificate, and receipt, are to be for the entire half quarter-section, as only one patent will be issued on the entry; but in cases where the quarter quarter-sections do not form a half quarter-section, or are not situate in the same quarter-section, there must be two entries, with separate receipts and certificates to correspond.

No attention will be paid to inquiries concerning points on which specific instructions have already been given under the act.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

REGISTER and RECEIVER *of the land office at* ——

GENERAL LAND OFFICE, *March* 17, 1833.

GENTLEMEN: Subjoined is the copy of an act of Congress, approved on the 2d of March last, entitled, "An act to revive the act entitled 'An act supplementary to the several laws for the sale of public lands,' approved the 5th of April, 1832."

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which persons were settlers or occupants of the public land, prior to the first day of May, 1832, and were authorized to enter under the provisions of the act entitled, 'An act supplementary to the several laws for the sale of public lands,' approved April 5th, 1832, and were prevented from making their entries, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale in consequence of a disputed boundary between two States, or between a State and Territory, the said occupants shall be permitted to enter the said lands on the same conditions, in every respect, as were prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the land shall be proclaimed for sale before the expiration of one year, as aforesaid, then the said settlers or occupants shall be permitted to enter before the sale thereof."

The provisions of the above act give the right of pre-emption or *two quarter quarter-sections* to such persons as were entitled to the benefits of a pre-emption entry of two quarter quarter-sections of land under act of the 5th of April, 1832, but who were prevented from making an entry from the operation of the causes stated, viz.:

1st. Where the public surveys were not made and returned prior to the 5th of October, 1832; or

2d. Where the land was not attached to any land district; or

3d. Where the land has been reserved from sale in consequence of a disputed boundary between two States, or between a State and Territory.

The proof to be adduced to you that the party applying for the benefit of the act is rightfully entitled thereto, is his or her affidavit before a magistrate or other officer duly authorized by law to administer oaths, setting forth the fact that he or she is an actual settler and housekeeper on public lands, (not on lands already purchased from the goverment,) and that the half quarter-section applied for includes his or her improvement; which affidavit is to be sustained by the affidavit of one or more disinterested persons substantiating the fact to your entire satisfaction.

Form of the affidavit.

I do solemnly swear (or affirm) that I am an actual settler, and a housekeeper, on a tract of public land, viz.: the quarter of section No. in township No. of range No. and hereby apply to enter the quarter of said section, under the provisions of an act of Congress, approved on the 2d day of March, 1833, entitled, "An act to revive the act entitled, 'An act supplementary to the several laws for the sale of public land,'" which will include my improvement; and I do further swear (or affirm) that I have not

entered under this act, or under the act of the 5th of April, 1832, to which it is supplemental, at this, or any other land office of the United States, any land in quarter quarter-sections, in my own name or in the name of any other person.

In order the further to guard against the violation of the act of the 5th of April, 1832, by persons entering more than two quarter quarter-sections, the Secretary of the Treasury has directed that the following affidavit be made before a justice of the peace, or any other officer legally authorized to administer oaths, prior to all entries to be made under that act:

Form of affidavit.

I (or we) do solemnly swear (or affirm) that the land above described is intended to be entered for my (or our) personal benefit, and not in trust for another; and that the same is intended for the purposes of cultivation, (or as the case may be,) for the use of my (or our) improvement, situated on the of section No. of township No. of range No. and that I (or we) have not entered under the act of the 5th of April, 1832, or under the act of the 2d of March, 1833, at this, or any other land office of the United States, any land in quarter quarter-sections in my (or our) name, or in the name of any other person.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

REGISTER and RECEIVER *of the land office at* ———.

GENERAL LAND OFFICE, *March* 1, 1834.

GENTLEMEN: In the construction of the act of Congress approved on the 14th of July, 1832, entitled, "An act supplemental to the 'Act granting the right of pre-emption to settlers on the public lands,' approved the 29th May, 1830," in the words following, to wit:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all the occupants and settlers upon the public lands of the United States who are entitled to a pre-emption according to the provisions of the act of Congress, approved the twenty-ninth day of May, eighteen hundred and thirty, and who have not been, or shall not be, enabled to make proof and enter the same within the time limited in said act, in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale on account of a disputed boundary between any State and Territory—the said occupants shall be permitted to enter the said lands on the same conditions in every respect as are prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the said lands shall be proclaimed for sale before the expiration of one year, as aforesaid, then they shall be entered before the sale thereof.

"SEC. 2. *And be it further enacted,* That the occupants upon fractions shall be permitted in like manner to enter the same, so as not to exceed in quantity one quarter-section; and if the fractions exceed a quarter-section, the occupants shall be permitted to enter one hundred and sixty acres, to include his or their improvement, at the price aforesaid."

And the act approved on the 2d March, 1833, entitled, "An act to revive the act entitled, 'An act supplementary to the several laws for the sale of public lands,'" in the words following, to wit:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That in all cases in which persons were settlers or occupants of the public land prior to the first day of May, eighteen hundred and thirty-two, and were authorized to enter under the provisions of the act entitled, 'An act supplementary to the several laws for the sale of public lands,' approved April fifth, eighteen hundred and thirty-two, and were prevented from making their entries in consequence of the public surveys not having been made and returned, or where the land was not attached to any land district, or where the same has been reserved from sale in consequence of a disputed boundary between two States, or between a State and Territory, the said occupants shall be permitted to enter the said lands on the same conditions in every respect as were prescribed in said act, within one year after the surveys are made, or the land attached to a land district, or the boundary line established; and if the land shall be proclaimed for sale before the expiration of one year, as aforesaid, then the said settlers or occupants shall be permitted to enter before the sale thereof."

The Secretary of the Treasury has decided that the persons to whom the right of pre-emption extended are entitled to make their entries at any time *within a year from the period when the plats of survey were* RETURNED *and* RECEIVED *at the proper land office.* It results from this decision:

First. That all settlers on the public lands prior to 30th May, 1831, entitled to the benefits of the act of 29th May, 1830, in cases where the land was in process of being surveyed, between that date and the 29th May, 1831, but the plat thereof, not returned to your office within that period, may prove and complete payment for their claims *within one year* from the day on which the plat of the township where the claim lies *was, or shall be, received at your office.*

Second. That all settlers on the public lands prior to the 1st of May, 1832, entitled to the benefits of the act of the 2d March, 1833, in cases where the land was in process of being surveyed prior to the 1st May, 1832, but the plat thereof not returned to your office within that period, may prove their claims, and complete their payments, within one year from the day on which the plat of the township where the claim lies *was, or shall be, received at your office.*

If any township to which this instruction will apply shall be offered for sale prior to the expiration of one year from the day on which the plat thereof has been or shall be received at your office, the pre-emption rights therein must be paid for *prior to the day of the public sale.*

In the location of fractions under the foregoing instructions, the legal subdivisions thereof furnished to you by the surveyor general must be adhered to, so as to give the party the quantity of land to which he is entitled, as nearly as practicable, be the same a little more or less, and in as compact a shape, conformably to those subdivisions, as the nature of the case will admit.

The instructions do not apply, in any manner, to the tracts of country recently obtained by the government from the Choctaw, Chickasaw, and Creek Indians, in the States of Mississippi and Alabama.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

REGISTER *of the Land office, and* RECEIVER *of public moneys at* ———.

GENERAL LAND OFFICE, *October* 23, 1834.

GENTLEMEN: In consequence of representations made to the department respecting the operation of the third clause of the instructions contained in the circular letter of 22d July last, I have to inform you that the Secretary of the Treasury, unwilling to withhold the advantages of the late pre-emption law from applicants who may have meritorious and substantial claims to its benefits, and who, by reason of circumstances peculiar in their character, have no actual residence on the land claimed, has concluded so to modify the instruction complained of, as to admit as exceptions from the general principle, such cases of the character referred to, as in the exercise of a sound and liberal discretion on your part, shall appear from facts, satisfactorily proved, to come within the meaning and intent of the act. The following are cited as examples of the cases expressly referred to:

Where the cultivation may have been made by an unmarried person, without family, boarding and lodging with another family resident on a tract adjoining or in the immediate vicinity of his improvements, or by a married person living in a similar manner; where there has been actual and bonafide intention to reside on the land cultivated, but where the preparation was not complete, or the intention was frustrated by unavoidable accident; where the tract cultivated may have been a necessary and integral portion of a farm or plantation of an individual residing on an adjoining tract, and where, without the aid of the proceeds of such additional cultivation, he could not have maintained himself and family, and continued to reside where he did; or where, by reason of the unhealthy location of the lands cultivated, the individual may have fixed his residence on a neighboring tract—in all these cases, and others analogous in their circumstances and spirit, where the facts are distinctly proved, and where, in the exercise of a sound and liberal discretion, you are satisfied that they come within the meaning and intent of the law, the third clause of the circular letter referred to, which regards the erection of a dwelling-house for the purposes of habitation as a requisite of "*possession*," is modified so as to admit the right of entry.

2. No pre-emption right to section No. 16, reserved for schools, can be sustained under existing laws, nor will the act of 19th June, 1834, admit of a floating right of pre-emption elsewhere, in virtue of a settlement and improvement in the sixteenth section. Individual claimants considering themselves aggrieved under such circumstances, will have to prefer their claims to Congress.

3. Where an individual establishes a right of pre-emption to a fractional section containing less than one hundred and sixty acres, or to a half quarter-section, the other half of which was sold previous to the date of the act or to a *residuary* quarter-quarter of a section, (which residuary quarter-quarter must have been made such by locations made under the act of 5th April, 1832, inasmuch as quarter-quarters of sections cannot originally be selected, as such, under the pre-emption law,) in all such cases, the fraction—the half-quarter, or the quarter-quarter—is to be regarded as a separate and distinct tract, beyond the quantity of which the party can claim no right to locate elsewhere, or on adjoining lands; but in cases where two or more individuals are settled on any one such tract, the *first two actual settlers* are entitled to enter *in their joint names*, and each of these two is entitled to receive a floating right to eighty acres elsewhere.

4. Where A settled on and cultivated a tract of public land in 1833, and prior to the 19th June, 1834, sold his right to B, who continued to improve and occupy the same, on that day, B is regarded as entitled to the benefits of the act.

5. Where A cultivated a tract of public land in 1833, and had placed B thereon, as tenant in possession, who continued to improve and cultivate the same on the 19th June, 1834, A is regarded as entitled to the right of pre-emption, on due proof of cultivation and occupancy as required by the act. But in case A, *prior* to the year 1833, had placed a tenant on a tract of public land, who cultivated and possessed, agreeably to the tenor of the act, the right of pre-emption is to accrue to the tenant.

6. The testimony heretofore required to be taken before a justice of the peace, may also be taken before a notary public, or any other officer duly qualified to administer oaths.

7. Where there were more than two actual settlers on a tract, floating rights accrue to the *first two* actual settlers, and to *none of the others*.

8. Quarter-quarters of sections are created only by the operation of the act of the 5th of April, 1832, entitled, an "Act supplementary to the several laws for the sale of public lands."

The right to enter and make payment for quarter-quarters of sections, (lots of forty acres,) under the act of the 19th June, 1834, can be claimed only in cases where residuary quarter-quarters are found to exist in a section, they having been created separate and distinct legal subdivisions by the peculiar operation of the act of 1832.

While on this subject, I have to mention that, on inspecting the names of purchasers, it is apprehended that due caution is not observed by registers in operating under the act of 1832, which provides that no one individual can enter more than eighty acres in tracts of forty acres. Increased vigilance is strictly enjoined in this respect, and in order to *insure* a strict compliance with the law, the register is hereby required to keep an alphabetical list of the names of purchasers of quarter-quarters of sections, which list must always be referred to as a check prior to the admission of entries of land in that mode under the act aforesaid.

9. In cases where individuals have settled on public lands since the passage of the act of the 19th June, 1834, the form of affidavit prescribed in the 14th clause of the circular letter of the 22d July last, may be varied to suit the peculiar circumstances of such cases, by striking out the words "*and that there was not, at that time, any person residing thereon or cultivating the same*," and inserting in lieu thereof, all the facts in the case as they are found to exist.

10. Military land scrip cannot, under existing laws, be located on any public lands settled, or occupied, "*without the written consent of such settlers or occupants* as may be actually residing on said land at the time the same shall be entered or applied for." Such settlement or occupancy, therefore, although it may or may not have reference to any existing pre-emption privilege, is a bar to the location of scrip, without the written consent of the settler or occupant. The form of the affidavit prescribed for such cases by the circular letter of the 2d of October, 1833, will substantially remain unaltered; but in cases where individuals are desirous of locating scrip, it is not deemed necessary to require from them two separate affidavits; one under the circular of the 2d October, 1833, and another under the 14th clause of the circular of the 22d July last; but the substance of both those forms may be incorporated into one affidavit.

11. Payment is to be required in all cases arising under the late pre-emption law *at the time the right of entry is admitted*. In cases arising under the third section, or in such as may be of doubtful character, and which you may deem it necessary to refer for the decision of the department, payment will not be required until a favorable decision is communicated. Meanwhile the land claimed is to be withheld from sale.

I am, very respectfully, your obedient servant,

ELIJAH HAYWARD, *Commissioner of the General Land Office.*

P. S.—It has been the usual practice of this office to acknowledge the receipt of the monthly and quarterly returns. Henceforward that practice, which consumes time and creates unnecessary labor, will be discontinued. If returns are not promptly rendered, the reason of the delay will be promptly demanded.

The register is requested to report to the surveyor general, lists of such township plats as require renewal in consequence of mutilation or defacement, and also to forward to this office a copy of such report.

The "*quarterly account-book*," described in the circular letter of the 28th August last, for the use of receivers, and also a supply of *printed blanks* for making quarterly returns to this office, (in lieu of the form of quarterly accounts heretofore in use,) have both been forwarded by mail some weeks since.

GENERAL LAND OFFICE, *July* 22, 1834.

GENTLEMEN: Annexed is a copy of an act of Congress, approved 19th June, 1834, entitled, 'An act to revive the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved May 29th, 1830," together with a copy of the former act.

1. The recent act provides, "that every settler or occupant of the public lands, prior to the passage of this act, who is now in possession and cultivated any part thereof in the year 1833, shall be entitled to all the benefits and privileges provided by the act entitled, 'An act to grant pre-emption rights to settlers on the public lands,' approved May 29, 1830, and the said act is hereby revived and shall continue in force two years from the passage of this act, and no longer," to wit, to the 19th June, 1836.

2. The fact of *cultivation* in *eighteen hundred and thirty-three*, and that of *possession* of the land applied for *on the nineteenth June, eighteen hundred and thirty-four*, must be established by the affidavit of the claimant, supported by such corroborative testimony of disinterested witnesses as shall be satisfactory to you both. The evidence must be taken by a justice of the peace, *in the presence* of the register and receiver, wherever convenient, and be in answer to such interrogatories, to be propounded by them, as may be best calculated to elicit the truth; and when not convenient for the witnesses to attend before the register and receiver, the evidence is to be taken by a justice of the peace, and be in answer to such interrogatories, to be propounded by him, as shall be best calculated to elicit the truth.

The credibility of the testimony is to be certified by the justice of the peace, and by such other persons of the neighborhood as can certify the same.

3. Possession on 19th June, 1834, and cultivation in 1833, are both essentially necessary to the conferring of the pre-emption privilege, the absence of either of which requisites will vitiate the claim. The building of a *mill* is a "*possession*," but without actual cultivation, it does not confer the privilege under the law. The extent and nature of the *cultivation* are points concerning which the law is silent. The cultivation of a crop of grain, esculent roots, or other vegetables of ordinary culture in the peculiar section of the country, is to be regarded as sufficient as respects the requisite of "*cultivation*," together with the ordinary fence or other suitable enclosure; or, when no crop or product has been taken from the land, and it shall appear to your satisfaction that the claimant has, in good faith, made the usual preparations for a crop, as, when he shall have cleared ground and enclosed the field, and ploughed the soil preparatory to the ensuing seed-time, and with intent to sow or plant, such shall be regarded and taken as a sufficient cultivation to entitle him to the benefit of the act.

The erection of a dwelling-house for the purposes of habitation, will be regarded as a requisite of "possession."

4. The provisions of the act are not available to any person or persons who shall fail to make the proof and payment required, before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor can the right of pre-emption extend to any land which is reserved from sale by act of Congress, or by order of the President, or which by law may have been appropriated for any purpose whatsoever.

5. Should any tract of land, subject to private entry at the date of the act, be entered at ordinary private sale, and a pre-emption claim be duly established thereto within the term of two years from the date of the act, the former entry is null and void; and the register and receiver are hereby required to make *monthly reports* of all such interfering sales, designating the tract, date of sale, name of purchaser, quantity of acres, and purchase money; also, name of pre-emptor and date when satisfactory proof of pre-emption was admitted. On such reports, orders for repayment will be issued.

6. Where a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other, at his discretion, provided such occupant shall designate, within *six months* from the passage of this act, (viz., from 19th June, 1834,) the quarter-section of which he claims the pre-emption, and file in the office of the register a relinquishment of the right of entry to the other; but in all cases where those six months will expire before the date of the public sale of the township including such claim, the designation and relinquishment must be made prior to the day of such sale.

7. Where an improvement is situate in different quarter-sections, the claimant is entitled to enter such two adjacent legal subdivisions, viz., the east and west half-quarters, as will include his improvement.

8. Where an improvement is situate on a fraction containing less than the quantity of a quarter-section, such fraction must be taken *in lieu of an entire quarter-section*. Should the fraction contain more than the quantity of a quarter-section, the claimant will be permitted to take, *according to the legal sub-divisions* of such fraction, so as to include his improvements, and obtain the quantity of one hundred and sixty acres, as nearly as practicable, without any further subdivision.

9. In cases where two or more persons are settled on the same quarter-section, the two *first actual settlers* who cultivated in 1833, and had possession on 19th June, 1834, are entitled to the right of pre-emption. If an equal division of such quarter by a north and south or east and west line, will not secure to each party his improvements, they must become joint *purchasers* and *patentees* of the entire quarter-section; if otherwise, it will be divided so as to secure to the parties respectively their improvements. In either case, the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere, in said land district, so as not to interfere with other settlers having a right of preference.

10. You are requested to make monthly reports of those cases where two persons obtain a pre-emption on the same quarter-section.

11. Transfers of pre-emption rights, prior to the issuing of patents, will not be recognized.

12. The act of 29th May, 1830, applied only to lands to which the Indian title was extinguished *at that date*. Hence the right of pre-emption to lands to which the Indian title was extinguished *subsequent to that date*, can be claimed only in virtue of cultivation in 1833, and possession on 19th June, 1834.

13. In making your usual returns to this office, you will, in all cases of purchases under this act, designate them by marking on the returns the certificate of purchase and receipt, thus, "*Pre-emption act of* 1834." Separate returns, and distinct series of numbers for pre-emption "receipts" and "certificates," are *not admissible.*

14. Inasmuch as the ordinary private entry of lands subject thereto at the date of the act, must be permitted to proceed at the hazard of interfering with the pre-emption claims which may be established within the two years allowed by the act, it is indispensably necessary, by way of precaution, to require each applicant at private sale, to file with his written "application," an affidavit to the following effect, to wit:

"I do solemnly swear, (or affirm,) that since the 1st day of January, 1834, viz., on or about the ——— day of ———, I personally inspected the tract of land designated in the annexed application, viz., the ——— quarter of section No. ——, in township No. ——, of range No. ——, in the district of lands subject to sale at ———, and that there was not, at that time, any person residing thereon, or cultivating the same; and I do not believe that any pre-emption right exists thereto, either under the act of 29th May, 1830, or that of 19th June, 1834."

In case the *party applying* to purchase did not personally inspect the tract, he may be permitted to file, in the above form, the oath or affirmation of any person who alleges to have made such personal inspection; and in all cases, you must be satisfied of the credibility of such testimony.

15. Where the occupant alleges that he is unable or unwilling to pay for a full quarter-section, he may be permitted to enter the half-quarter which shall include his improvements; to be either the east or west half of such quarter; the divisional line running north and south, in the mode prescribed by the act of 24th April, 1820; but in such case he will be required to file a relinquishment of his further right of pre-emption for the quantity authorized by the act.

16. You are each entitled by law to receive from the party interested, a fee of fifty cents on each case of pre-emption admitted under the act.

17. The evidences adduced in support of pre-emption rights admitted under this act, and also the oaths required of purchasers at ordinary private sale, are to be carefully enclosed in the appropriate certificates of purchase, and transmitted therewith to this office, accompanied by your joint certificate *as to the credibility of the witnesses.*

The evidences adduced in support of *cases not admitted*, are to be carefully filed in the register's office, with suitable endorsements thereon.

18. By the 3d section of the act of 19th June, 1834, persons residing on the public lands, and cultivating the same, prior to the year 1829, but who were deprived of the advantage of the act of 29th May, 1830, by reason of the construction given to the same by the Secretary of the Treasury, are authorized to enter, at the minimum price, one quarter-section of the public lands within said land district. This provision can be available only to those whose right to a pre-emption in virtue of cultivation and possession prior to 1829, shall be established by satisfactory proof; and who, from any cause originating in the restrictions and limitations imposed by the Secretary of the Treasury, which have not had a remedy by the act of 14th July, 1832, or that of 2d March, 1833, have been deprived of the advantages of the act of 1830. When such cases shall be presented, you will specially report them, with all the testimony, for the decision of the department.

19. Where floating rights to eighty acres are granted under this act, they must be located and paid for at the time of entry of the tracts on which such floating rights accrue.

In the execution of the act, the utmost vigilance and diligence on your part are requisite to detect fraud, and determine the character and credibility of the testimony. A faithful and impartial discharge of your duty are alike essential to protect the government from imposition, and the honest claimant in his right.

I am, very respectfully, gentlemen, your obedient servant,

ELIJAH HAYWARD, *Commissioner.*

P. S.—It will be proper to give publicity to the law, and to these instructions, by distributing copies of this circular throughout your land district; for which purpose a number of copies will be furnished. It is also desirable that the newspapers published in your district should *gratuitously* publish the same, for the information of the community.

The forms of journal and ledger now used by the register and receiver, will be discontinued from and after the 1st of October next. A form of *ledger* to be substituted by the receiver will be furnished as soon as practicable.

AN ACT to revive the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved, May 29, 1830.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof, in the year 1833, shall be entitled to all the benefits and privileges provided by the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved, May 29, 1830; and the said act is hereby revived, and shall continue in force two years from the passage of this act, and no longer.

SEC. 2. *And be it further enacted,* That when a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other at his discretion: *Provided,* Such occupant shall designate, within six months from the passage of this act, the quarter-section of which he claims the pre-emption under the same.

SEC. 3. *And be it further enacted,* That all persons residing on the public lands, and cultivating the same, prior to the year 1829, and who were deprived of the advantages of the law passed on the 29th May, 1830, by the constructions placed on said law by the Secretary of the Treasury, be and they are hereby authorized to enter at the minimum price of the government, one quarter-section of the public lands within said land district.

Approved, June 19, 1834.

ANDREW JACKSON.

AN ACT to grant pre-emption rights to settlers on the public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby, authorized to enter, with the register of the land office for the district in which such lands may lie, by legal subdivisions, any number of acres, not more than one hundred and sixty, or a quarter-section, to include

his improvement, upon paying to the United States the then minimum price of said land: *Provided, however*, That no entry or sale of any lands shall be made under the provisions of this act, which shall have been reserved for the use of the United States, or either of the several States in which any of the public lands may be situated.

SEC. 2. *And be it further enacted*, That if two or more persons be settled upon the same quarter-section, the same may be divided between the first two actual settlers, if, by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said land district, so as not to interfere with other settlers having a right of preference.

SEC. 3. *And be it further enacted*, That prior to any entries being made under the privileges given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose, which register and receiver shall each be entitled to receive fifty cents for his services therein. And that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed for that purpose, by the President's proclamation; nor shall any of the provisions of this act be available to any person or persons who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands, including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatever.

SEC. 5. *And be it further enacted*, That this act shall be and remain in force for one year from and after its passage.

Approved, May 29, 1830. ANDREW JACKSON.

24TH CONGRESS.] No. 1508. [1ST SESSION.

RELATIVE TO THE SELECTION OF LANDS GRANTED TO THE POLISH EXILES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 15, 1836.

ALTON, *March* 22, 1836.

DEAR SIR: I have been returned from surveying on Rock river about six weeks. You no doubt recollect that when I saw you in Springfield, last October, that I was going out to survey a district of public land on Rock river, out of which it was expected the Polish agents would select the 36 sections granted to the 285 Polish exiles, by an act of Congress passed in June, 1834. I have so far completed the work assigned me as to enable the agents to select the three townships out of which they must select the 36 sections. The Rock river country is equal to any part of Illinois, and is fast filling up with settlers; some of them have large improvements for the short time they have been there. The most valuable improvement was made by Mr. G. Kent, in the fall of 1834 and 1835. Mr. Kent's improvement consists of a saw-mill, on a small stream that empties into Rock river, at a place now called Rockford, and a field of eighty acres. One of the Polish agents was out on Rock river last November, and selected township 46, north, range 1, east, of the third principal meridian, which is next to the State line; also township 28, north, range 11, east, of the fourth principal meridian, and which lies adjoining and west of township 46, north, range 1, east, of the third principal meridian.

The settlers felt great interest in the subject of the Polish claims, having settled upon the land without expecting to be disturbed by foreigners. The agent manifested great sensibility on the subject, and great reluctance to take the improvements from the settlers, and promised many of them that he would not take their improvements. The selection of townships 28 and 46, by the Polish agent, left township 44, north, range 1, east, out of the range of his selection, and left township 45, north, range 1, east, and townships 45 and 46 north, range 2, east, as the only townships from which he (the Polish agent) could select the third township, under the act of Congress before referred to. In consequence of this decision, (which was considered final, so far as township 44 was concerned,) the inhabitants of township 44 extended their improvements, and, new emigrants coming in, took up most of the land in township 44, which had not before been taken up. At the time the Polish agent was on Rock river, there were from twenty-five to thirty claims in township 44. There was no person living in township 45, range 1, east; two families in 45 north, range 2, east; three or four families in township 46, north, range 2, east, and five families in township 46, north, range 1, east. These townships are all very good land, and the Polish agent might have selected first rate lands without taking any improvements, and thereby conciliated the feelings of the American population. The Polish agent returned to St. Louis, and was informed by the surveyor general that the field notes of the exterior boundaries of township 28, north, range 11, east of the fourth principal meridian, had not been returned; he, therefore, could not give me instructions to subdivide said township. The agent, then, by the advice of some of his countrymen, and probably of some other persons in St. Louis, who wish to speculate in the Polish lands, determined to disregard his promise to the settlers *not to take their improvements*, and to change, in part, his selection, by townships, and to select townships 44, 45, and 46, north, range 1, east of the principal meridian, and to take all the *improvements* in said townships. You are, no doubt, aware of the peculiar state of the public mind, in regard to the Polish exiles, at the time they obtained the grant of public land. They were considered as a suffering and persecuted people, on account of their attachment to the principles of civil liberty; they, therefore, excited the sympathy of the American people, under the influence of which principle, rather than sound judgment, they obtained the grant of land. But it never could have been anticipated that the Polish agents, under the authority of an act of Congress, would presume to take possession of the improvements of American settlers. I have talked very freely with the Polish agent, in St. Louis, who is styled Baron Chlopicki, on the subject of his selection, and told him plainly the consequences of

his taking the claims of the settlers; that it would prejudice the public mind against the Poles, and that it would be the most unwise and impolitic course that could possibly be adopted. The agent replied that he had the *right* to do so, by the act of Congress, and that he would sell their land. I am inclined to think that he has been urged to this measure by some persons who think they can speculate out of the Polish lands; but I do not believe that, as the law now stands, the Poles can sell or transfer any right they have, or can acquire, to their lands, until they get possession, and "cultivate and occupy, for the space of ten years, without intermission, in the proportion of one settlement to every five hundred acres of land." As by the act the selection is to be made under the Secretary of the Treasury, it appears to me that if the proper representations are made to that officer, he would give instructions to the Polish agents not to take the claims of actual settlers. This would be decidedly to the advantage of the Poles themselves, for the consequences can readily be foreseen of their attempting to drive off American settlers. Townships 45 and 46, range 1, east, and 45 and 46, range 2, east of the third principal meridian, are all good land, and there are not at this time more than twelve families in the whole four townships; for since it became probable that the Polish agents would select three of those townships there have been no new settlements made in them, while every other part of the country has been filling up very fast with an enterprising and intelligent population. I have no doubt you will find it to your interest to visit that country before next August. I shall be surveying on Rock river all next summer, and should you come up there I should be very glad to see you. I think you have an opportunity to rendering an important service to a respectable portion of your constituents, which will not be forgotten before *next August*.

Public expectation has been sadly disappointed in regard to the *Polish exiles*. They have proved to be (with few exceptions) a miserable, degraded set of vagabonds, unworthy the esteem and regard of all respectable people. They are now dispersed to all parts of the United States; and some of them, as I am informed, have gone to Texas. They are generally engaged in keeping groceries, and many of them are *dissipated*, *indolent*, and *vicious*, having no qualifications or inclinations to be respectable citizens. Old Chlopicki himself is keeping one of the *meanest* groceries in St. Louis. General Langham told me about two weeks ago that he had no doubt that the next grand jury in St. Louis county would *indict* Chlopicki for keeping a disorderly house. Public opinion is now much stronger against the Poles than it ever was in their favor; and the opinion universally prevails that the Poles could not at this time obtain a grant of Congress for one single foot of land; but, as it is, we must make the best of the act of Congress, and permit them to make their selection, and avail themselves of the benefit of the law; but it is not believed by any intelligent gentleman with whom I have conversed (and I have conversed with a great many) that they ever will comply with the terms of the law so as to obtain a title from the United States to a single tract of land. Under this view of the subject, it is to be hoped that if the Secretary of the Treasury does *now* possess the power to control their selection, that he will instruct the Polish agents to regard the claims of actual settlers, and thereby put at rest a question which has produced no small excitement, and render to the Poles themselves an important service. Under existing circumstances it would be best for the Poles to take township 46 north, range one east, and two of the following described townships, viz.: 45, range one, 45 and 46, range two east. I shall subdivide these townships early in the season; and the delay of which some of the Poles have complained so much would not be much inconvenience to them. The Poles had better go back to Poland than to go on to Rock river, and attempt to take possession of the improvements of the actual settlers. I had hoped that the present Congress would pass a law granting pre-emption to actual settlers; but, from the latest accounts we have from Washington, there is not much probability of it. This reluctance on the part of the representatives of a free and independent people to grant to actual settlers a right of pre-emption, contrasted with the law granting the land to the Poles, furnishes a striking commentary on the frailty of human nature, which, in the one case, denies to the enterprising and industrious American citizens, who suffer the privations and undergo the hardships of a frontier settlement, what it would seem they almost have a right to demand, as a matter of right, and in the other case a liberality toward a set of vagabond foreigners which has never been exercised toward our own citizens. Although this letter is addressed to you, it is intended for the whole Illinois delegation. I am informed by Judge Smith and others, that you have been advised, on this subject, what course the Polish agent intends to pursue, and you can with confidence rely upon this communication as to matters of *fact*. I also enclose a sketch plat, showing or representing the situation of all the townships referred to in this letter. Have the goodness to inform me of the final determination of this question. Address me at Chicago, Illinois.

I am, very respectfully, your obedient servant,

D. A. SPAULDING.

Hon. WM. L. MAY, *Washington city*.

24TH CONGRESS.] No. 1509. [1ST SESSION.

RELATING TO SURVEYS OF THE PUBLIC LANDS IN ILLINOIS AND MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 16, 1836.

TREASURY DEPARTMENT, *April* 15, 1836.

SIR: I have the honor to enclose a communication from the Commissioner of the General Land Office, accompanied by a report from the surveyor general of Illinois and Missouri, and certain documents therein referred to.

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

LEVI WOODBURY, *Secretary of the Treasury*.

Hon. SPEAKER *of the House of Representatives*.

GENERAL LAND OFFICE, *April* 14, 1836.

SIR: The report from the surveyor general of Missouri, which was expected to arrive in time to accompany my general report made to you, on the 5th of December last, was not received until the middle of last month.

I have now the honor to submit the same to you in duplicate, with the documents and maps therewith transmitted, marked A, B, C, D, E, F, G, H, I, and K.

In submitting these papers, I would beg leave to call your attention to the difference between the estimate of expenses of surveying during the year 1836, made by the surveyor general, document marked A, and the estimate for the same object, prepared at this office in the absence of the surveyor's estimate. Had the latter been received in time, I should have estimated seventy thousand dollars instead of forty thousand dollars for the expenses of surveying in those two States, to be paid for during the current year. I beg leave to suggest that the estimate from the department may be increased accordingly.

I have the honor to remain, sir, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

SURVEYOR'S OFFICE, ST. LOUIS, *January* 30, 1836.

SIR: On the 20th day of November, 1835, I forwarded to the Register of the Treasury my estimate of the expenses of this office during the present year, and of which the enclosed paper, marked A, is a copy.

The first item in this estimate is for surveying 18,038 miles of public lands, which I think ought to be executed in the several land districts of Illinois and Missouri in the proportions and quantities, and for the reasons hereinafter specified.

First.—In the northeast district of Illinois. (*See the accompanying sketch, marked B.*)

With unimportant exceptions, all that part of this district which lies south of the old Indian boundary lines, colored green, has been surveyed, and the extensive sales effected therein during the past season, in the townships which were brought into market, fully sustain my reports of the 19th November, 1833, and the 16th December, 1834, in relation thereto, and to the unsurveyed lands of the district.

I therefore again recommend that all the exterior boundaries represented by black dotted lines be surveyed; and that all the fractions adjoining Lake Michigan, and as many other townships and fractional townships as will be equal in the whole to about sixty entire townships, be subdivided.

Which gives for this district:

	Miles.
Township lines	1,056
Subdivision of sixty townships	3,600
Meanders of the lake and navigable rivers	300
Aggregate	4,956

This estimate includes the surveys ordered by the letters from the General Land Office, dated the 5th of August, and the 14th November, 1835.

Second.—In the northwest land district of Illinois. (*See accompanying sketch, marked C.*)

The township boundaries drawn with black ink on this sketch have been surveyed; those drawn with red ink have been contracted for; and those represented by black dotted lines have been neither surveyed nor contracted for.

All the townships, and fractional townships, which lie south of the old Indian boundary line, have been subdivided. The survey of a part of those adjoining the Mississippi, however, is incomplete, and is now being finished, under instructions from this office.

North of the old Indian boundary, townships 22 and 23 north, range 4 east; 21, 22, and 23 north, range 3 east; 19, 20, and 21 north, range 2 east; 18, 19, and 20 north, range 1 east; and 18 north, ranges 1 and 2 west, have been subdivided by C. R. Bennet, under the contract of himself and L. H. Bowen, dated 20th of August, 1833.

Neither Mr. Hamilton or Mr. Stephenson have returned the surveys which they ought to have executed under their contracts of 1833. Letters, of which the enclosed papers numbered 1 and 2 are copies, were addressed to them on the subject. Mr. Hamilton returned for answer a letter, of which the enclosed, marked 3, is a copy; my reply thereto is marked 4. No answer has been received from Mr. Stephenson, and I have again addressed him, as per copy thereof, marked 5. When their answers are received, such steps will be taken in the business as may be deemed proper and right, of which you will be duly informed.

The township boundary lines, which have not been surveyed nor contracted for, together with those of Mr. Spaulding's contract, will amount to about 444 miles, and ought all to be surveyed, so that the townships which may be wanted at any time for immediate use, can be selected and subdivided.

The abundance of mineral in this district, and the richness thereof, together with the large bodies of fertile land which are fast filling up with agricultural emigrants desirous of securing titles to the soil, will require the subdivision of at least 30 townships, including those embraced in the contract of Mr. Spaulding, and in addition to the contracts of Messrs. Stephenson and Hamilton.

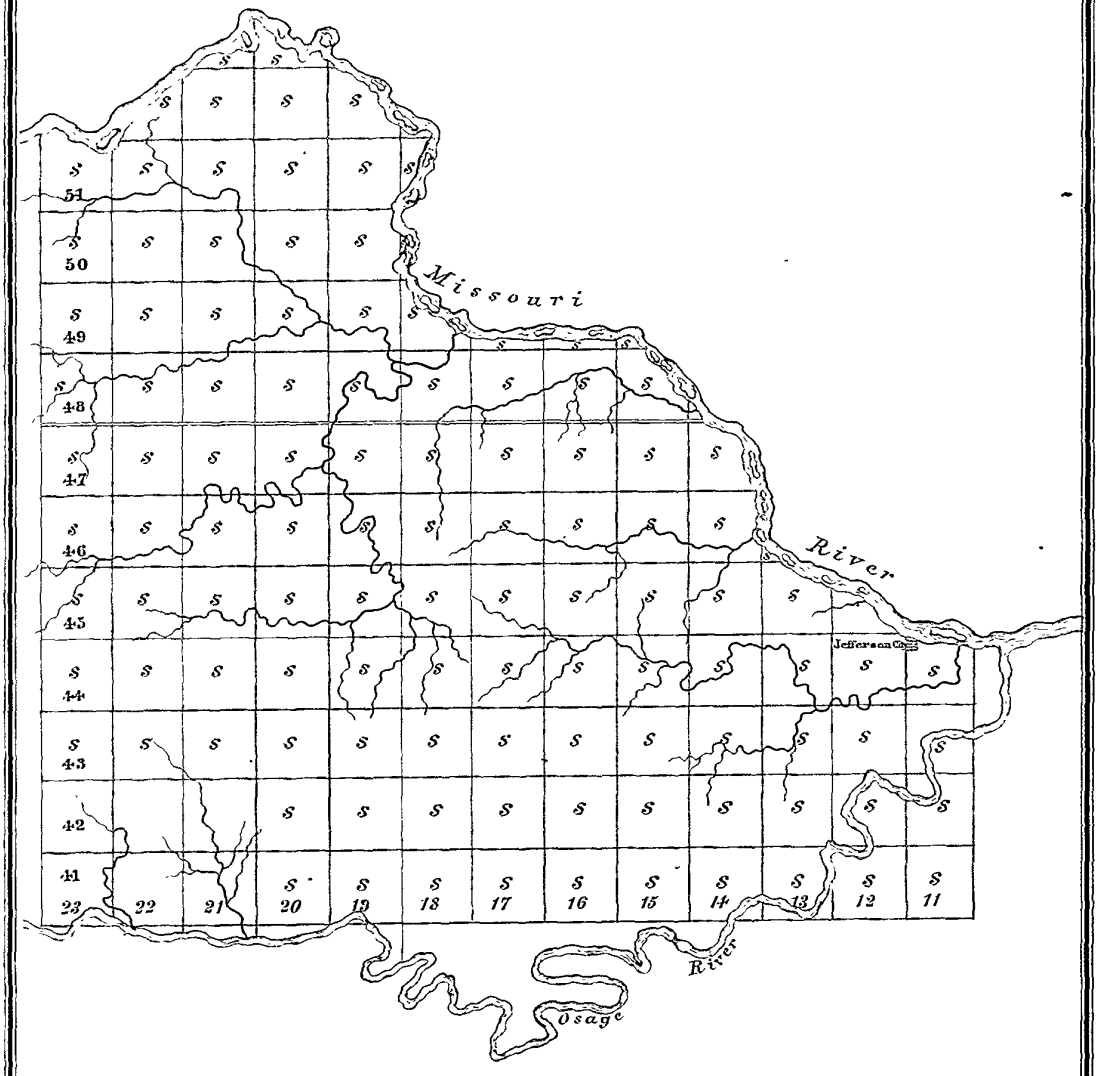
The estimate for this district is, therefore, as follows:

	Miles.
Township boundary lines	444
Subdivision of 30 townships	1,800
Meanders	100
Aggregate	2,344

F. Doc. 215.

HOWARD LAND DISTRICT

SOUTH OF THE MISSOURI



Bowen & Co's Lith. Phila.

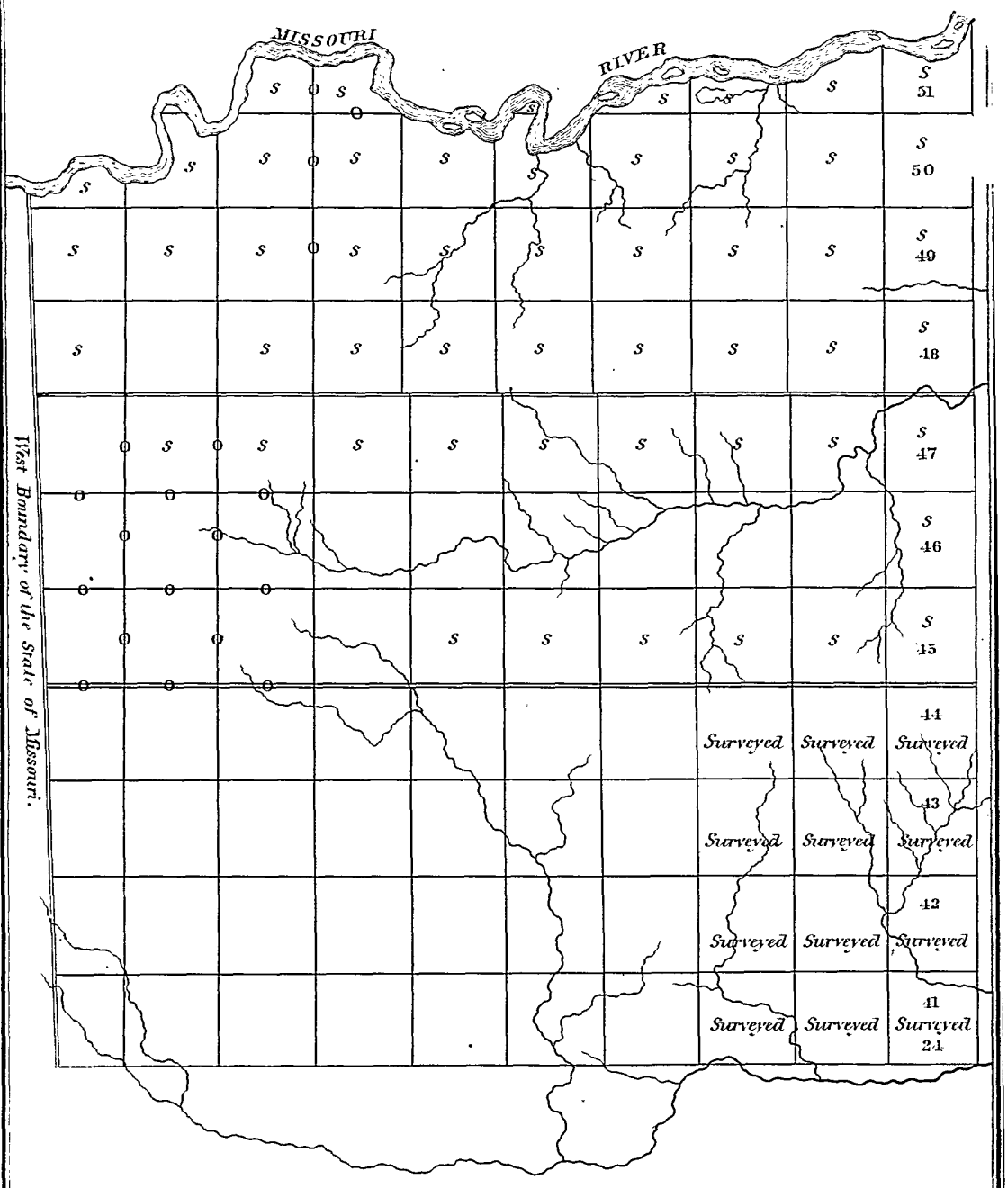
H.

THAT PART OF THE

WESTERN LAND DISTRICT

which lies

SOUTH OF MISSOURI.



Lith.ed Bourn & Co. Phil.

Third.—In the military district, Illinois.

The survey of many of the townships on the Illinois, Mississippi, and Spoon rivers, together with some others, are incomplete, and the almost daily request of actual settlers for the survey of parts thereof, is unerring evidence of the propriety of attending thereto without delay. A detailed list of these incomplete surveys cannot just now be made, because of other pressing demands on the force of the office, but from the examination already had, it is believed that to put said district in proper order, the surveying and resurveying will amount to at least 1,000 miles.

Fourth.—Palmyra District, Missouri. (See the accompanying sketch, marked D.)

The townships in this district south of the old Indian boundary line, have all been subdivided, except townships 61, 63, 64, 65, and 66 north, range 11 west; townships 62, 63, 64, 65, and 66 north, range 1 west; townships 63, 64, 65, and 66 north, range 13 west; and fractional townships 67 north, ranges 11, 12, and 13 west.

The settlements have extended across these townships, which indicates the expediency of subdividing the whole of them, except perhaps the fractional townships, which it might probably be as well to defer until the north boundary of the State is surveyed and established, so that we may avoid making fractions on the old Indian boundary.

The survey of townships 51 and 52 north, range 1 west, should be completed and put in proper order. Of the necessity of this work there is already sufficient evidence on file in the General Land Office, orders having heretofore been given to that effect, but which have not been fulfilled for reasons which will be the subject of another communication.

The demands for this district are therefore as follows:

	Miles.
Subdivision of 14 townships	840
Completing and correcting the surveys of townships 51 and 52 north, range 1 east	120
Aggregate	960

Fifth.—Howard district, Missouri, north of the Missouri river. (See accompanying sketch, marked E.)

All the townships south of the standard line between townships 60 and 61 north, except township 58 north, in ranges 17, 18, and 19 west, and 59 and 60, ranges 14, 15, 16, 17, 18, 19, 20, and 21 west, have been subdivided.

None of the township boundary lines north of said standard line, except the east boundary of range 14, nor the dotted line south of said standard, have been surveyed. The settlements are extending fast over this section of the country. I would, therefore, recommend the survey of all the unsurveyed township lines, except those which close the old Indian boundary: and from the best information I can obtain, at least 10 townships ought to be subdivided for immediate use.

Which gives for this district:

	Miles.
Township boundary lines south of the standard, 162 } North of the standard, 720 }	882
Subdivisions of 10 townships	600
Aggregate	1,482

Sixth.—Howard district, south of the Missouri river. (See sketch, marked F.)

All the townships of this portion of Howard district, except townships 41 and 42 north, ranges 21, 22, and 23 west, have been surveyed.

Five of these six unsurveyed townships ought now to be surveyed to accommodate the settlers therein: the other unsurveyed township, viz.: 41 north, 21 west, is not wanted at present, as I am informed, by the report of the surveyor who run the boundary lines thereof.

	Miles.
Subdivisions of 5 townships	300
Meanders	30
Aggregate	330

Seventh.—Western land district of Missouri, north of the Missouri river. (See sketch, marked G.)

The contracts now in progress embrace all the townships in this section of the district south of the standard line between townships 60 and 61 north, and not heretofore surveyed. The surveyors have completed their operations on the ground, and will shortly make complete returns of their field notes to this office.

Arrangements should be made for subdividing the townships of this district north of the aforesaid standard line, whenever it may be demanded by the inhabitants of the country, who are pushing the settlements in that direction, and have, in some places, gone to the western limits of the State.

The estimate for this part of the western district, therefore, embraces all the unsurveyed township boundary lines, except the fractions which close the old Indian boundary.

It is expected also that 10 townships at least are wanted for immediate use, and should, therefore, be subdivided.

	Miles.
Township lines	700
Subdivision of 10 townships	600
Aggregate	1,300

The contract of Joseph C. Brown, dated 10th of June, 1833, (and transmitted to the General Land Office on the 9th of January, 1834,) for surveying in this district, has been in part cancelled, and a new contract entered into, as per a copy hereof enclosed herewith, and numbered 6; his bond was amended in conformity therewith. (See the copy numbered 7.) Mr. Brown has finished the work on the ground, and will shortly make his return to this office.

The contract and bond of Messrs. Porter and Glover, of the 20th September, 1833, was also annulled, and a new one entered into as per the enclosed copy thereof, numbered 8. For reasons beyond their control, they did not commence work under this contract during the summer, and circumstances rendered it expedient to release Mr. Glover, which was done in a letter of the 10th October, 1834, of which the enclosed paper, numbered 9, is a copy. Mr. Glover being released from this contract, a separate one was entered into with Mr. Porter, of which the accompanying paper, numbered 10, is a copy. Mr. Porter commenced operations under this contract, and died before he had completed the survey of one township. I then entered into a contract with Mr. Applegate; see the copy thereof, numbered 11. Mr. Applegate has completed the surveys under this contract, except of the township commenced by Mr. Porter, and is daily expected with his returns.

Mr. Robinson's contract of the 24th of October, 1833, was also cancelled, because of the change in the contract of Mr. Brown, and a new contract entered into, of which the enclosed paper, numbered 12, is a copy; he has finished operations in the woods, and returned his notes to this office for examination.

Eighth.—Western land district of Missouri, south of Missouri river. (*See sketch, marked H.*)

The townships in this district marked with the letter "S" are old surveyed townships, and the 12 townships with the word "*surveyed*" written therein, are surveyed under contracts of 1834.

Three of the old surveyed townships by Talton Turner, viz.: 49, 50, and 51 north, range 30 west; and the township boundary lines marked thus, —o— have been suspended for correction.

I have no certain information relative to any of the unsurveyed townships of this portion of the district, except townships 41, 42, 43, and 44 north, range 27 west, which are reported by the surveyor who run the exterior lines to be valuable, and well worthy subdividing at this time. The general information on this subject induces me to believe that the present demands of the actual settlers require at least 800 miles of surveying.

Ninth.—The southwestern land district of Missouri. (*See sketch, marked I.*)

The township and fractional townships of this district are equal to about 420 entire townships, of which the following have been surveyed and returned to this office.

Old surveys.

Townships 30, 31, 32, 33, and 34 north, ranges 11, 12, 13, and 14 west; township 40 north, ranges 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 west; in all, 30 townships.

Recent surveys.

Township 39 north, range 12 west;
" 36 north, ranges 15 and 16 west;
" 22 north, ranges 19 and 20 west, south of White river, equal to one whole township.
In all, three townships and two fractional townships, equal, in the whole, to four entire townships.

New surveys under contracts of 1834.

Townships 26, 27, 28, 29, north, range 22 west;
" 27, 28, 29, 35, 36, and 37 north, range 23 west;
" 27, 28, 29, 35, 36, 38, and 39 north, range 24 west;
" 36, 37, 38, 39, and 40 north, range 25 west;
" 35, 36, 37, and 40, and the two southern ranges of sections in township 38 north, range 26 west; in all, 27 townships, and one third of a township of new surveys, under contracts of 1834 and 1835. The contracts of 1834 and 1835 include the subdivision of 86⅔ other townships, viz.: 10 each, by Messrs. McDonald, Drinker, Holliday, Barcroft, Montgomery, and Stansbury, to be selected in the districts assigned them, so as to accommodate the greatest number of actual settlers; 15 by Mr. Christy, being the extent of his district, as designated on the diagram, and 11⅔ by Mr. Applegate, viz: 30, 31, 32, 33, and 34 north, range 25 west; the four northern ranges of sections in township 38 north, of range 26 west; township 39 north, range 26 west; townships 35, 36, 37, 38, and 39 north, range 27 west, or as many thereof as contain a due proportion of tillable land.

Messrs. McDonald, Holliday, Barcroft, and Drinker, have returned from the woods, and Mr. Barcroft has placed his field notes in this office for examination. I have no certain information as to when Messrs. Applegate, Montgomery, Stansbury, and Christy, may be looked for; their return, however, is daily expected.

This district is, therefore, as regards the surveys, conditioned as follows:
30 townships of old surveys;
4 townships of recent surveys;
27⅓ townships of new surveys, under contracts of 1834;
86⅔ townships of the contracts of 1834 and 1835, not yet returned:
In all, 148 townships, which will be surveyed when the present contracts are completed, leaving 272 townships unsurveyed, of which I have certain information of only the following townships, viz.: 36 north, range 11 west; 35, 36 and 38 north, range 12 west; 35, 36 and 39 north, range 13 west; 35 and 39 north, range 14 west; 38 north, range 15 west; 37 north, range 16 west; 37, 38 and 39 north, range 17 west; 35 and 39 north, range 18 west; 36 and 38 north, range 19 west; 35 north, range 20 west; and 40 north, ranges 23, 24 and 27 west; in all 22 townships, (each marked with the letter A,) which are reported by the surveyor who run the exterior lines as containing good land, and actual settlers sufficient to require their immediate subdivisions.

And the following townships, viz.: 35, 37, 38 and 39 north, range 11 west; 37 north, range 12 west; 37 and 38 north, range 13 west; 36, 37 and 38 north, range 14 west; 35, 37, and 39 north, range 15 west; 35 38 and 39 north, range 16 west; 35 and 36 north, range 17 west; 36, 37 and 38 north, range 18 west; 35, 37,

and 39 north, range 19 west; 36, 37, 38 and 39 north, range 20 west; 35, 36, 37, 38, 39 and 40 north, range 21 west; 25, 35, 36, 37, 38, 39 and 40 north, range 22 west; 25, 26, 38 and 39 north, range 23 west; 25 and 26 north, range 24 west; and 35 north, range 25 west; in all, 47 townships, which are reported by the surveyors, who surveyed the boundary lines thereof, as being generally too poor and broken (with thin soil and without settlers therein) to require their present subdivision.

Much of the unsurveyed country lying east and south of the contracts of 1834 and 1835, is broken with thin soil. There are, however, some bodies of good land, settled by persons desirous of becoming the owners thereof.

On Grand river and the southern fork of the Osage, and their tributaries, in townships 35 to 41 north, ranges 28 and 33 west, there are many settlers, who are anxious to have the country brought into market; and it is very probable that much of the land within the districts to be laid off into townships, and in part to be subdivided by the deputies who have not yet made their returns, will be reported of good quality, with thick settlements.

Taking all these things into consideration, a proper regard to the people of the country induces me to recommend an appropriation for the surveying of 3,400 miles within this district.

Tenth.—Cape Girardeau district, Missouri. (*See sketch, marked K, of the southwestern part thereof.*)

The township boundary lines which have been surveyed in this district are drawn with black, and those not surveyed are drawn with red ink. The letter *S* denotes the townships which have been subdivided.

Of the townships and fractional townships which have not been surveyed, many are known to contain large bodies of swamp and inundated land. It is, however, equally certain that there is much good land, thickly settled, (particularly northeast of the town of New Madrid, between the St. Francis and the swamp in Stoddard county; also, on and near the Mississippi river, between the town of New Madrid and the south boundary of the State,) which has not been surveyed, and which the people are very anxious to have brought into market. I therefore think their just expectations will require an appropriation for the survey of 240 miles of township boundaries, and 1,226 miles, equal to 20 townships, of subdivision, allowing 26 miles for meanders of navigable streams.

RECAPITULATION.

1st. In Illinois—

4,956	miles in the	Northeast land district.
2,344	do.	Northwest land district.
1,000	do.	Military district.
8,300	miles, aggregate of Illinois.	

2d. In Missouri—

960	miles in the	Palmyra district.
1,482	do.	Howard district, north of the Missouri river.
330	do.	Howard district, south of the Missouri river.
1,300	do.	Western district, north of the Missouri river.
800	do.	Western district, south of the Missouri river.
3,400	do.	Southwestern district.
1,466	do.	Cape Girardeau district.
9,738	miles aggregate for Missouri.	
Add 8,300	miles, the aggregate for Illinois,	

And we have 18,038 miles.

The next item is for surveying the private confirmed claims, and connecting them with the lines of the public surveys, which is estimated at $6,000. However, unless the report of the commissioners for examining the private land claims in Missouri, and which is now before Congress, be sanctioned thereby, the appropriation under this head need not exceed $1,200.

Next in course is the estimate for surveying the town and village lots, out-lots, and common field lots, in, adjoining, and belonging to, the several towns and villages in the State of Missouri, confirmed by the act of Congress of the 13th of June, 1812, and other acts in relation thereto.

The estimate includes the entire expense of surveying all the confirmed lots in and adjoining the towns embraced by the law, (there being upward of 1,500 confirmations,) and is based upon the terms of my contract with Mr. Brown for the survey of the lots in the town of St. Louis.

This business has been delayed from time to time, to the manifest injury of the several towns and villages, principally for the want of an appropriation making adequate allowance therefor.

In obedience to your instructions, I have contracted for the survey of the lots in the city of St. Louis, in order to designate and set apart the vacant lots granted for school purposes, as contemplated by the 2d section of the act of the 26th of May, 1824.

It would be a losing business for a surveyor to undertake these lots at the rate which is paid for surveying public lands; I therefore engaged Mr. Joseph C. Brown, at an allowance of six dollars per day for his personal services and expenses, and likewise to pay him all other necessary expenses.

I hope my contract with him (of which the enclosed paper, number 13, is a copy) will be sanctioned by Congress, and meet your approbation.

Then follows the town of Galena, which was ordered to be laid off by the act of Congress of the 5th of February, 1829; but as no appropriation has been made to defray the expenses thereof, it has, of necessity, been delayed; of which the inhabitants of the place, in both their individual and corporate capacities, and the officers in charge of the county affairs, very earnestly complain.

The estimate for clerk-hire is the same in amount appropriated at the last session of Congress, which is paid to nine clerks, according to the enclosed statement, numbered 14.

In my letter of the 26th of January, 1835, to the Commissioner of the General Land Office, I gave him a statement of the arrears in furnishing the district land offices with plats and descriptions; and informed him that the progress already made justified the expectation that all the plats, and the greater part of the descriptions, would be furnished the registers within six months from that date.

With but few exceptions, the plats were furnished, and also many of the descriptions, within the time specified, as stated in the accompanying list, numbered 15.

Sickness of several of the clerks, of from one to three and four months duration, prevented a portion of the plats and descriptions here referred to, being furnished within the expected time; and has also prevented me from furnishing the General Land Office and the district land offices, with the plats specified in the statement transmitted to the General Land Office on the 16th of May, 1835, and referred to in my letter of the 30th of April, of the same year. The same cause has likewise been a great drawback on the general operations of the office.

The field notes of new surveys copied up to the present time, for the General Land Office, are as follows:

In Missouri.

The notes of Shields, Barcroft, and Eiler, under their contracts of 1833, amounting to about 2,100 miles.

In Illinois.

The notes of the surveys by Messrs. J. M. Moore, James Moore, J. M. and B. F. Messenger, Edward Smith, John A. Clark, and Charles R. Bennet, under contracts of 1833, making in all about 4,200 miles of surveying; which, with the field notes of the new surveys of Missouri, amounts to 6,300 miles.

Also, during the past season, and up to the present time, there has been copied of the old surveys:

The notes of the subdivision of townships 21 to 23 (inclusive) north, ranges 1 and 2 east; and of townships 21 to 28 north, range 3 east of the 5th principal meridian, being about 2,040 miles.

And the notes of the survey of the 5th principal meridian from the mouth of the Arkansas north, to its intersection with the Mississippi river, and of the other surveys adjacent thereto, on either side, and north of the Missouri river, amounting to about 1,000 miles, and contained in volumes 1, 2, 3, and 4, of original field notes of Missouri surveys, making together about 5,140 miles.

Plats of the following new surveyed townships have been constructed from the field notes, and the contents of the sections adjoining the north and west boundary lines thereof, and of the fractional sections on the navigable water courses and Indian bonndaries, have been calculated.

In Missouri.

L. M. Eiler's contract of 1833; 9 townships, viz.: 38 and 39 north, ranges 5, 6, 7, and 8; 40 north, range 5 west of the 5th principal meridian.

Elias Barcroft's contract of 1833; 3 townships, viz.: 39 north, range 12 west; 36 north, ranges 15 and 16 west of the 5th principal meridian.

Jesse Applegate's contract of 1834; 4 townships, viz.: 38 and 39 north, range 25 west; 35 and 36 north, range 26 west of the 5th principal meridian.

George M. Wright's contract of 1834; 8 townships, viz.: 40 north, ranges 25 and 26 west; 41 and 42 north, ranges 24, 25, and 26 west of the fifth principal meridian.

William Shield's contract of 1834; 12 townships, viz.: 43 and 44 north, in ranges 21 to 26 (inclusive) of the 5th principal meridian.

In all, plats of 36 townships; of 8 of these there are duplicate copies, and of the other 28 one copy each, making 44 copies of township plats.

In Illinois.

John Milton Moore's contract of 1833; 10 townships, viz.: 26, 27, 28, 29, and 30 north, ranges 1 and 2 east of the 3d principal meridian.

James Moore's contract of 1833; 10 townships, viz.: 26, 27, 28, 29, and 30 north, ranges 3 and 4 east of the 3d principal meridian.

John M. Messenger's and B. F. Messenger's contract of 1833; 10 townships, viz.: 26, 27, 28, 29, and 30 north, ranges 7 and 8 east of the 3d principal meridian.

Edward Smith's contract of 1833; 9 townships, viz.: 28, 29, and 30 north, in ranges 11, 12, and 13 west of the 2d principal meridian.

Daniel W. Beckwith's contract of 1833; 11 townships, viz.: 31 north, ranges 10 to 14 east; 32 north, ranges 9 to 14 east of the third principal meridian.

D. A. Spaulding's contract of 1833; 11 townships, viz.: 33 north, ranges 10 to 15 east; 34 north, ranges 11 to 15 east of the 3d principal meridian.

John H. Clark's contract of 1833; 9 townships, viz.: 35 north, ranges 12, 13, 14, and 15 east; 36 north, ranges 13, 14, and 15 east; 37 north, ranges 14 and 15 east of the 3d principal meridian.

C. R. Bennett's contract of 1833: 13 townships, viz.: 22 and 23 north, range 4 east, 21, 22, and 23 north, range 3 east; 19, 20, and 21 north, range 2 east; 18, 19, and 20 north, range 1 east; 18 north, ranges 1 and 2 west of the 4th principal meridian.

W. L. D. Ewing's contract of 1833: 15 townships, viz.: 27, 28, 29, and 30 north, ranges 9, 10, and 11 east of the 3d principal meridian; 28, 29, and 30 north, range 14 west of the 2d principal meridian.

In all, plats of 98 townships; of these duplicate copies have been made of 141, 1 copy each of 22, and no copies of the other 35.

Making in all of the new surveys in Illinois, 134 plats constructed from the field-notes, 148 copies of plats.

Attending to the increasing applications of individuals for information, and furnishing authenticated copies of plats and field notes to be used in judicial investigations, and other miscellaneous duties for the benefit and convenience of the public, who are mainly dependent therefor on this office, occupies, upon an average, at least the time of one clerk.

Calculating and dividing the fractional acres under the law of 1832, and making plats thereof, consume much time, and will continue to do so, until the business is brought to a close. Upon an average, one clerk has been employed thereat during the past season.

The field notes and copies thereof, of the surveys returned to this office, by the contracting deputies, are closely examined, and all defects or discrepancies therein, or in the surveys, are properly explained and corrected before they are approved and received; during the past season this business has given employment nearly equal to the labor of one clerk.

Much time is needed to comply with the calls of the different registers for information in the discharge of their official duties; to instruct the deputy surveyors relative to the execution of the public surveys, and to adjust difficulties which often arise from various causes in the practical operations on the ground; to state and make out the accounts of the deputy surveyors; and to perform numerous incidental services which are of almost every day's occurrence.

All of which has been attended to with due diligence, and continues to receive that care which the high responsibilities attached to this office requires.

From what is here stated you will be able to judge whether or not the last year's appropriation has been properly and beneficially applied. With regard to the present year, I have already given you a detail of the work to be done in the field, and proceed now with the proposed operations of the office:

	Days' Labor.
1st. To furnish the registers with the plats and descriptions of the old surveys yet due, as per list, No. 15—13 plats and 40 descriptions	50
2d. To furnish the registers with other descriptions yet due, particularly of the townships south of the base line in the military tract in Illinois, and some others, of which precise information cannot be given until I am more particularly advised in relation to the wants of their offices	200
3d. To examine 84 of the 134 township plats constructed from the field-notes of new surveys, as before stated in this communication, making the necessary statements thereon, and on the fifty already examined; writing the certificates, referring to the field notes and accounts, in connection with the circular from the General Land Office, of the 23d of September, 1831.	75
4th. To complete and examine the duplicate copies of said 134 township plats for the General Land Office, and for the district land offices	150
5th. To examine the field-notes of surveys already copied for the General Land Office, will require two persons 68 days	136
6th. To construct from the field-notes the plats of the 28 townships by Messrs. Robinson, Porter, Applegate, and Brown, in the Howard and western land districts (see sketches marked E and G); the plats of the ten townships surveyed by L. M. Eiler, in the southwestern land district, viz.: 35, 36, 37 north, range 23 west; 35, 36, 37, 38, and 39 north, range 24 west; and 36 and 37 north, range 25 west; the plats of 13 townships surveyed, and to be surveyed, by Jesse Applegate, in the southwestern land district, viz.: 30, 31, 32, 33, and 34 north, range 25 west; 37, 38, and 39 north, range 26 west: and 35, 36, 37, 38, and 39 north, range 27 west; the plats of 85 townships surveyed, and now being surveyed, by Messrs. Holliday, Barcroft, Montgomery, Stansbury, Christy, Drinker, Garrison, and McDonald, in the southwestern land district of Missouri, (see sketch marked I;) and plats of the 10 townships contracted for by Mr. Spaulding, in the northwestern district of Illinois, (see sketch marked C; in all, plats of 136 townships	272
7th. To make duplicate copies of the plats of said townships for the General Land Office, and for the district land offices	340
8th. To make the descriptions, and examine the same yet due, the district land offices of the new surveyed townships, up to and including all the present contracts	350
9th. To copy for the General Land Office the field notes not yet copied, of the new surveys, up to, and including all the present contracts, say 16,000 miles of surveying, at twenty miles per day, including the services of two persons, 80 days, equal 160 days' labor, in the examination thereof	960
10th. Preparing the contracts, bonds, and instructions, for the surveys, estimated to be contracted for during the present year, including the descriptions of the corners of the adjacent surveys, which must be furnished, in order to enable the deputies to connect the surveys therewith; say 25 contracts, at 4 days each	100
11th. To prepare contracts and instructions for the survey of the private confirmed claims, and furnish descriptions of the corners of the adjoining public and private surveys, if the report of the board of commissioners for examining the unconfirmed land claims in Missouri is sanctioned by Congress; examining the surveys when executed and returned; making plats thereof, and the adjoining fractional sections, and calculating the acres of said fractional sections; furnishing the General Land Office, and the district land offices, with copies of the plats of the surveys and adjoining fractions; recording the plats and notes of the surveys; and furnishing the parties concerned with the copies thereof	500
12th. To examine the field notes of the surveys yet to be returned under existing contracts, and of those already in the office for examination, and to compare the copies thereof	160
13th. To answer the call of registers, prepare for their offices and the General Land Office, parts of fractional sections subdivided under the act of Congress of the 5th of April, 1832	300
14th. Attending to the various applications of individuals for information, and furnishing copies of such documents as their necessities require	300
15th. Preparing contracts and instructions for the survey of the towns of Galena and Peoria, in Illinois; examining the returns of the surveyors, and recording the plats and descriptions of the separate lots, and the general plats of each town: and furnishing copies thereof to the several claimants, and to the General Land Office	100
16th. Attending in like manner to the survey of the towns and villages of Missouri, which, if contracted for, will probably not all be completed in the course of the year, but will very probably require	150
Aggregate	4,143

This aggregate, divided by 300, the average number of days' labor that may be expected in a year, will require more than the services of thirteen persons.

To reduce the business within the present estimate, the work which may most properly, and with least injury to the public, be postponed, is that specified in the 5th, 8th, and 9th items, and a part of that specified in the 11th item; this will bring the aggregate within limits that may with certainty be fulfilled.

The $600 which I have estimated for bookbinding, is intended to be applied principally to binding the original field-books of the notes of surveys, which stand much in need thereof. The notes are generally in small books, made up of the sheets of paper folded and stitched (sometimes rather loosely for documents of so great importance) in such manner, and of such sizes, as seem to have suited the convenience of the surveyor in the field. The injuries which many of these books have already sustained by long use in their present condition, clearly indicate the measure here proposed as a necessary means of guarding them therefrom in future; and point it out as the plan which ought to be applied hereafter to all field-books when first returned.

The other items of expenditure, viz., for stationery, office-rent, fuel, and office furniture, are about the amounts that will be wanted for those purposes, as found by the experience of former years.

I must particularly call your attention to the contract of Mr. Brown, (No. 13, enclosed herewith,) for the survey of the lots of the town of St. Louis, in order that it may be referred to the Congress of the United States for an approval thereof, and to obtain an appropriation to survey all the confirmed town and village lots, out lots, and common field lots, adjoining, and belonging to the several towns and villages in the State of Missouri.

This contract with Mr. Brown is for the execution of work required by the 2d section of the act of Congress of the 26th of May, 1824; and by the instructions of the Commissioner of the General Land Office of the 20th of August, 1835; and is upon as moderate terms as a competent surveyor can be had to attend thereto.

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

E. T. LANGHAM.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

A.

SURVEYOR'S OFFICE, *St. Louis, November* 29, 1835.

SIR: The following is an estimate of the expenses of this office during the year 1836:

Surveying 18,038 miles of public land, at $3 per mile	$54,924
Surveying 2,000 miles of private confirmed claims, and 1,000 miles to connect them with the lines of the adjoining public surveys, (3,000 miles,) at $3 per mile	9,000
Surveying the town and village lots, out lots, and common field lots, in adjoining, and belonging to the several towns and villages in the State of Missouri, confirmed by the act of the 13th of June, 1812, and other acts for the adjustment of private land claims	6,000
Surveying and laying off a town at Galena, on Bean river, in the State of Illinois, in conformity with the act of Congress of the 5th of February, 1829	1,000
Salary of principal surveyor	2,000
Salary of clerks	4,820
Additional clerk hire for transcribing the field notes, for the purpose of preserving them at the seat of government	1,000
Stationery	400
Bookbinding	600
Office rent	300
Fuel	100
Office furniture	75
Aggregate	$80,219

I am, sir, very respectfully, your obedient servant.

REGISTER *of the U. S. Treasury, Washington City.*

List of plats and descriptions of the old surveyed townships, due the registers on the 26th of January, 1835, *as stated in the letter of that day to the Commissioner of the General Land Office, and showing the time when such of them as have been furnished the district land offices were transmitted thereto, including some plats and descriptions then due the registers, and accidentally omitted in said letter of January,* 1835.

N. W. LAND DISTRICT, ILLINOIS.

Tow. N. of base line.	Range W. of the 3d principal meridian.	Time when plats were sent to registers.	Time when descriptions were sent to registers.	Remarks.
31	1	Feb'y 23, 1835	March 9, 1835	These plats and desscriptions were sent to the register at Springfield, to accommodate the pre-emption claimants, and were transferred by him to the register at Galena after the land office for the N. W. district of Illinois went into operation.
32	1	do.	do.	
33	1	March 9, 1835	do.	
31	2	do.	do.	
32	2	do.	do.	
33	2	do.	do.	
	Range W. of the 4th prin. meridian.			
13	1	April 24, 1835	Jan'y 18, 1836	
14	1	do.	..	
15	1	do.	do.	
13	2	do.	..	
14	2	do.	..	

List of plats, &c.—N. W. LAND DISTRICT, ILLINOIS—Continued.

Tow. N. of base line.	Range west of the 4th principal meridian.	Time when plats were sent to registers.	Time when descriptions were sent to registers.	Remarks.
15	2	April 24, 1835	..	
13	3	do.	Jan'y 18, 1836	
14	3	do.	do.	
15	3	do.	do.	
13	4	do.	do.	
14	4	do.	do.	
15	4	do.	do.	
13	5	..	..	
14	5	..	..	
	Range E. of the 4th prin. meridian.			
13	1	Prior to Jan. 26, 1835	do.	
14	1	May 5, 1835	do.	
15	1	April 30, 1835	April 30, 1835	
16	1	do.	do.	
17	1	do.	do.	
18	1	June 22, 1835	..	Only secs. 31, 32, 33, 34, and S. half of secs 35 and 36, S. of the old Indian boundary.
13	2	May 5, 1835	Jan'y 18, 1836	
14	2	do.	do.	
15	2	April 30, 1835	April 30, 1835	
16	2	do.	do.	
17	2	do.	do.	
18	2	do.	do.	
13	3	May 5, 1835	Jan'y 18, 1836	
14	3	do.	do.	
15	3	do.	do.	
16	3	April 30, 1835	April 30, 1835	
17	3	do.	do.	
18	3	do	do.	
13	4	..	..	
14	4	..	..	
15	4	May 5, 1835	Jan'y 18, 1836	
16	4	April 30, 1835	April 30, 1835	
17	4	do.	do.	
18	4	do.	do.	
13	5	May 4, 1835	Jan'y 18, 1836	
14	5	do.	do.	
15	5	do.	do.	
16	5	April 30, 1835	April 30, 1835	
17	5	do.	do.	
18	5	May 4, 1835	May 4, 1835	
13	6	..	..	
14	6	..	..	
15	6	April 30, 1835	Jan'y 18, 1836	
16	6	do.	April 30, 1835	
17	6	do.	do.	
18	6	May 4, 1835	May 4, 1835	
13	7	April 30, 1835	Jan'y 18, 1836	
14	7	do.	do.	
15	7	do.	do.	
16	7	do.	April 30, 1835	
17	7	do.	do.	
18	7	May 4, 1835	May 4, 1835	
13	8	April 30, 1835	Jan'y 18, 1836	
14	8	do.	do.	
15	8	do.	April 30, 1835	The plat of this township had been furnished in 1831, and the notice thereof overlooked in making out the list of January 24, 1835.
16	8	do.	do.	
17	8	do.	do.	
18	8	do.	do.	
13	9	do.	..	
14	9	do.	Jan'y 18, 1836	
15	9	do.	April 30, 1835	
16	9	do.	do.	
17	9	do.	do.	
18	9	do.	do.	
13	10	June 22, 1835	..	Except fractional sections 15, 20, 21, and 29.

List of plats, &c.—N. W. LAND DISTRICT, ILLINOIS—Continued

Tow. N. of base line.	Range east of the 4th principal meridian.	Time when plats were sent to the registers.	Time when descriptions were sent to registers.	Remarks.
14	10	..	..	
15	10	..	..	
16	10	April 30, 1835	April 30, 1835	
17	10	do.	do.	
18	10	do.	do.	
15	11	do.	do.	
16	11	do.	do.	
17	11	do.	do.	
18	11	do.	do.	
	Range E. of the 3d prin. meridian.			
36	3	May 19, 1835	May 19, 1835	
	N. E. LAND DISTRICT, ILLINOIS.			
36	4	May 7, 1835	May 7, 1835	
	QUINCY DISTRICT, ILLINOIS.			
	Range E. of the 4th principal meridian.			
3	1	Prior to Jan. 26, 1835	Jan'y 18, 1836	
4	1	do.	do.	
5	1	March 10, 1835	..	
6	1	April 20, 1835	..	
7	1	Prior to Jan. 26, 1835	do.	
8	1	do.	do.	Except such parts thereof as are omitted in consequence of errors in the surveys.
9	1	..	do.	
10	1	Prior to Jan. 26, 1835	do.	
11	1	do.	do.	
12	1	do.	do.	
2	2	March 10, 1835	..	
3	2	Prior to Jan. 26, 1835	do.	
4	2	do.	do.	
5	2	March 10, 1835	..	Except sections 25 and 36, and north half of section 19.
6	2	Prior to Jan. 26, 1835	do.	
7	2	April 20, 1835	do.	
8	2	do.	do.	
9	2	do.	do.	
10	2	April 30, 1835	do.	
11	2	Prior to Jan. 26, 1835	do.	
12	2	April 20, 1835	do.	
3	3	April 30, 1835	..	
4	3	April 20, 1835	..	
5	3	do.	do.	
6	3	do.	do.	
7	3	do.	do.	
8	3	do.	do.	
9	3	April 30, 1835	..	
10	3	July 30, 1835	do.	
11	3	do.	do.	
12	3	do.	do.	
3	4	do.	..	
5	4	do.	..	Only of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 30, and 31; fractional sections 25, 26, and 34, the N. half and S. W. quarter of section 29.
6	4	Prior to Jan. 20, 1835	do.	
7	4	April 20, 1835	do.	
9	4	July 30, 1835	do.	
10	4	do.	..	

List of plats, &c.—QUINCY DISTRICT, ILLINOIS—Continued.

Tow. N. of base line.	Range east of the 4th principal meridian.	Time when plats were sent to the registers.	Time when descriptions were sent to registers.	Remarks.
11	4	July 30, 1835	..	
12	4	do.	..	
5	5	do.	..	
6	5	do.	..	
7	5	April 20, 1835	Jan'y 18, 1836	
8	5	do.	do.	
9	5	do.	do.	
10	5	do.	do.	
11	5	do.	do.	
12	5	do.	do.	
6	6	..	..	
7	6	July 30, 1835	..	
8	6	Prior to Jan. 26, 1835	do.	
9	6	July 30, 1835	..	
10	6	do.	..	
11	6	do.	..	
12	6	April 20, 1835	do.	
7	7	July 30, 1835	..	Except S. half of section 8 and N. half of section 17.
8	7	Prior to Jan. 26, 1835	do.	
9	7	April 20, 1835	..	
10	7	July 30, 1835	..	
11	7	Prior to Jan. 26, 1835	do.	
12	7	do.	do.	
7	8	July 30, 1835	..	Not on list of January, only sec. 20 and frac. 19 and 30.
8	8	do.	..	
10	8	March 14, 1835	do.	
11	8	Prior to Jan. 26, 1835	do.	
12	8	do.	do.	
10	9	July 30, 1835	..	
11	9	May 13, 1835	..	
12	9	July 30, 1835	..	Except frac. sec. 12 and 13 and S. E. quarter of sec. 34.
3	1	Prior to Jan. 26, 1835	do.	
4	1	..	do.	
5	1	do.	do.	
7	1	do.	do.	
8	1	do.	do.	
10	1	do.	do.	
11	1	do.	do.	
12	1	do.	do.	
1	2	do.	do.	
2	2	do.	do.	
3	2	do.	do.	
4	2	do.	do.	
5	2	do.	do.	
6	2	do.	do.	
1	3	do.	do.	
2	3	do.	do.	
3	3	do.	do.	
4	3	do.	do.	
5	3	do.	do.	
6	3	do.	do.	
7	3	do.	do.	
8	3	do.	do.	
11	3	do.	do.	
12	3	do.	do.	
13	3	do.	do.	
1	4	do.	do.	
2	4	do.	do.	
3	4	do.	do.	
4	4	do.	do.	
5	4	do.	do.	
6	4	do.	do.	
7	4	do.	do.	
8	4	do.	do.	

List of plats, &c.—QUINCY DISTRICT, ILLINOIS—Continued.

Tow. N. of base line.	Ranges east of the 4th principal meridian.	Time when plats were sent to the registers.	Time when descriptions were sent to registers.	Remarks.
9	4	Prior to Jan. 26, 1835	Jan'y 18, 1836	
10	4	do.	do.	
11	4	do.	do.	
12	4	do.	do.	
1	5	do.	do.	
2	5	do.	do.	
3	5	do.	do	
4	5	do.	do.	
5	5	do.	do.	
	Range W. of the 4th principal meridian.			
6	5	do.	do.	
7	5	do.	do.	
3	6	do.	do.	
4	6	do.	do.	
5	6	do.	do.	
6	6	do.	do.	
7	6	do.	do.	
1	7	do.	do.	
2	7	do.	do.	
3	7	do.	do.	
4	7	do.	do.	
5	7	do.	do.	
6	7	do.	do.	
1	8	do.	do.	
2	8	do.	do.	
4	8	do.	do.	
	SPRINGFIELD DISTRICT, ILLINOIS.			
	Range W. of the 3d principal meridian.			
16	13	Plats in the Register's office.		
17	13			
	VANDALIA DISTRICT, ILLINOIS.			
	Range E. of the 3d principal meridian.			
13	8	Plats sent to the register many years ago.	Jan'y 18, 1836	
14	8		do.	
15	8		do.	
	HOWARD DISTRICT, MISSOURI.			
	Range W. of the 5th principal meridian.			
56	22	March 30, 1835	March 30, 1835	
57	22	do.	do.	
58	23	do.	do.	
	WESTERN DISTRICT, MISSOURI.			
57	24	May 6, 1835	May 6, 1835	
57	25	do.	..	The description was sent prior to the 26th January, 1835, viz.: on the 16th of that month.
57	30	April 10, 1835	April 10, 1835	
57	31	do.	do.	
58	31	do.	do.	Except secs. 10, 11, 14, and 15.
57	32	do.	do.	
58	32	do.	do.	
57	33	do.	do.	
58	33	do.	do.	

Recapitulation of plats and descriptions of old surveyed townships, furnished at the district land offices, since 26th January, 1835.

Northwest land district of Illinois	74	plats and	70	descriptions.
Northeast land district of Illinois	1	do.	1	do.
Quincy district of Illinois	49	do.	99	do.
Vandalia district of Illinois	..	..	3	do.
Howard district, Missouri	3	do.	3	do.
Western district, Missouri	9	do.	8	do.
Aggregate	136	plats.	184	descriptions.

24TH CONGRESS.] No. 1510. [1ST SESSION.

APPLICATION OF KENTUCKY FOR THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, APRIL 18, 1836.

PREAMBLE and RESOLUTIONS in relation to the revenue arising from the sale of Public Lands.

The legislature of Kentucky, mindful of her rights as a member of the confederacy, and ever ready to assert and maintain them, feels itself called upon by a sense of duty to the people of Kentucky, to express its opinion on a question of vital importance to her as a State, and to the other members of the confederacy; one which has for some time attracted the attention of the Congress of the United States, and at this time forms a subject of deliberation in that body.

The vacant and unappropriated land situated in the different States and Territories, is the common property of all the States, held in trust by the federal government as a common fund, under the terms of the acts and deeds of cession and treaties by which they have been acquired. Heretofore they have been devoted as a sacred pledge to the redemption of the national debt by the authority of the general government; to which pledge the States felt themselves bound by every consideration of patriotism and devotion to the prosperity of the Union, to yield their free assent; and not until the payment of that debt had been completed, did the State of Kentucky feel herself justified in demanding, as a matter of right, of the Congress of the United States, a faithful and honest compliance with the conditions upon which the public domain had been ceded to the States. These conditions are all in the same language, in substance, and declare "that they shall be considered as a common fund, for the use and benefit of such of the United States as have become or shall become members of the confederation, or federal alliance, (including all the States making the cession,) according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other purpose whatever."

The proceeds arising from the sales of these lands are no longer required for the payment of the debts of the Union. They are not needed, (having a due regard to the protection of our domestic manufactures,) to pay off the annual or current expenses of the general government. The revenue arising from the impost duties, and from other sources, greatly exceeds the most extravagant estimate of the annual expenditure.

At this time, there appears to be a surplus of more than twenty-one millions in the treasury—money not needed for national objects. Twelve millions of that sum are the proceeds of the sales of public lands during the present year. By the year 1837, it is estimated that the surplus will amount to thirty millions. If the whole of this immense revenue was the result of the revenue laws, a wise policy would dictate that an alteration in our tariff should be made, and such a scale of duties should be adopted, that the receipts should not exceeed the expenditures, or by some other mode the fund should be distributed among the several States for the purposes of internal improvement and education. Safety to the purity of our institutions demands that it should be speedily withdrawn from its present position, and placed beyond the reach of ambition, or the possible grasp of corruption. Upon the power of Congress to collect a revenue, for the purpose of distribution among the several States, this legislature would not be understood to express any opinion favorable to its exercise. But upon the power of Congress to direct a distribution, among the States, of the net proceeds of the public lands, this legislature entertains no doubt. That Congress is bound to make this disposition, from the terms of the grants by which the lands were ceded, is equally unquestionable. In no other mode or manner so appropriate, so beneficial, can the general government now execute the trust, and dispose of the fund which she holds as the common property of all the States. It becomes, therefore, a duty which the legislature of Kentucky owes to itself, and the people of the State, whose voice she undertakes to speak on this occasion, to demand of the Congress of the United States, a distribution of the proceeds arising from the sale of the public lands, among all the States, according to their respective ratio of population. This State does not ask this as a boon, but claims it as a matter of right. Therefore—

Be it resolved, by the general assembly of the commonwealth of Kentucky, That our senators in Congress be instructed, and our representatives be requested, to sustain and to vote for the passage of a law providing for the distribution of the proceeds of the public lands among the respective States, according to their respective federal numbers.

Resolved, That the acting governor of this State be requested to forward to each of our senators and representatives in Congress, a copy of the foregoing preamble and resolution.

JNO. L. HELM, *Speaker of the House of Representatives.*
CYRUS WINGATE, *Speaker of the Senate.*

Approved, February 11, 1836.

J. T. MOREHEAD.

By the Lieutenant and acting Governor:
WM. OWSLEY, *Secretary.*

24TH CONGRESS.] No. 1511. [1ST SESSION.

ON A CLAIM TO A CREEK RESERVATION IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1836.

Mr. CHANEY, from the Committee on Indian Affairs, to whom were referred the papers in relation to the claim of Us-se-yoholo, a Creek Indian, to a certain reservation of land in the State of Alabama, reported:

That, by the second article of the treaty made between the United States and the Creek tribe of Indians, at the city of Washington, on the 24th of March, 1832, it is provided that the heads of families shall be entitled to a reservation of one half section of land each, to be by them selected; for which purpose there shall be a census taken under the direction of the President of the United States, &c.

That, by the provision in said treaty, the said Us-se-yoholo claims the right to a reservation of the south half of section number fourteen, in township nineteen, of range four, in the State of Alabama. In support of which he produces the following evidence: An extract from the location rolls of Creek reservations, returned to the department by Colonel James Bright, locating agent—Us-se-yoholo, S. 14, 19, 4.

It is stated, from good authority, that the Indian gave in his name to the census taker, but it does not appear upon the roll. He is justly entitled, having a large family, and is an old settler on the tract of land to which he is located.

The deposition of William W. Morris, taken before John Council, a justice of the peace in the county of Talladega, in the State of Alabama: The deponent states, that in the month of August, 1832, he came to the place, since called Mardisville, where he shortly afterward became acquainted with the Indian called Jony, or Us-se-yoholo; that he continued to be acquainted with him till the census was taken in the fall of 1832, and was present when the Indians of the Talladega town were inserted in the census; that, among others, he distinctly recollects that Jony, or Us-se-yoholo, came with his wife and children, and gave his name to the census-taker, who, he supposed, took it down; that he recollects this case particularly, because his attention had been drawn to the subject by the suspicion in his mind that the Indians were practicing impositions on the agent, by lending each other children to make them seem to be heads of families, and he noticed that Us-se-yoholo brought up, as he thought, all his children; that said Us-se-yoholo then lived on the land where he has since continued to live, he thinks, and on which he lived when he first knew him.

Extract of a letter from R. J. Meigs to the Secretary of War, dated Mardisville, Alabama, September 27, 1834.

"SIR: I enclose the deposition of William W. Morris, a respectable merchant of this place, in the case of Us-se-yoholo, who was omitted in the census. There is no doubt of the justness of this claim. He was residing at the time of the treaty on the south half of section 14, in township 19, range 4 east, where he yet resides. He has several children by a daughter of Mad Wolf, a chief who distinguished himself by his friendship for the United States in the war," &c.

Your committee are of the opinion that the evidence is sufficient, and that the said Us-se-yoholo is entitled to relief, and therefore report a bill.

24TH CONGRESS.] No. 1512. [1ST SESSION.

IN FAVOR OF GRANTING BOUNTY LAND TO THE MILITIA WHO SERVED DURING THE LATE WAR WITH GREAT BRITAIN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom were referred the memorials of the General Assemblies of the States of Illinois and Indiana, praying for additional remuneration to the militiamen and rangers who defended the frontier of the United States, during the late war with Great Britain; and also, a preamble and joint resolution of the General Assembly of the Commonwealth of Kentucky, proposing the passage of a law of Congress to place the officers and soldiers who served for a less term than five years in the United States army, in the last war with Great Britain, on a just equality with the soldiers of that army, in the distribution of the public lands; with instructions by the House of Representatives "to inquire into the propriety of passing a law in accordance to the said preamble and resolutions," reported:

That, by an act of Congress, passed the 2d of January, 1812, the President of the United States was authorized, whenever he should have satisfactory evidence of the actual or threatened invasion of any State or Territory of the United States, by any Indian tribe or tribes, to raise, either by the acceptance of volunteers, or enlistment for one year, unless sooner discharged, as many companies as he should deem necessary, not exceeding six, to serve on foot, or be mounted, as the service might require, and who should act upon the frontier as rangers; each of the said companies was to consist of one captain, one first, and one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates.

The above recited act further provided, "that the commissioned officers should receive the same pay and rations as officers of the same grades in the army of the United States; and when the rangers should arm and equip themselves, and provide their own horses, they should be allowed each one dollar per day. The manner of arming, equipping, and organizing the said corps, was placed under such regulations and restrictions as the nature of the service, in the opinion of the President, might require. This act, of course, took effect from its passage, and was to continue in force for one year, and from thence to the end of the next session of Congress.

On the 1st day of July, 1812, Congress, by a supplementary act, authorized the raising of one additional company of rangers, under like conditions and restrictions.

On the 25th day of February, 1813, Congress provided a further increase of ten additional companies of rangers, and placed them upon a similar footing; and on the 24th of July following, the same acts referred to were continued for one year from that time, and until the end of the next ensuing session of Congress. And so efficient had the rangers proved themselves to be, that these ten companies were made the substitute for a regiment authorized to be raised by a previous law.

The companies thus authorized to be raised, were organized, and entered the service of the United States. The nature of that service, its hazards and hardships, are well described in the memorial of the Illinois legislature. They show that this class of citizens, now for the first time attempted to be brought forward to the consideration of Congress, are not the least deserving the aid of the government, though they are the last almost of the defenders of our country who have asked for any remuneration. Their claims to the attention and favor of the government, will be better understood from a brief outline of the condition of the country when they were its defenders, and the nature of their services. Previously to the year 1812, the settlements of the country were confined to the margin of the rivers Ohio and Mississippi, while all between was a wilderness but little frequented by the whites, and the constant abode of the Indians; and when the late war broke out, these settlements were always exposed to their attacks, and subject to their perpetual hostilities. The weakness of their situation forced the inhabitants to use extraordinary exertions for their defence; they erected stations, and abandoning their homes, and in many instances all they had on earth, they devoted themselves wholly to the defence of their country; they were thus of great benefit to the inhabitants of the adjacent States, who, but for their adventurous boldness, would have been equally exposed; they formed the advance guard of the country, during a fierce and ferocious Indian war; and their privations and sufferings were almost unparalleled.

The late war with Great Britain raging at this time, the great body of the troops of the United States was engaged in defending the more populous parts of the Union, and what is now the States of Illinois, Indiana, and Missouri, were left to rely on their own strength and courage for their defence; and it is a proud reflection, that these brave men did effectually defend, not only their own widely extended frontier, but also the citizens and property of the adjacent States.

The individuals composing these companies were not like those who made up the regular army of the United States in many respects; they were citizen *soldiers*, acting upon an extended frontier, surrounded on all sides by powerful and warlike tribes of Indians; many of them expended their all in equipping themselves for the service; their clothing, arms, and horses, were furnished by themselves; neither rations nor forage were supplied by the government, for the ranger was bound, out of his small wages, to furnish himself with a horse, arms, ammunition, clothing, and provisions; not one cent was ever contributed by government toward their subsistence—no convenience provided but what their own hard earned money paid for. Many of them had families, whose whole reliance for support was upon those who were on duty, and who were provided for out of their wages. While in service, they were often prevented from cultivating their farms for an entire season, and the loss of a crop was to them a loss of no ordinary magnitude. Add to this, that all articles of consumption, use, or necessity, bore an exceedingly high price, and then deduct from their pay those articles of necessity, without which they were not qualified for the service, and then, it may well be asked, what remains as a remuneration for the time, services, and devotion, of these citizen soldiers? Your committee answer, respectfully, but unhesitatingly, *nothing!* The same may be said of the militia and volunteers in every part of the United States. They left their firesides, families, and farms, penetrated, in many instances, the uninhabited wilderness—traversed countries without roads or bridges—and met, without a murmur, all the inclemencies of the weather, and all the hardships incident to the nature of the service, to rid the country of violence, outrage and death.

The battle of Baltimore was fought mainly by the militia and volunteers of the country; the bloody field of Fort Erie was mainly won by the militia; the ever-memorable battle of the Thames was achieved by a charge of mounted volunteer gunmen, a military operation unparalleled in the history of any country; all General Jackson's battles with the Indians were won by volunteer militia; and to close the late war with Great Britain, a battle was fought and won on the plains of Orleans, by the gallant but undisciplined sons of Tennessee and Kentucky, under the direction of their able chief, without a rival, and which covered the country with imperishable glory and renown.

These brave men now come forward, and relying confidently upon the justice and liberality of Congress, ask a bounty in land proportionate to their services. Your committee are disposed to view favorably this application.

By estimates furnished the committee on the public lands by the Treasury Department, it will be seen that the quantity of land to which the Indian title has been extinguished by the United States up to September 30, 1835, was 268,348,942 acres; the quantity of land surveyed and offered for sale on the date aforesaid, 166,897,082 acres; the quantity of land sold at said date, 44,499,620 acres; the quantity of land remaining unsold and liable to private entry on said date, 122,397,462 acres; the quantity surveyed, but not offered for sale at said date, 9,772,739 acres; the quantity within the limits of the United States west of the river Mississippi, and west of the organized limits of the States and Territories, 715,000,000 acres.

It is true that the public domain has stood pledged for the redemption of the public debt, and that fact may have justified the argument that Congress could not dispose of it by granting it in bounties, or making donations to our meritorious citizens. But your committee are glad to have it in their power to say, that the time for the use of that argument has gone by, and now that the last cent of the public debt has been paid, and that the vast quantity of the public lands held by the government is free of all incumbrances, your committee hope, and believe, that a more liberal policy will hereafter characterize the legislation of Congress on the subject of those lands.

By two several acts of Congress, passed the 24th of December, 1811, and on the 14th of January, 1812, it is provided, that whenever any non-commissioned officer or soldier of the *regular* army shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty whilst in service, he should be allowed, in addition to the bounty in money that those acts provided, three months' pay, and *one hundred and sixty acres of land:* and the heirs and representatives of those non-commissioned officers and soldiers who might be killed in action, or die in the service of the United States, should likewise be paid and allowed the said additional bounty of three months' pay and *one hundred and sixty acres of land,* to be designated, surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as should be provided by law.

By an act passed December 10, 1814, it is provided, that in lieu of the bounty of one hundred and sixty acres of land then allowed by law, there should be allowed to each non-commissioned officer and soldier thereafter enlisted, when discharged from the service, who should have obtained from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty while in the service, *three hundred and twenty acres of land,* to be surveyed, laid off and granted, under the regulations prescribed by law. In the same act it is provided, that the widow and children or parents of every non-commissioned officer and soldier, enlisted according to law, who might be killed or die in the service of the United States, should be entitled to receive the three hundred and twenty acres of land.

Thus it will be seen that the principle of giving bounties in *land,* for faithful military services, has been fully recognized by the government, and approved by our fellow-citizens generally.

It is believed by your committee, that no class of troops engaged in the military service of the United States during the late war, performed their duty more faithfully, or rendered services more hazardous in their nature, or more beneficial in their results to the country, than those organized militia men, volunteers and rangers, whose claims on the liberality and justice of the government are now brought before Congress by the memorials of the legislatures of Illinois and Indiana, and joint resolutions of the legislature of Kentucky, who have received no bounty in land from the United States, but who bravely defended their country during the trying scenes of the late war with Great Britain, against all her foes, whether civilized or savage.

A liberal bounty in land to these brave men would be of great advantage to them, and an easy method of remunerating such signal services so faithfully rendered.

Your committee therefore report a bill; they also adopt as part of this report, letters from the Hon. J. Reynolds, of Illinois, and the Hon. J. Carr, of Indiana, addressed to the committee; they also append to this report the estimates before alluded to, from the Treasury Department.

WASHINGTON CITY, *February* 8, 1836.

GENTLEMEN: Having introduced, both at the last and present session of Congress, the subject of a bounty in lands to the United States rangers and other troops, and having also addressed you a short letter on the subject at the last session, I hope it will not be intrusive to call respectfully your attention again to a subject which is so interesting to a very worthy and meritorious class of citizens. I feel great confidence in the committee acting on this subject in such generous and proper manner as to be worthy of themselves and the subject. The subject having already been before Congress, and some of the committee being fully impressed with the justice and propriety of the measure, I will, on that consideration, confine myself to the prominent features of the subject.

Serving myself in the late war with Great Britain, as a private in the United States ranging corps, I an enabled by that service to speak with more confidence on the subject, and I hesitate not to say, that these and other similar troops are, in justice and equity, entitled to a bounty in land, in proportion to the bounties other soldiers received for their services. These soldiers, and others, suffered all the hardships and privations incident to such service in the defence of the country, and performed that service not only to the satisfaction of the government, but to the entire approbation and satisfaction of the country itself, that they defended.

An act of Congress passed on the 2d January, 1812, creating several companies of mounted rangers for the protection of the frontiers. It is true that these rangers received one dollar per day for their services, and were on consideration thereof compelled to furnish themselves in everything complete for the service; out of this compensation, each man was required to provide himself with a horse, gun, clothing, provisions, forage, and all other equipments necessary for the service. It is almost useless to inform the committee, that on the frontiers of a thinly inhabited country, all those articles necessary to equip the United States ranger for the service of his country, were not only dear, but difficult to be procured at all.

I will not trouble the committee with a minute detail of the price of articles, to show that these troops were in fact worse paid than the regular army, but will content myself with a general statement:

One horse, per year	$100 00
One gun	30 00
Provision for ranger	70 00
Forage for horse	30 00
Clothing, saddle, &c	50 00
Incidental expenses	40 00
	320 00

I have made a very low estimate of the equipment for a mounted ranger for one year. Some of these articles may be of service at the expiration of the year, but others will be used or lost within the year, so that the above is a fair estimate of the expenses, and a very low one, when we take into consideration the very dear price of these articles on an exposed frontier. At the end of a year, each ranger, by this calculation, will receive for his service, forty-five dollars, when the soldier of the regular army will receive ninety-six; being fifty-one dollars more than the United States ranger received.

I would respectfully suggest to the committee, if it be just and proper, that this disparity in the pay of troops of equal grade and standing, both sworn into the service of the United States, and fighting in the same war, under the same government, should exist? This consideration alone, separate and apart from all other views of the subject, would give to these troops a strong claim on the bounty and liberality of the government; but when we know that the United States observed toward other troops a policy that was not only patriotic and just, but also liberal and generous, in granting bounties of land to them, we are constrained to believe that the same policy will be extended to the United States rangers, and other similar defenders of the country.

By two several acts of Congress, passed on the 24th December, 1811, and on the 14th of January, 1812, it is provided that each soldier or non-commissioned officer of the *regular* army, who shall receive an honorable discharge from the proper officer, or die in the service, shall be entitled, together with other bounties, to receive one hundred and sixty acres of land for his services.

In another act, passed on the 10th December, 1814, it is provided, that all soldiers and non-commissioned officers hereafter enlisted, in lieu of other bounties in land, shall receive three hundred and twenty acres for their military services. This liberal and enlightened policy of the government demonstrated its beneficial effects in the late war, by organizing an army that through the means of their gallantry and noble bearing, the character and standing of the country was not only sustained at home, and throughout a contest with the most powerful nation on earth, but our high standing for honor and chivalrous deeds were known and acknowledged by every nation on the globe.

The United States rangers, and similar troops, "acted well their part" in the defence of the country during this war. The frontiers of Indiana, Illinois, and Missouri, were much exposed to the enemy at that trying period. The settlements at that day were sparse, and in many instances separated from each other for hundreds of miles around the boarders of this region of country of which three States are now formed.

The committee will at once see the importance of this service, and the great hardships, privations and dangers in performing it. These soldiers were not provided with baggage-wagons, tents, barracks, and other necessaries which were furnished to the regular army, but were compelled to penetrate the wilderness country of the enemy for months at a time, without any of the conveniences which the government provided for the regular army, over and above their pay. These hardships, perils, and privations, were endured, and the service performed with cheerfulness and alacrity for honor, character, and defence of their country.

The country at that time was embarrassed with a war and in debt. The public lands were pledged for the payment of this debt, and the beneficial influence of peace had not yet reached the people. On that consideration, these brave men, with the same patriotism which induced them to defend their country, without an equivalent, caused them to suspend a presentation of their claims. But now they present it to a country crowned with prosperity, and, in fact, the admiration of the world, for its growth and prosperous condition. The public debt is liquidated; the lands of the government, which were pledged for its payment, are now clear of that embarrassment, and in the hands of Congress for beneficial purposes; and the treasury itself is in such a prosperous situation, as is unparalleled in this or any other country.

Resting the claims of these soldiers on this unvarnished statement of facts, I appeal to the committee in their behalf, and solicit for them a bounty of a part of the very lands which they defended in the most gloomy and dark periods of the war. Many of these brave defenders of the country are now advanced in years and poor; and, in fact, need this bounty of the government. It would gladden the hearts of many of the rangers to know that the government for which they spent many of their best days, had at last recollected them, and restored them to plenty and happiness. All that these claimants expect, is to be placed on a footing with other troops, and thereby to receive such bounty in land as they are entitled to.

Your obedient servant,

JOHN REYNOLDS.

Hon. COMMITTEE *on the Public Lands.*

HOUSE OF REPRESENTATIVES, *March* 10, 1836.

GENTLEMEN: On yesterday I had the honor of presenting to the House of Representatives, and referring to your committee, a memorial and joint resolution of the general assembly of the State of Indiana, praying the Congress of the United States to grant a bounty in land to the militiamen, mounted militiamen, and rangers, who so successfully protected the frontier during the late war with Great Britain.

This subject has been presented to Congress by the official acts of the legislatures of Illinois and Indiana, within whose limits reside some of the individuals for whom the memorials pray Congress for relief, and within whose borders reside some of the widows and orphans of those who performed service in defence of their country, and whose fate was the fate of war, for whose benefit the memorials aforesaid were also presented.

Gentlemen, the people of the States of Illinois and Indiana have shown to you, through their respective legislatures, that they remember with the deepest gratitude, and appreciate most highly, the patriotism and signal service rendered to the country by the troops named in the memorials, and under circumstances peculiarly hard, and in times that tried men's souls.

This service was not only performed at the sacrifice of time and of property, but it was performed at the expense of many robust and sound constitutions. Nor was this service the business of a day, or a month, or of a year's duration, but of years; nor yet were the beneficial results of this service confined to the frontier of the now flourishing States of Illinois and Indiana, but extended far north and west.

I have said that this service was performed at the sacrifice of time, of property, and of health; this is true. Nor was the incentive that of pleasure, or of speculation; those who rendered this service were actuated by the same spirit, and resolved to maintain that independence so dearly won by the toil and the blood of their forefathers.

I have also said that this service was performed under circumstances peculiarly hard. It is true. There were instances where the father went into the service of his country under circumstances which left no alternative other than for the wife, with her own hands, to till the ground, thereby making a scanty support for her helpless family; this, too, was done cheerfully by her, with a fond hope that the labors of her husband and his associates in arms would be crowned with success, and that he would return home, and enjoy with his family and friends peace and happiness. In some instances this fondest hope was realized, while in many other instances the wives and the mothers of those in the service of the country, whose anxiety was beyond imagination or description, were saluted with the woful intelligence that a husband, a son, had fallen in the battle field, never to return. It may be thought by some, and said by others, that these troops have been amply paid for their services and losses sustained. To this I cannot assent; I think it can be clearly shown that the pay received by them would not, in many instances, half equal the losses of property incurred; and that the committee may have some idea of the expense and liabilities incurred by some of them, I beg leave to refer you to a letter which I had the honor to address to the Committee on the Public Lands at the last session of Congress, which, I think, clearly shows that their pay was not equal to the pay received by the regular troops who served in the late war, exclusive of the bounty on lands which was given to the regular soldiers.

The States of Illinois and Indiana now come forth, and ask Congress, in behalf of those who are still living,

and in behalf of the widows and orphans of those who served their country in time of peril and of danger, and who are no more, a small bounty in land, upon which to locate their families in their declining years, and which they may call their freeholds and their homes.

It is to the citizen soldier that this country looks to avenge her wrongs; standing armies in time of peace to eat out our substance, we will not have. It has been by the citizen soldier that this country has, in all times past, been mainly defended against the savage foe and the foreign enemy; and it is to the citizen soldier that this country will confidently look in time to come to repel all invading foes.

Gentlemen, your treasury is full to overflowing, a plenty and to spare; in addition to this, the United States government is the proprietor of some hundred millions and more acres of unappropriated lands, but which is fast going into the hands of speculators and monopolists, consequently to be vended out to the honest and laboring classes of the community at exorbitant prices. Under these circumstances, can it be considered as unreasonable to grant to those surviving patriots, and to the widow and orphan of those who spent so much of their youth and manhood in defending their country's cause, and braved all the perils and underwent all the privations incident to a warfaring life, a small portion of this vast public domain, in part consideration for their invaluable services, and which they can call their own and their homes.

Having the utmost confidence in the committee to do full and ample justice to so meritorious a class of our citizens, I look with the most sanguine hope for a favorable report in their behalf.

With profound respect and esteem, I have the honor to be, your most obedient and most humble servant,

JOHN CARR.

Hon. COMMITTEE *on the Public Lands.*

TREASURY DEPARTMENT, *January* 13, 1836.

SIR: I have the honor to transmit a report of the Commissioner of the General Land Office, in compliance with your request of the 28th ultimo.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. ZADOK CASEY, *of the Committee on the Public Lands, H. R.*

GENERAL LAND OFFICE, *January* 13, 1836.

SIR: The information requested by the Hon. Z. Casey, in his letter to the department of the 23d ultimo, and which you refer to this office, has been prepared with every practicable expedition, and I transmit herewith the required report.

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

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Table.

States and Territories.	Estimated superficial contents of each State and Territory.	Estimated quantity of land to which the Indian title has been extinguished by the United States, 30th of September, 1835.	Quantity of land surveyed and offered for sale in each State and Territory, on the 30th of Sept., 1835.	Quantity of land remaining unsold and liable to private entry, on the 30th of September, 1835.	Quantity of land sold in each State and Territory, 30th of September, 1835.	Estimated quantity of land surveyed, but not offered for sale, 30th Sept., 1835.	Estimated quantity of land in the States and Territories not ceded to the Unit'd States, 30th Sept., 1835.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio.....	24,923,899	24,777,633	14,703,163.10	4,100,492.18	*10,602,670.92	6,438	146,216
Indiana.....	22,032,469	21,020,167	18,690,447.53	10,299,608.62	8,390,838.91	299,520	1,012,302
Illinois.....	32,321,947	32,321,947	21,574,495.45	17,234,014.35	4,340,481.10	.....	.....
Missouri.....	39,119,018	39,119,018	20,392,249.14	17,443,429.90	2,948,819.24	.....	.....
Alabama.....	32,174,640	30,654,000	29,915,088.56	22,586,058.56	7,329,030.00	158,621	1,520,640
Mississippi.....	27,487,200	27,487,200	†17,525,818.82	11,924,301.48	5,601,517.34	1,382,400	.....
Louisiana.....	31,463,040	.....	6,450,942.05	5,683,526.98	767,415.07	4,055,040	400,000
Arkansas.....	37,555,200	36,955,200	13,891,538.31	13,223,175.80	668,362.51	829,440	600,000
Michigan, peninsula...	24,209,567	17,189,407	12,211,519.37	9,003,697.49	3,207,821.88	.....	7,020,160
Michigan, west of lake.	77,251,840	8,824,320	4,674,690.71	4,524,935.96	149,754.75	599,040	68,427,520
Florida.....	35,286,760	30,000,000	6,867,129.87	6,374,220.71	492,909.16	2,442,246	.....
Totals.....	383,825,580	268,348,942	166,897,082.91	122,397,462.03	44,499,620.88	9,772,739	79,126,838

Estimated quantity of land *within the limits of the United States*, west of the Mississippi river, and west of the organized limits of States and Territories—715,000,000 acres.

* This quantity includes the lands sold at New-York and Pittsburg, and the special sales to John Cleves Symmes and the Ohio Company, prior to the organization of the district land offices.

† The lands ceded to the United States by the Chickasaw Indians, lying within the limits of the States of Mississippi and Alabama, by the treaty of 1832, and estimated to contain 6,422,400 acres, are not included in the lands "surveyed and offered for sale" in those States.

ETHAN A. BROWN, *Commissioner.*

GENERAL LAND OFFICE, *January* 13, 1836,

24TH CONGRESS.] No. 1513. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of the inhabitants of East Baton Rouge, and, also, the resolution of the legislature of Louisiana, on the subject of land titles in that part of said State which formerly belonged to West Florida, reported:

That they have examined the subject with that consideration which belongs to a district of country, embracing nearly one third of the agricultural wealth and population of Louisiana; and viewing the subject of great importance, they deem it their duty to make a detailed report of the causes which have produced such universal difficulty in that quarter of the country, in relation to titles to land.

This portion of Louisiana embraces seven parishes, to wit: West Feliciana, East Feliciana, East Baton Rouge, St. Helena, Livingston, Washington, and St. Tammany, all being east of the Mississippi river and the island of New Orleans. These parishes were all a new country, comparatively speaking, when the United States took possession of them in 1812; and their population is principally derived from emigration from other States in the Union before and since that period.

Previous to taking possession of this part of the country, on the part of the United States, the inhabitants derived their titles from the government and authorities of Spain. There were no squatters on the public lands at that period; for the obvious reason, that the policy of the government of Spain was to give away lands to settlers, on condition of actual settlement, as prescribed by law.

The principal rules on this subject, are to be found in the decrees of St. Lorenzo, dated October 15, 1754; of Count O'Riley, dated 18th February, 1770; of Don Manuel Gayoso de Lemos, dated 9th September, 1797, these being governors general of Louisiana, and the regulations of Don Juan Ventura Morales, intendant general, of July 17, 1799, to which officer this duty was transferred by the King of Spain.

By these regulations, whenever a new colonist wanted lands, he made application to the nearest commandant of a post, by petition (requette) for a tract of land; upon this an order of survey was granted, and on complying with the conditions of settlement prescribed by the regulations above referred to, and simply paying the fees of office, amounting to a few dollars, the settler obtained his final concession; owing, however, to the negligence incident to a new country, most of the settlers had not attended to the completion of their titles, at the time the change of government took place, although they had performed the conditions of settlement. They frequently had requettes, in virtue of which they possessed; many had their surveys and plats, but very few their final concession; all, however, had some written evidence of title until the revolution at Baton Rouge, when the Spanish authority ceased in this portion of the country. In this revolution, a convention was the government, de facto. The convention invited American emigrants to the country, and stipulated to give them a section of land. They governed the country until Governor Claiborne took possession of it in 1812, as agent of the United States, and ratified all the previous proceedings of the government de facto. The government of the United States paid the debts, and became obliged to confirm all the settlement rights which had been guaranteed by the convention.

In accordance with this pledge, the first land law was passed by Congress, on the 25th April, 1812, by which provision is made to carry into effect all the titles derived from these different sources, to wit: from requettes, orders of surveys, final concessions, and lastly, actual settlement.

A commissioner and clerk were appointed to collect all evidences of written title, as well as a list of actual settlers, and report to Congress. Thus early did the national government commence redeeming its pledges, given to the people of the country, in the treaty of cession of Louisiana, that the ancient titles of the country should be respected in good faith; and the promise of their agent, Governor Claiborne to the convention, while they were the government de facto, that settlers should be guaranteed in their titles, not to exceed a section of land.

The commissioner appointed under this act made his report conformably to its provision, and Congress, by the law of the third of March, 1819, confirmed the titles embraced into it, both as regards settlers with written titles, and actual settlers without written titles, prior to the 15th April, 1813.

We now proceed to an investigation of the title, in opposition to this claim of title on the part of the actual settlers. After the ratification of the treaty of Paris, by which Louisiana was ceded to the United States, the intendent general of Louisiana, Don Joseph Ventura Morales, made certain cessions of land in the foregoing parishes to sundry individuals. The government of the United States refused to sanction these cessions, on the ground that West Florida (as far as the Pedido) was embraced within the original limits of Louisiana, and that all these large grants were void, inasmuch as Spain had parted with her domain. These grants covered a portion of the tracts which were comprised in the list that Congress had confirmed by the act of 1819. The doctrine that these grants were null, on the ground of Spain having ceded her domains to the United States, was sanctioned by the executive in taking possession of the above Territory in 1812; by the taking of Fort Charlotte, at Mobile, in 1813; and by annexing the former to Louisiana, and the latter to the Territory of Mississippi, and, finally, the same point was decided by the Supreme Court of the United States, in the case of Foster and Elam *vs.* Neilson (see Peter's Reports, 2d vol. p. 254), where it is decided that the cession of Louisiana embraced all the country to the Pedrido, and that, of course, after that cession, Spain had no public domain to convey in this part of Louisiana.

Here then, it may be asked, is there not a perfect chain of title on the part of the settler? Written evidences of titles derived from the former government of Spain, donations and actual settlements under the government *de facto*, of the convention reported on under the law of 1812, and finally confirmed by the act of April 20th, 1819, and the decision of the Supreme Court of the United States in the above entitled cause.

The obstacle to this chain of title presents itself in the treaty with Spain for the cession of Florida. The government of the United States, probably to prevent any doubts as it respects the eastern limits of Louisiana, saw fit to describe the territory ceded by that treaty, in the following terms: "His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him east of the Mississippi river, known by the name of East and West Florida." And by the eighth article of said treaty is the following stipulation; "all the grants of land made before the 24th January, 1818, by his Catholic Majesty, or by his law-

ful authorities, in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty."

The decisions of the Supreme Court upon this article of the treaty have been as follows: In the first case, Foster and Elam, *vs.* Neilson. (See Peter's Reports, 2d vol., page 254.)

The court decided two points: 1st, that by the treaty of Paris, all the country as far eastward as the river Perdido, was included within the cession of Louisiana; and they also decided that the large grants, commonly called the Morales grants, which were made after the cession of Louisiana by France, were null and inoperative in relation to settlers whose claims had been confirmed by the act of Congress of 1819. They decided also in that case, that the Morales grants were not *ipso facto*, confirmed by the Florida treaty so as to vest the title itself in the grantees. The contract, in the language of the Supreme Court, only being a contract to confirm, but not vesting a title to the land itself in the grantees, and decided that case against them and in favor of the title of the settler, by confirmation by the United States. But in the 6th volume of Peter's Reports, page 691, the United States against Arredondo and others, the court have overruled this construction of the Florida treaty, and have decided that, by the eighth article the grants mentioned in the article, are absolutely confirmed, and the rights which they give are vested rights in the grantees.

It may not be material to inquire into the real validity of these two titles, in point of priority, for it appears to the committee that, whichever of them fails, the government is equally bound to indemnify its proprietor. The treaty of Paris recognizes the then existing relations of property, all the *bonafide* settlers under the laws of Spain, in relation to incipient titles, such as requettes and orders of survey, were entitled to absolute concessions as soon as they had completed the condition of settlement; and if they were ousted from these titles by any act of our government, it would be a palpable violation of the treaty. On the other hand, if the government have made a *bonafide* stipulation in the Florida treaty to confirm the large grants, and their previous confirmations to the settlers prevent them from complying with it, then it is a violation of the Florida treaty in relation to the grantees, and they are equally bound to indemnify them. But still, although the question of priority of title is not material in explaining the duty of the government, yet it may not be unimportant for the committee to express their opinion on it.

The act confirming the settlers in their lands, bears date of the 3d of March, 1819. The Florida treaty, although purporting to be negotiated in February, 1819, was not ratified by the Senate until February, 1821. According to our constitution, it is apprehended that the treaty has no force nor validity until its ratification; hence, the United States having parted with their property to the lands confirmed in 1819, to settlers, these settlers could not be interrupted or disturbed, as it respects third persons, by a treaty not ratified until 1821.

Your committee are therefore of opinion that the proper course for the government to pursue, is to indemnify the Morales grantees; that if they undertook to indemnify the settlers, millions would not be sufficient to effect that object in the improved value of the property as it has been effected by the industry of the settlers. In ascertaining what indemnity would be a fair one to the Morales grantees, we must take into view that the increased value of the lands has been entirely effected by the settlers themselves; they have opened plantations, constructed railroads, founded villages, established schools, and introduced the comforts of civilized life; they have, moreover, gallantly defended the country from invasion; for almost every adult male from these seven parishes, at the time capable of bearing arms, was in the ranks at the memorable defence of New Orleans. The Morales grantees, (now residents) have on the other hand contributed nothing to the settlement and prosperity of the country. Under these circumstances, the committee are of opinion that one dollar and twenty-five cents per acre (the price of government lands) would be a reasonable indemnity to the claimants under these Spanish grants.

The committee further beg leave to state that, by the laws of Louisiana, occupants of lands under title, even if proven to be defective, are protected in the value of their improvements, and cannot be evicted until they are paid for them; and this possession in good faith, under a title translative of property, has been applied to the cases of government confirmations by a decision of the supreme court of Louisiana.

The next question is, in what manner the authenticity of these titles shall be established. The committee have come to the conclusion that there can be no fairer mode than to institute a bill or suit against the United States, and to refer the question to the courts. For this purpose they submit their bill. Other questions connected with the subject committed to your committee will be reported in a supplemental report.

24TH CONGRESS.] No. 1514. [1ST SESSION.

ON A CLAIM FOR A BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 20, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition and accompanying documents of Aaron Stout, praying for the benefit of bounty lands, having had the same under consideration, reported:

That, from the papers and documents presented by the petitioner, it satisfactorily appears, that he enlisted in the month of June, 1813, under Captain James Haslett, then of Baltimore, who belonged to the regiment of Colonel Peter Lyttle, of that portion of the army commonly called the "twelve months' men;" that he continued in service until March, 1814, when President Madison issued his proclamation, offering money, bounty lands, &c., to those who should enlist during the war, when the petitioner re-enlisted for and during the whole war, and faithfully served his time out until peace was restored in 1815, when the petitioner was at Craney island, near Norfolk. The government not being ready to pay the troops immediately at Craney island, upon the disbandment of the army, he did not, at that time, get his discharge, but entered the service of a merchant vessel, and continued

for many years at sea; upon his return, however, he applied to his captain, who was at Baltimore, and obtained an honorable discharge, which was countersigned by his colonel, and that said discharge has since been lost in travelling through the State of Tennessee. The proof of those facts are satisfactory, and the committee think the petitioner is entitled to the relief prayed for, and have reported a bill accordingly.

24TH CONGRESS.] No. 1515. [1ST SESSION.

ON CLAIM TO PRE-EMPTION RIGHTS COVERED BY INDIAN RESERVATIONS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 22, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of Alabama, and the petition of certain citizens of that State, asking Congress to grant relief to such settlers on the public lands as were deprived of their rights of pre-emption under the act of 19th of June, 1834, by reason of the location of Indian reservations on their improvements, reported:

That it is stated, that the class of settlers for whom relief is asked, removed into the country ceded by the Creek and Choctaw Indians, in some instances before, and in others after, these treaties, and made valuable improvements, with the intention of becoming citizens of the country; that at the passage of the said pre-emption law, they were clearly embraced within its provisions, having lived upon and cultivated at the time required by that act.

These individuals, as your committee believe, were equally meritorious with the other more fortunate settlers, who secured their right of pre-emption. They contributed as much, and even more, than most of the original settlers, to the general improvement of the country, giving additional value to the neighboring public lands. Like other emigrants into a new country, they expended their means, (which, with this class, are generally limited,) in opening their plantations, building houses, making roads, &c., under a confident expectation that their homes would be secured to them, as they had been to others under like circumstances. In this, however, they have been disappointed; and, instead of securing the places they had improved at so much labor and expense, as it was the intention of Congress to allow them to do, by the act aforesaid, their plantations have been located upon by Indian reservees, and they forced, with their families, from their improvements, either by the Indians, or the more cruel and relentless speculators, who purchased the reservations from the Indians. Under these circumstances, they appeal to the Congress of the United States, directly, and through the legislature of their own State, for relief. Your committee believe their claim may be sustained, not only upon principles of true policy, but strict right.

If it were necessary, in the present inquiry, for the committee to show that the policy so long pursued by Congress, in granting to the actual settlers on the public lands a right to enter their improvements at the government price, it is believed that arguments are not wanting to establish the proposition. They do not, however, consider it as at all involved in the present investigation. The claims of the individuals asking relief rest upon even higher grounds; as far as their case is concerned, the pre-emption policy has been adopted and recognized, but by events, unforeseen at the time, they have been deprived of the benefits of the law, without any fault of their own. The right to enter the land they had improved at the government price, has been granted by the act of 1834, to all settlers who resided upon and cultivated public land in 1833. The individuals who now ask relief, come completely within the language of the act. They resided upon and had possession of the public land at the passage of the act, and cultivated the preceding year. They were ready to establish their right by proof, and pay the minimum price, and, in many instances, offered to do so at the proper land office. Under this view of the subject, your committee cannot conceive how a stronger claim to relief can be made out, independent of all arguments derived from former precedents, which appear to have been established by Congress under similar circumstances. Your committee do not believe that the cases are very numerous which can come within the description of those for which relief is asked. But yet, it is a fact, generally understood, that in the location of the reservations under the Indian treaties, the most valuable improvements have been taken, and thereby the most industrious and frugal class of the early settlers of the country, for whose protection the pre-emption law was passed, have been deprived of all benefits under it.

Your committee recommend, therefore, that all persons entitled to pre-emptions under the act of 1834, which have been located upon by such claims, be allowed to enter a like quantity of other lands in lieu thereof, at the minimum price, or to enter one quarter-section of any of the public lands which have been in market, by paying the fees of office, and report a bill accordingly.

24TH CONGRESS.] No. 1516. [1ST SESSION.

IN FAVOR OF GRANTING LANDS TO ALABAMA FOR THE CONSTRUCTION OF A RAILROAD.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 22, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the memorial of the legislature of Alabama, asking authority for a railroad company, lately incorporated by the said State, to obtain a portion of the lands of the United States, through which the road will pass, by paying therefor the assessed value, reported:

That it is represented by the memorial, that a company has been lately chartered, to construct a railroad through almost the whole length of that State, from the southern to the northern boundary, commencing at the city of Mobile, or at some point on the waters of Mobile bay, and running to a point on the Tennesee river; that the road must necessarily pass through a considerable portion of the United States lands lying in that State, that are waste, barren, and unproductive, and have been some years in market, at the minimum price. The legislature ask Congress to authorize the said company to condemn for their own use, lands belonging to the United States, for three miles on each side of the road, by paying the assessed value therefor, in such mode as may be prescribed. Your committee consider the subject of this memorial as one of the most important character, and have bestowed upon it that degree of reflection to which it is so justly entitled. The present state of prosperity in the country, unexampled at any former period in our history, has produced a spirit for internal improvement among our citizens, which, if not obstructed, must lead to the most beneficial results. Nothing can tend more to perpetuate the union of the States, than the free intercourse and frequent association of the citizens of each. This can only be effected by affording facilities of trade, and the means of speedy travelling from one point to another, by internal improvements. Then the diversified, and even opposite interests of the several parts may be expected to harmonize. Instead of that jealousy of sectional interests, which has heretofore existed, mutual benefits and advantages will be derived by the several classes who are engaged in different pursuits. The agricultural products of the south and west may be transported to the north and east, and the manufactured articles of those taken in return with but little cost or risk. The resources of the country will be soon developed, and lands which are now lying as a mere barren waste, will be brought into useful employment. In the prosecution of this system of improvement, those States in which no public lands are situated, have nothing to ask from the national legislature; but in the new States, where most of the public domain remains undisposed of, and dispersed in almost every section, a barrier is at once presented to any improvement of importance, until it is removed by the consent of Congress. It is in vain that the local legislature incorporate a company to execute a proposed work, giving to it power to condemn individual property by paying the assessed value for it, when in almost every few miles in the progress of the work, the lands of the general government intervene, over which the local authorities have no power. It becomes absolutely necessary, therefore, that some policy should be adopted to remedy the evil. The numerous applications, by memorials and petitions on this subject, during the present session of Congress, shows the deep and important interests involved. Sound policy and equal justice would seem to require on the one hand some general plan providing for every case that has or may occur, while on the other, it is ascertained that scarcely any two applications are made under circumstances so similar as to authorize the same rule. In some parts of the country the lands are fertile and valuable, and have never been in market, while in others, they are barren, unproductive, and have been for some fifteen or twenty years offered at the minimum price. This is particularly the case in the country over which the contemplated Mobile and Tennessee road must be located. The government lands over which it will pass, are known to constitute a perfect barren, unproductive tract of country, only serving as a barrier between the fertile valley of the Tennessee river, and the rich country on the waters of the Mobile bay. This land has been offered at government price for upward of fifteen years, and remains now, and will continue unsold, unless value be given to it by means of the improvement of the country. From the character of the public land in this region, your committee have no difficulty in arriving at the conclusion that, upon the score of revenue alone, the government would be greatly benefited by granting, without any other consideration than the increased value given to the remaining public land, all that is asked by said memorial. Your committee believe that few improvements have been projected that will be superior to this in a national point of view. A direct communication from the northwestern States, through the interior, to a military post like Mobile, which this work will accomplish, is an object well worthy the consideration of Congress. The principle upon which appropriations of land have been made by Congress heretofore for works of internal improvement, the committee believe, will fully justify such a grant for this. Independent of the great national advantages, in a commercial point of view, that will be produced by this improvement, none could be accomplished better calculated to facilitate the operations of the government in time of war, afford protection to the citizens in an exposed situation, and increase the means of defence.

The memorial asks for the company authority to condemn the public lands over which the roads may be constructed, for three miles on each side, by paying therefor the assessed value to the United States. Your committee believe, that a different plan in making the grant, would be preferable. The public lands in that part of the country now unsold, are known to be of bnt little value. Without the aid of some improvement to bring them into public notice, they perhaps will not be sold for many years. The work in contemplation will evidently increase their value, and perhaps cause the sale of a considerable quantity on the line of the road, and thereby greatly add to the revenue arising from that source. The committee therefore recommend, in lieu of a condemnation of the land by the company at the assessed value, an absolute grant of the right of way for the road over the public lands, and each entire alternate section on the line of the road, and report a bill accordingly.

24TH CONGRESS.] No. 1517. [1ST SESSION.

QUANTITY OF LAND ENTERED AT THE LAND OFFICE AT AUGUSTA, MISSISSIPPI, TO THE YEAR 1830.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 23, 1836.

TREASURY DEPARTMENT, *April* 22, 1836.

SIR: In obedience to the resolution of the House of Representatives of the 1st instant, directing me to inform the House "what number of acres of land have been entered at the office at Augusta, in the state of Mississippi, from its establishment to the year 1830," I have the honor to transmit the accompanying statement from the General Land Office, which gives the information required.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. K. POLK, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *April* 21, 1836.

Exhibit of the number of acres of land entered at the land office at Augusta, in the State of Mississippi, from its establishment to the year 1830, *inclusive.*

	Acres.
In the year 1824	320.00
In the year 1825	703.80
In the year 1826	961.07
In the year 1827	399.85
In the year 1828	633.20
In the year 1829	1,608.36
In the year 1830	74.03
	4,700.31

NOTE.—In the year 1821, prior to the removal of the land office for this district from Jackson court-house to Augusta, lots in the town of Mobile were sold, to the amount of $13,405 53.

24TH CONGRESS.] No. 1518. [1ST SESSION.

APPLICATION OF INDIANA FOR THE EXTINGUISHMENT OF THE TITLE OF THE POTTAWATAMIE AND MIAMI INDIANS TO LANDS IN SAID STATE.

COMMUNICATED TO THE SENATE, APRIL 23, 1836.

A MEMORIAL and JOINT RESOLUTION in regard to the Pottawatamie and Miami Indians in this State.

The memorial of the general assembly of the State of Indiana respectfully showeth: That the interest in the extinguishment of the Indian titles to lands within, and removal of the Indians from her limits, is held by her citizens and this general assembly, of continued and increasing importance. That, acknowledging the paternal care and benevolent policy of the government, in securing the rights of humanity and justice to the Indians; the interest, peace, prosperity, and happiness of the people of the State, require that they should as soon as possible be separated from us. The memorialists, therefore, respectfully ask the renewed attention of the President of the United States to the extinguishment of the remaining title of the Miami Indians, and that the government provide the most efficient means to cause the peaceable, prompt, and effectual emigration of the Pottawatamie and Miami Indians from the State of Indiana, consistent with the policy, faith, and honor of the nation.

Resolved, That our senators and representatives be requested to urge the object of the above memorial on the President and Congress of the United States.

Resolved, That the governor be requested to forward a copy of this memorial and joint resolution to the President of the United States, and each of our senators and representatives in Congress.

JAMES GREGORY, *Speaker of the House of Representatives.*

DAVID WALLACE, *President of the Senate.*

Approved, Jauuary 22, 1835.

N. NOBLE.

24TH CONGRESS.] No. 1519. [1ST SESSION.

APPLICATION OF MASSACHUSETTS FOR THE DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 25, 1836.

COMMONWEALTH OF MASSACHUSETTS, *in the year of our Lord one thousand eight hundred and thirty-six.*

RESOLVES in relation to the public lands of the United States.

Resolved by the senate and house of representatives in general court assembled, That this legislature approves of the principles of the bill, now before Congress, for the distribution of the proceeds of the public lands of the United States among the several States of the Union, and that our senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of that bill into a law.

Resolved, That his excellency the governor be requested to transmit a copy of these resolves to each of the senators and representatives of this commonwealth in Congress.

HOUSE OF REPRESENTATIVES, *April* 12, 1836.

Passed.

JULIUS ROCKWELL, *Speaker.*

IN SENATE, *April* 12, 1836.

Passed.

HORACE MANN, *President.*

COUNCIL CHAMBER, *April* 13, 1836.

Approved.

EDWARD EVERETT.

24TH CONGRESS.] No. 1520. [1ST SESSION.

PUBLIC LANDS: QUANTITY SURVEYED, SOLD AND UNSOLD—GRANTS FOR COLLEGES, INTERNAL IMPROVEMENTS, AND OTHER PURPOSES—EXPENSES OF SURVEY AND SALE, AND RECEIPTS THEREFROM.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 28, 1836.

TREASURY DEPARTMENT, *April* 28, 1836.

SIR: In compliance with a resolution of the House of Representatives, dated the 16th instant, I have the honor to transmit:

1st. Statements marked A and B, accompanied by a letter from the Commissioner of the General Land Office, containing the information called for in the first branch of the resolution.

2d. A communication from the acting Register of the Treasury in reply to the remaining inquiries embraced in the resolution referred to.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *April* 27, 1836.

SIR: In conformity with the resolutions of the House of Representatives of the 18th instant, "that the Secretary of the Treasury be directed to furnish this House with a statement showing the quantity in acres of public land unsold at the time of the last quarterly return of sales, and within the limits of the several States and organized Territories; also the number of acres which have been appropriated for internal improvements, education, or charitable institutions; showing, under separate heads, the quantity of land unsold in each State and Territory, and to what States and Territories, or bodies politic, grants of land have been made, and the quantity to each;" also, "that the Secretary of the Treasury inform this House what amount of money has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties, the compact with Georgia, the settlement with the Yazoo claimants, the contracts with the several Indian tribes, and the expenditures for compensation to commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the western domain; also the gross amount of money received at the public Treasury as the proceeds of sales of public lands, and the sum still due from the supposed solvent purchasers," and which you have referred to this office; I have the honor herewith to transmit two statements, marked A and B, which purport to comprise such items of information sought for by those resolutions as appertain to the duties of this office.

The moneys that were due in years past from purchasers of the public lands have been long since forfeited to the United States by law, and made repayable to such purchasers in the shape of scrip, which is receivable in payment of public lands. At the present time there are no moneys due from purchasers.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A.

States and Territories.	Quantity of land surveyed and offered for sale to the 31st of December, 1835.	Quantity of land unsold and subject to private entry on the 31st Dec., 1835.	Amount paid by purchasers of public land to the 31st of December, 1835.	Payments into the Treasury on account of the public lands to 31st Dec., 1835.	Colleges, academies, and universities.	Roads and Canals.	Seats of government and public buildings.	Salines.	1-36th part of the public lands granted for the support of common schools, is calculated on the superficial contents of each State.
	Acres.	*Acres.*	*Dollars.*	*Dollars.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio.....	14,703,163.10	3,792,034.34	*a*19,875,501 94	17,068,140 25	69,120	*d*1,041,337	.....	23,080.00	692,330
Indiana.....	18,989,967.53	9,770,790.61	11,893,866 31	10,625,754 16	46.080	525,614	2,560	23,040.00	612,013
Illinois.....	21,574,495.45	16,352,937.22	6,616,477 33	5,980,393 81	46,080	480,000	2,560	121,629.68	897,831
Missouri.....	20,392,249.14	17,166,156.86	4,561,987 39	4,202,072 00	46,080	.....	2,449	46,080.00	1,086,639
Alabama.....	*b*29,915,083.56	22,084,770.82	13,651,076 38	10,672,038 99	46,560	400,000	1,620	23.040,00	893,740
Mississippi.....	*b*18,908,218.82	11,933,262.03	9,606,605 51	8,472,109 55	46,080	.....	1,280	.....	763,533
Louisiana.....	6,459,942.05	5,535,859.30	1.353,494 24	1,169,201 38	46,080	.....	.....	.....	873,973
Michigan, peninsula	12,211,519.37	8,247,567.34	5,017,605 35	4,289,362 49	46,080	.....	10,000	.....	642,487
Michigan, w. of lake.	5,273,730.71	5,041,871.30	337,451 22	301,247 70	.....	.....	.....	.....	2,145,884
Arkansas.....	13,891,538.31	12,981,714.77	1,163,642 15	840,218 01	46,080	.....	7,400	.....	1,143,200
Florida.....	6,867,129.87	6,352,763.80	684,038 48	589,994 52	46,080	.....	1,120	.....	980,187
Total.....	169,178,042.91	119,259,723.39	*c*74,761,746 30	64,210,532 86	484,320	2,446,951	28,989	237,469.68	10,631,817

a. In this amount are included the payments made by purchasers for the lands sold at New-York and Pittsburgh, and the special sales to John Cleves Symmes and the Ohio Company, prior to the organization of the district land offices.

b. The lands ceded to the United States by the Chickasaw Indians lying within the limits of the States of Alabama and Mississippi, by the treaty of 1832, and estimated to contain 6,422,400 acres, are not included in the lands "surveyed and offered for sale" in those States.

c. In the "amount paid by purchasers" are included the certificates of public debt and army land warrants, Mississippi stock, United States stock, forfeited land stock, and military land scrip, received from purchasers in payment of the public land.

d. This quantity embraces 211,200 acres, the estimated quantity granted to the State for the construction of the Wabash and Erie canal within the limits of Ohio.

B.

	Acres.
Grant to the Ohio company	100,000
Grant to the French inhabitants of Galliopolis	25,200
Grant to the Deaf and Dumb Asylum in Connecticut	23,040
Grant to the Deaf and Dumb Asylum in Kentucky	23,028
Grant for religious purposes in the purchases made by John Cleves Symmes and the Ohio Company	43,525
	214,793

TREASURY DEPARTMENT, *Register's Office, April* 22, 1836.

SIR: I have the honor, in compliance with your reference to this office, of the resolution of the House of Representatives of the 16th instant, to communicate the information called for by that resolution, as far as it relates to the cost, and the amount of money paid for the management and sale of the public lands, and also to the amount received into the Treasury from the sale of those lands, viz.:

Under the convention with France of the 3d April, 1803, there was paid for "Louisiana," in stock and money	$15,000,000 00	
The interest paid on the stock up to the periods when, agreeably to the terms of the convention, it became redeemable, amounted to	8,529,353 43	
		$23,529,353 43
By the treaty with Spain, of the 22d February, 1819, there was paid for "Florida" the sum of	5,000,000 00	
The interest on the stock created by the act of the 24th of May, 1824, to provide for the payment of the awards under the treaty with Spain, amounted to	1,489,768 66	
		6,489,768 66
There was paid, under the "compact with Georgia," including the value of arms furnished the State		1,250,000 00
And there was paid in money at the Treasury, "in the settlement of the Yazoo claimants," the sum of		1,832,375 70

"The expenditure for compensation to the commissioners, clerks, surveyors, and other officers employed by the United States for the management and sale of the western domain," to the 31st of March, 1836, including the sum of $78,223 71, estimated as the amount of salaries and incidental expenses of the registers' and receivers' offices for the first quarter of the present year, being the same as for the fourth quarter of 1835, amounts to		$7,246,214 22
The sums paid under "contracts with the several Indian tribes," as far as they can be selected from the sum of $18,887,896 50, the aggregate payments, on account of Indians, amount to		10,867,488 76
		51,215,200 77
The following items, although not specifically called for by the resolution, having been heretofore reported in reply to other calls on this subject, are submitted as expenses also incurred in the acquisition and sale of the public lands, viz.:		
Cost of the Cumberland road, east of Ohio.....	$1,657,325 20	
Cost of the Cumberland road, east of Ohio, repairs.....	1,105,681 13	
Cost of the Cumberland road in Ohio.....	1,553,449 00	
Cost of the Cumberland road in Indiana.....	635,000 00	
Cost of the Cumberland road in Illinois.....	346,000 00	
Survey of road from Wheeling to the Mississippi.....	10,265 85	
		5,307,721 18
Payments on account of the Indians over the amount above stated, as having been applied to the extinguishment of titles to their lands under "contracts".....		8,020,407 74
And the three per cent. on the amount paid into the Treasury for lands, to the 18th instant, paid or payable to the States in which the sales were made.....		2,089,493 54
		$66,632,823 23
The receipts into the Treasury from lands to the 31st December, 1835, amounted to.....	$64,210,134 91	
And during the first quarter of 1836, as exhibited in the bank returns, rendered up to the 18th instant.....	5,439,650 00	
		$69,649,784 91

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

MICHAEL NOURSE, *Acting Register.*

24TH CONGRESS.] No. 1521. [1ST SESSION.

IN FAVOR OF GRANTING LANDS FOR A ROAD FROM JEFFERSON CITY, MISSOURI, TO LITTLE ROCK, ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 10, 1836.

Mr. A. G. HARRISON, from the Committee on the Public Lands, to whom was referred a resolution of the House, instructing the Committee to inquire into the expediency of making a grant of lands for the purpose of constructing a road in the State of Missouri, reported:

The resolution proposes that the road shall run from Jefferson City, the seat of government of the State of Missouri, through the town of Little Rock, in the Territory of Arkansas, to some point on the Mississippi river, in as direct a line as possible. Your committee, from the best information they have been enabled to collect on the subject, are of opinion that such a road is necessary to this section of our country. It would be of great advantage to Missouri, Illinois, Arkansas, and the whole southern part of our country bordering on the Mississippi river. A large portion of the exports of Missouri and Illinois is live stock. If the road was constructed, those engaged in this business would not only be enabled to go and return any season of the year, but they would, in fact, be thrown from one hundred and seventy to one hundred and eighty miles nearer to this important market than they are at present; for the proposed road is at least that much nearer than the existing one. The river communication to the southern market is so seriously obstructed during the winter by the ice, that the intercourse between these points is thereby suspended, which thus seriously affect the live stock trade of Missouri and Illinois. The construction of this road would entirely supersede this difficulty. The point at which the road is contemplated to terminate, is below the point where the ice either runs or forms, and those engaged in the trade of live stock would, in all cases, take them to market by land instead of doing so by water, as far as the road would run, because there would be no difficulty in going by water after getting to this point.

But another most important consideration, which has a more general bearing upon the interests of the whole country, is, that the contemplated road would be of incalculable benefit in time of war. New Orleans is an important point, being the key to the whole valley of the Mississippi, and would probably more readily attract the attention of the enemy than any other point in the Union. If this place was endangered by the presence of an enemy during the winter, when the communication by water is closed up, how would it be possible, without this road, to render the timely assistance which such an exigency might require? This fact is of so important and striking a character, that your committee would be willing to rest the propriety of the measure upon it alone; for, in taking a general survey of the country, and looking at those points most likely to invite attacks, the government should not only turn its attention to the means best calculated for their defence, but also to all those

circumstances which strike the mind as likely to afford the readiest relief in cases where they may be in imminent peril of falling into the hands of the enemy. But the facilities which such a road would have in the event just mentioned, for the transportation of men, provisions, and munitions of war, would also extend to the transportation of the mail between the same portions of the country during the time that the rivers are blocked up with ice. For the mail from New Orleans and the immediate points could come by water to the point where the contemplated road is to terminate, and then be taken on by land without delay or any further impediment.

The country generally through which the road would run, particularly that portion of it which lies in Missouri, is exceedingly broken and sterile. It is, therefore, not only less valuable than the lands generally in that State, but there is less hope that this portion of the State will, or can, ever be settled.

The contemplated road will not only invite the settlement of this part of that State to every practicable extent, but will, unquestionably, add to the value of the public lands in that quarter, and lead to the purchase of many, which, without such an inducement, would never be taken up.

Your committee, therefore, being of opinion that a grant of the alternate sections along the proposed road should be given to the State of Missouri and the Territory of Arkansas, for its construction, have herewith reported a bill for that purpose.

24TH CONGRESS.] No. 1522. [1ST SESSION.

ON A CLAIM FOR THE RELINQUISHMENT OF INTEREST ON A DEBT INCURRED BY A PURCHASER OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE, MAY 11, 1836.

Mr. EWING, from the Committee on Public Lands, to whom was referred a bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama, reported:

That they find, among the papers referred to them, a report of the Committee on the Public Lands of the House of Representatives, bearing date the 13th of January, 1835, which contains a very full statement of the grounds on which it has been thought proper to extend to the petitioner the relief prayed for; and as your committee are desirous of bringing the subject, with all its merits, fully before the Senate, they here refer to that report, and adopt it as a statement of the petitioner's case, and a summing up of the arguments in favor of his right, while, at the same time, they are constrained to differ entirely from the conclusion to which that report comes.

The ground on which the equitable claim for relief rests is, that Brahan became the purchaser of the public lands, not for the purpose of private speculation, but really and *bona fide* as the agent of the government; that agency not duly created but assumed by an officer, because of a sudden and pressing necessity, to prevent a loss which the government was likely to sustain. If this state of things be not shown to have existed, all right to relief fails.

Your committee entertain no doubt of the fact that a combination or combinations of speculators were formed to put down competition in the purchase of the public lands. That Brahan bid against them, and thus became largely a purchaser, is also established; but the motives which induced his competition, and the character in which he bid, as agent for the government or for his own personal profit, is a matter to be determined by an examination of the evidence.

It is suggested that the prices which he gave for the land which he purchased, were so *high*, that he could not reasonably hope to make a profit on them, and that hence it is to be presumed that he did not bid them in for personal profit, but to save the government from loss. But this argument, it seems to your committee, destroys itself. If the lands were bid up to their full value, or very nearly to their value, it was not necessary for the protection of the rights of the United States that any one should step in as their agent, and run up the lands beyond that value. In a sale at auction by a private individual it would be a *fraud* upon other bidders to do so, and the United States cannot be presumed to have created such agency, nor can they, after the fact, recognize the act of any such self-created agent as their own.

But it appears, by contemporaneous communications between Brahan and the Treasury Department, that he did not at that time pretend to any such agency, or to have acted in any capacity as the guardian of the rights and interests of the government. To this correspondence, and other explanatory statements* your committee refer, and make the same a part of this their report.

From this document, your committee are irresistibly led to the conclusion that Mr. Brahan, taking advantage of his situation as a public officer, and the advantages it gave him, entered, in his own name, at private sale, at the minimum price, about one hundred tracts of the public lands; that he became a purchaser at the public sales for a very large amount; that, having purchased beyond his means of payment, he kept back his returns under various pretences, for the purpose of concealing his defalcation; that there were circumstances which induced a strong suspicion at the time that he was engaged in the purchase of Mississippi stock, then selling at fifty cents on the dollar, and turning it in to himself, as receiver, to pay for the land which he had bought, and for which he was a defaulter; that this suspicion was communicated to him by the Secretary of the Treasury, and he did not deny or contradict it; that after sundry efforts to bring him to account, he confessed his defalcation, and pretends that part of it is occasioned by loss which occurred in the hurry of business. He was thereupon dismissed from office. He has, under the relief law of 1821, relinquished so much of his purchase as he saw fit, reserving a large amount of it. He has paid up, it is believed, the principal debt, and his widow and heirs now ask to be relieved from the payment of the interest. Your committee are of opinion that the bill ought to be rejected.

[See antecedent, No. 1287, for report of committee in the House of Representatives of the United States, of January 13, 1835.]

---

* See vol. 3, Public Lands, No. 363.

24TH CONGRESS.] No. 1523. [1ST SESSION.

ON CLAIMS TO RESERVATIONS UNDER THE FOURTEENTH ARTICLE OF THE TREATY OF DANCING RABBIT CREEK, WITH THE CHOCTAW INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 11, 1836.

Mr. BELL, from the Committee on Indian Affairs, to whom were referred the memorials of certain Choctaw Indians, claiming reservations under the 14th article of the treaty of Dancing Rabbit creek, and the resolutions and other proceedings of the legislature of the State of Mississippi, together with the memorials of sundry citizens of said State, remonstrating against the confirmation of said claims, reported:

The subject submitted to the committee under the several orders of the House, in relation to claims for reservations under the 14th article of the treaty made with the Choctaw Indians, at Dancing Rabbit creek, on the 27th September, 1830, involves interests of considerable magnitude, both to the government and to the Indian claimants, and the committee have given to it a correspondent attention.

The 14th article of Dancing Rabbit creek is in the following words:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the United States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to half that quantity for each unmarried child which is living with them, over ten years of age; and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

All the embarrassments which have arisen in the execution of this article of the treaty of Dancing Rabbit creek, and the only question of any difficulty now presented for the decision of Congress, will appear, upon a full consideration of the subject, to have originated in the neglect of the agent, whose duty it was to receive and register all applications for reservations under that article, and in the policy pursued by the government of bringing the lands in the Choctaw district into market before the number and location, under this article of the treaty, were ascertained and adjusted.

There does not appear to be any room for doubt or cavil as to the proper construction of this article of the treaty: First, it is clear that no reservation can be allowed to any head of a family who did not, in some form or other, signify his intention to become a citizen of the State, and to take a reservation according to the provisions of this article, within six months from the ratification of the treaty. Secondly, that every such claimant must be shown to have had in his possession or occupancy at the date of the treaty an improvement of some kind, a house or cabin, a field or enclosure of some size. Thirdly, that before a patent can issue to such claimant, he or she must be shown to have continued to reside upon the land claimed during the term of five years from the date of the treaty, unless prevented by violence or the act of the government.

The treaty was ratified on the 24th day of February, 1831, and on the 24th day of August following, the time limited for making declarations of an intention to take reservations under this article of the treaty expired. It does not appear that the agent, William Ward, whose duty it was to receive and register these declarations, was advised of the ratification of the treaty, or that he received any instructions in relation to his duty under it, until a communication from the Department of War, bearing date the 21st of May, 1831, reached him, at the Choctaw agency, which would allow less than three months for those who desired to take reservations under this article of the treaty, to signify their intention to do so to the agent. It does not appear that the agent received any instructions as to the manner in which he should execute his duty under this article of the treaty, except that he should be careful in keeping a register of the reservations under it, and that he should transmit a certified copy thereof for the information of the Department of War. The terms of the treaty were to be his only guide, all besides was left to his discretion. No further step appears to have been taken by the government in the execution of this article of the treaty, until the 26th of June, 1833, when George W. Martin was appointed by the President to make the selections, and to locate all reservations under the 15th and 19th, as well as the 14th article of the treaty. The locating agent was advised of his appointment, and received his instructions, on the 5th of August following. By the latter he was directed to apply to Col. Ward and Capt. Wm. Armstrong, at the old agency, for copies of the registers of each class of reservations under the treaty, and to make them the guide of his conduct in assigning and making reservations. Upon application to these gentlemen on the 11th of September, 1833, he was informed that he could not be furnished with perfect copies of the registers under either article of the treaty. He was, however, supplied with two lists, having the appearance of duplicates, one of which was certified by the agent, containing the names of heads of Choctaw families, who had signified their intention to become citizens, and to take reservations under the 14th article, but they did not correspond. Col. Ward stated that he had transmitted the original register to the Department of War: that he had kept no official copy, and he would not answer for the accuracy of the copies which he furnished at that time. Capt. Armstrong, at the same time, informed him that these lists were imperfect. The locating agent immediately informed the department of these facts, and requested copies of the registers transmitted to the department. On the 8th day of September, the locating agent had received a letter from the Department of War, under date of the 8th of August, 1833, by which he was advised that the President had determined to offer the lands ceded by the treaty of Dancing Rabbit creek for sale, on the third Monday (21st day) of October following, and that it would be necessary that the locations of all the reservations provided for in the treaty, should be completed and entered in the proper land offices before that time. The region of country in which these locations were to be made, extended three hundred and fifty miles in one direction, and one hundred and fifty in the transverse direction, and the communications between the different sections of it at that time difficult and uncertain. There were five distinct land offices, at each of which some portion of these locations were to be entered, viz.: Chocchuma, Columbus, Clinton, and Augusta, in Mississippi, and Tuscaloosa and Demopolis, in Alabama. These offices were situated at great distances from each other; and when it is recollected that the public sales were to commence

within less than three months from the time at which the locating agent was advised of his appointment, and in less than two months of the time when he was notified that the lands were to be brought into market, it will appear that the agent could not have complied with the expectations of the government in completing his duties under the several articles of the treaty granting locations, even if he had been furnished with the registers and other useful information. But it appears that the locating agent was not furnished with maps or plats of survey of any of the districts or sections of the country within which it was made his duty to make the numerous locations required by the treaty; and after having waited in vain for copies from the General Land Office, which had been promised him, he was again disappointed in his application to the office of the surveyor general of the district, and to the several land offices in the same. Finally, he was informed that he was expected to make such use as he could of the plats in the several registers' offices, as his only resource in this respect. It also appears that no copies of any of the registers returned by Col. Ward to the War Department, were received by the locating agent until within three days before the commencement of the public sales, and even then no copy was received of the register under the 14th article. On the 15th of September, the locating agent advised the department fully of the difficulties which would, under these circumstances, attend the execution of his duties in so short a space of time; and he pointed out the great injustice and embarrassments which would arise, if no other reservations should be withheld from sale, than such as could be satisfactorily and finally ascertained and located before the sales commenced.

The locating agent, under these circumstances, proceeded to locate the reservations of all such heads of families whose names appeared on the certified list furnished by Colonel Ward, under the 14th article of the treaty, and also of those who produced separate certificates of Colonel Ward, that they had made the proper declaration in due time. All others who applied to have their reservations located and reserved from sale, were informed that they could not be allowed reservations, inasmuch as their names did not appear upon the register of the agent. The lands of all other claimants were, of course, sold in all those sections of the country which were surveyed and brought into market at that time, subject, however, to the condition expressed in the proclamation offering said lands for sale, that if any reservation secured to any Indian by the treaty should be sold, such sale would not be confirmed.

It was soon ascertained that there were many who claimed reservations under the 14th article, whose names were not to be found upon either of the lists furnished by Colonel Ward, and who had no certificate of the necessary declaration. It was objected by some that Colonel Ward had neglected to register their names, although they made the proper declaration in due time; others affirmed that their names had been registered, but that a part of the register, or the paper upon which their names had been taken down, was lost; and others alleged that he had refused to register their names when applied to for that purpose.

The complaints upon these grounds became so numerous, and the individual applications to the government for relief increased in such a degree, that on the 13th of October, 1834, the locating agent was instructed by the Department of War, under the direction of the President, to give public notice, that those Indians who considered themselves entitled to reservations under the 14th article of the treaty of Dancing Rabbit creek, and whose names were not upon the register of Colonel Ward, should exhibit to the locating agent the evidence of their claims. These instructions further authorized the locating agent to make locations for all such heads of families as should bring themselves within the provisions of the 14th article, and who should satisfy him by proof that their names were not registered by reason of the mistake or neglect of the agent. In all cases in which the lands claimed had been sold, the locating agent was directed to designate lands of equal quantity, and of as nearly equal value as practicable, and all reservations located under these instructions were directed to be reserved from sale, and were only to become valid and absolute by the confirmation of Congress. The locating agent was strictly enjoined to make detailed reports, showing the names standing, and credibility of the witnesses, and all the facts and circumstances in each case, with copies of the papers presented by each claimant, that their claims might be laid before Congress. The locations made under the instructions of the 13th of October, up to the 24th of December, 1834, with the accompanying evidence, were submitted to Congress by the President, on the 9th of February, 1835, referred to the Committee on Indian Affairs in the House of Representatives, and a bill was reported to the House, providing for a more full and satisfactory investigation of the claims, but it was not fully acted upon. The locating agent was informed by letter from the Department of War, under date of the 11th of March, 1835, of the failure of Congress to act upon the claims which had been presented; and he was further directed to report the locations he *had* made, and those he *might* make, under the instructions of the 13th of October, to the department, that they might be laid before the next (present) Congress. These instructions of the 11th of March, 1835, were accompanied with the assurance that the lands located should be reserved from sale until Congress should act upon them. The locating agent, it appears, under these renewed instructions, proceeded to make numerous additional locations. All the locations made under the instructions of the 13th of October, 1834, and of the 11th of March, 1835, and which it is estimated amount to 615,686 acres, with the evidence upon which they are founded, are now submitted to Congress, and the question is, shall the whole or any part of them be confirmed?

If the committee were satisfied of the justice of these claims they would hesitate to recommend their confirmation without further investigation, under all the circumstances attending them. The great number of them has caused general surprise, and created a strong suspicion in the public mind that they cannot be well founded. But a deeper feeling has been excited in the State of Mississippi, by the interferences with the rights and expectations of the settlers, which a confirmation of these locations would produce, and this consideration of individual interest, with the spirit of patriotism which revolts at the idea of a fraud so gross as the allowance of these claims would be, in the opinion of many, has excited a ferment and dissatisfaction of a nature so intense that it would be proper to institute a more rigid scrutiny into the origin and justice of these claims, for the sake of giving satisfaction to a community so large and respectable, if no other reason could be shown for such a course.

The committee, therefore, have not been disposed, if it had been practicable, to investigate the evidence upon which each of these claims is founded, with a view to their immediate rejection or confirmation; they have proceeded in their examination rather with a view to ascertain if there existed any facts or circumstances of so conclusive a nature as to stamp them manifestly with the character of fraud and injustice, and to justify their immediate rejection without further expense to the government, and without further suspense to all the parties concerned, on the one hand; or whether, on the other hand, there existed such plausible grounds of belief that "these claims, or a great portion of them, are founded in right and justice," as to authorize the delay and expenditure necessarily incident to the establishment of any tribunal necessary and competent to make a thorough investigation into their merits. But there are other reasons which have appeared to the committee of sufficient weight to justify this course. As the evidence upon which these claims are founded is almost exclusively oral and personal, and therefore deriving its chief weight and importance from the circumstances of the character and

disinterestedness of witnesses, whatever plausibility may be given to any application from the statements and number of the witnesses, whether white men or Indians, the committee would feel far less competent to decide upon such evidence when presented to them only on paper, than they would were the witnesses brought before them, and all those facilities for ascertaining character afforded them, which would exist in the country or districts in which the claims originated. The remaining arguments and facts submitted in this report, will therefore be intended to sustain and justify the recommendation of a course conformable to these views.

The committee will first inquire whether there are any facts or circumstances in the origin of these claims, and the evidence by which they are attempted to be supported, to justify their immediate rejection. The circumstances which appear to have had the greatest effect upon the public mind against their validity, are *first*, the fact that the claimants were not registered within six months after the ratification of the treaty; *second*, the great numbers of them: *third*, the late period at which they have been brought forward; *fourth*, the circumstance, which is quite notorious, that a few active and sagacious white men have been instrumental in causing these claims to be presented, that they have acted as the agents of the Indians in all, or nearly all the cases, and that they are known to have existing contracts with the Indians, for one half the lands secured by them; and *lastly*, that a great number of Indians who emigrated to the west of the Mississippi, have been prevailed upon to return to the ceded country, and set up claims to reservations under this article of the treaty.

1. The committee are of opinion that but little attention is due to the first general objection to the validity of these claims. The proof is clear and conclusive, that the late Choctaw agent, Col. Ward, at the time it was made his duty to receive the declarations, and keep a register of the names of the heads of such families as desired to become citizens of the State, and to take reservations under the 14th article of the treaty, was incompetent to the accurate and proper discharge of his duty. He was often capricious and arbitrary in his conduct in receiving declarations. In some instances he appears to have refused to place the names of Indians upon his register, because they did not make their applications at the agency where his office was usually kept; at other times he appears to have given certificates of declarations made at other places. In the instance of an entire band or company of applicants, the proof is very strong and satisfactory, that he declined registering their names, when their names and objects were stated to him symbolically, by bundles of sticks, according to the Indian custom: he is proved on that occasion to have taken their sticks into his hand and thrown them away, saying that there were too many of them, and they must go west. There are many circumstances stated in the proof before the committee, which show that all the agents in the employment of the government in carrying this treaty with the Choctaws into execution discouraged all applications for reservations under the 14th article, and Colonel Ward is stated to have advised the removing agents to threaten them with punishment if they did not emigrate. The following extract of a letter written by Colonel Ward to the War Department, on the 21st day of June, 1831, is full and decisive as to the credit that is due to the register transmitted to the department, so far as it purports to contain the names of all the heads of families who signified their intention to take reservations under this article of the treaty; and it also affords a strong presumption that a considerable number of heads of families besides those names appear upon the register, may justly claim reservations under this article of the treaty: "I will observe that there are many more who wish to stay five years than had been expected. There were upward of two hundred persons, from one section of country, applied a few days since, at a great council held near this place. I put them off, as I did believe they were advised to that course by designing men, who were always opposed to the treaty; and this I trust is the last effort they will be able to make to thwart the views of government." But there are still further proofs that but little credit can attach to the register kept by Colonel Ward of the applicants for reservations under the 14th article, as evidence of the whole number entitled. The time prescribed by the treaty, within which any head of a family could bring himself within the provisions of that article, expired on the 24th day of August, 1831, and it was then the duty of the agent to have forwarded the register, or a copy of it, to the Department of War, agreeably to his instructions. He does not appear to have transmitted it until some time in 1832, and after repeated applications from the department. The register then transmitted to the department contained only sixty-nine heads of families. The certified list, afterward furnished by Colonel Ward to the locating agent, contains the names of persons not found on the register in the Department of War, and the other list, furnished the locating agent at the same time, though not certified by Colonel Ward, contains the names of some twenty persons who are not upon either of the other lists. Upon this point the following extracts from the examination of Colonel Ward before a committee of the legislature of Mississippi is important:

"*Question* 3. Did you refuse to register the application of any Indian claiming, under said treaty, when that application was made according to the treaty?

"*Answer*. I did not; I only refused to register such applications as these, viz.: When one Indian applied for many; when one Indian proposed to apply for many I refused to permit him to do so; but when I thus refused I told such Indian that each one must apply for himself; and when they did thus apply in their own proper persons I always permitted them to register. I bought a book in which I registered all applications, which I sent up to the War Office.

"*Question* 4. Did you not lose any part of the register?

"*Answer*. I think one leaf of the memorandum paper was lost in taking it round by M. Markee. This memorandum paper was not the regular register, but only a sheet of paper folded up, which was loose, and which was made at the trading-house, and which I made only for the accommodation of these men, and I did not consider myself bound to register any application which was not made at my office at the agency; and these names (which were between three and six only in number) which I suppose were lost, were not made at my office at the Choctaw agency. These Indians, from three to six in number, I thought might be entitled to claim, and I gave a certificate to Dr. John H. Hand that such was my belief."

It is not undeserving of note, as a circumstance showing how little reliance is to be placed upon the official acts of the late Choctaw agent, that the register transmitted to the Department of War is not a bound book, but merely a few sheets of common letter paper slightly fastened together. Here we also find an admission by the agent that he did not consider himself bound to register any application not made to him at the agency, and also that he refused to register the names of any applicants except such as made their applications in person. The treaty prescribes the conditions upon which the head of any Choctaw family should be entitled to a reservation under the 14th article.

The *first* is, that he should signify to the agent his intention to remain and become a citizen of the State within six months from the ratification of the treaty. There is no stipulation that this intention shall be signified to the agent at any particular place or in any other particular form or manner; nor is there any stipulation that any record or register shall be kept of the fact that such intention was signified or made known to the agent; or that the Indians who might think proper to take reservations under this article of the treaty were to be subject to any other terms or conditions besides those expressed in the treaty, whether prescribed by the

government or at the discretion of the agent. That an accurate register should be kept of all those who signified their intention to become citizens, and take reservations under this article of the treaty, was for the benefit of both parties to the treaty. It would have saved the Indian claimants under this article of the treaty the trouble of making any further proof of this fact, as well as secured the government against the frauds of artful persons; but the fact that the name of an Indian claiming a reservation under this article of the treaty is not to be found upon the register kept by the agent, would, under no circumstances, be conclusive against the right of the claimant, and under the actual circumstances of the case it does not appear to afford even a plausible presumption against the right of any claimant. If the treaty had stipulated that a register should be kept of all those who might declare their intention to take reservations under this article, and the agent of the government had neglected his duty, or kept a false register, the Indians ought not to lose their reservations on that account. It also seems to the committee that an Indian head of a family might signify his intention to the agent to remain and become a citizen of the State, and take a reservation under the 14th article of the treaty, as well by letter addressed to the agent of the government, or by his captain, headman, or other customary agent, as in person; and that such intention, signified to the agent at any place and in any manner, whether by signs, symbols, or in the Indian language, or by written characters of any description, provided they were intelligible to the agent, would have been a compliance with this provision of the 14th article of the treaty.

2. As to the argument that the number of these claims affords a presumption that they are fraudulent, the committee are of opinion that this presumption is not so conclusive as to justify the rejection of the claims without further inquiry, and they found the view they have taken of this objection upon the following facts and calculations. The census of the Choctaws, taken by the late Major F. W. Armstrong, who was in every respect a most faithful agent of the government, soon after the ratification of the treaty, exhibits a population of 19,554 souls. From the nature of the country, the character of the people, and the detached and wild districts and settlements in which the Indians resided, it cannot be supposed that this census was entirely full and accurate. The presumption is, that there were several hundreds, to say the least, who were not found by Major Armstrong. But the number of those who emigrated to the west of the Mississippi could be ascertained with greater certainty, as they went under the guidance of the agents of the government, and were subsisted by it. By the report of Major Armstrong, it appears that the whole number of those who crossed the Mississippi were 15,000, leaving a balance of 4,554 still east of the Mississippi, and in the country ceded by the treaty of Dancing Rabbit creek. Taking the census of Major Armstrong as the basis of the calculation: in computing the number of families in a population of 4,554 Indians, to allow six souls to a family, would be a fair estimate among savages, and this would give 759 as the number of heads of families yet residing east of the Mississippi. Computing the number of families upon the supposition that each family, upon an average, consists of seven souls, which would probably exceed the true proportion among any uncivilized race, the number of heads of families yet in the ceded territory will be 650. The number of locations made by the locating agent, under the 14th article of the treaty, for those heads of families whose names are to be found upon the register kept by Colonel Ward and others, who produced his certificates of registration, is 52. The whole number of conditional locations made by Colonel Martin appears, by the evidence before the committee, to be 520, making, together, 572 heads of families claiming reservations under the fourteenth article. It is true that a proportion of the Indian families which now reside east of the Mississippi, were provided for by special reservations in said treaty; but the number is not sufficient to weaken materially the view presented of the probable number of heads of families yet residing east of the Mississippi. This calculation is presented as by no means conclusive that there are as many heads of families as is above estimated, who may justly claim reservations under the fourteenth article. It must be borne in mind, that there are other prerequisites besides being the head of a family required by the provisions of the fourteenth article, before the claimant can be allowed a reservation. In further corroboration of this view of the subject, the statement of Colonel Ward, already quoted, that at a council held by Indians of a single section of the Choctaw country, in his neighborhood, there were 200 heads of families who determined to make application for reservations under the fourteenth article, may be adverted to.

3. The late period at which the greater number of these claims have been presented, may, in the opinion of the committee, be sufficiently accounted for from the facts and circumstances already set forth in this report, and a few others, which will be here noticed. The very short time allowed for the adjustment of these claims before the commencement of the public sales of the ceded country, in the fall of 1833, and the discouragements and denial with which all applications were met by the locating agent at that time, not founded upon the registration of the names of the applicants, probably caused many others to forbear to press their claims. It is in proof that an entire band, or company, of heads of families, who applied for reservations under the fourteenth article, in the fall of 1833, alleging that their names had been registered by Colonel Ward, when they were informed by the locating agent that their names did not appear upon his register, and that they would not be allowed reservations, actually despaired of that object, and most of them, in consequence of their disappointment, removed west of the Mississippi. It may also be stated under this head, that the surveys were not completed in many small districts of the ceded country in 1833, and of course the Indians were not interrupted in their possessions by purchasers, nor made to feel the necessity of securing their lands until the year following. The first notice which the Indians had that those whose names were not upon the register would be permitted to make proof of their title to reservations, and have them located conditionally, was on the 12th of November, 1834, when the locating agent received the instructions of the 13th of October.

4. The objection to these claims which has grown out of the fact, that white men, and principally known speculators in the public lands, have been the agents of the Indians in arranging and bringing forward the proofs of the title to reservations, and that they are understood to have stipulated for the enormous compensation of one half the lands which may be secured by their exertions, while it increases the probability that frauds have been practised in the case of numerous individuals where the temptation was so great, and the cupidity of the agents so absorbing, yet it affords no decisive presumption that a large proportion of these claims are not well founded. Most of the Indians are grossly ignorant; and having once despaired of their claims, it is very probable that but few of them possessed the intelligence and energy to have asserted them if they had not been prompted and assisted by the interested activity of white men, nor ought the interference of these white men, or their lucrative expectations, to prejudice any claim which is otherwise well supported. It is the duty of government, while it does justice to the Indians, in allowing them reservations in all cases when they can bring themselves clearly within the provisions of the fourteenth article, to provide also that they shall not become the victims of their own improvidence, as far as the government has the power to shield them. And, at all events, all contracts entered into before the title is perfected by patent, should be regarded as wholly void.

5. As to the last objection, that Indians have returned from the west of the Mississippi, and set up claims to reservations, the committee cannot find, from any evidence, that any such cases exist, except in the general

assertion of the fact in some of the memorials and remonstrances of the citizens of the State of Mississippi, which has been referred to them.

The committee, after a full and careful consideration of the subject, are unanimous in the opinion that the most safe and satisfactory plan which can be adopted for the examination and adjustment of those claims, will be to institute a commission to take the evidence for and against them, in the several land districts in which they originated. It would afford a high degree of security to the public against imposition and fraud in the examination and decision of those claims, if William Armstrong, who assisted in taking the census of the Choctaws in 1831, who is now the Choctaw agent, west of the Mississippi, and who possesses a high character for firmness and fidelity, should be a member of the commission; and that the other members of the commission should be selected from sections or States disconnected, as much as possible, with the interests and excitements which have arisen out of those claims. The committee are also decidedly of opinion that the decision of the commissioners should be final, and they recommend that such compensation be allowed as may enable the Executive to secure the services of those whose talents and character for integrity, shall afford a satisfactory guarantee of the fidelity with which they shall discharge their duty. Experience has demonstrated that, whenever the responsibility of deciding upon a mass of claims of this nature may, in any event, be devolved upon Congress, it will be done; and there are so many thousand claims for reservations already waiting the action of the Executive, under various Indian treaties, that the committee think it would be improper, and requiring what could not be reasonably performed, to provide that the President should review the proceedings of the commission which it is proposed to establish.

The committee have had some difficulty in laying down the principles and in agreeing upon the details of the relief which should be granted in those cases, in which the lands reserved by the treaty have been sold, and are now in the possession of purchasers under the government. These purchasers have, in many instances, made valuable improvements, and to deprive them of these possessions would be unjust, and productive of great discontent. On the other hand, the committee fully recognize the right of the Indian to the land which he can show he was in the possession of at the date of the treaty, and upon which he continued to reside until he was deprived of it by the purchaser under the government. That the rights and interests of both parties may be protected and secured as far as possible, without doing absolute injustice to them, the committee recommend that, in all such cases, the government should offer to pay the Indian claimant for his reservation in money, at the rate of one dollar and twenty-five cents per acre; and if that should not be satisfactory, the other lands of equal value shall be sold, so as not to interfere with the rights of others. To protect the Indians against improvident contracts, the committee recommend, in this class of cases, that the title to be made to the Indian should be so qualified as to prevent any sale or alienation, except at public auction.

Testimony of Colonel G. W. Martin.

APRIL 18, 1836.

Col. George W. Martin, being duly sworn, answers to the following interrogatories:

Interrogatory 1. State what directions you received from the War Department relative to the location of Indian reservations under the 14th article of the Choctaw treaty of Dancing Rabbit creek, and your proceedings under the same.

Answer. The instructions I received from the War Department relative to the location of Indian reservations under the 14th article of the treaty, are contained in papers marked A, B, and C. A summary statement of my proceedings under these instructions will be found in papers marked D, E, and F. My first notice was the paper G, No. 1, followed by notices Nos. 2, 3, and 4. The publication of Notice No. 2 was continued in one of the public newspapers for several months from its date. No. 3 was also published in the public newspapers, and No. 4 I caused to be posted at the public land offices, and other places.

Interrogatory 2. What number of heads of families were returned by Col. Ward to the War Department, as having given the notice required by the treaty to entitle them to reservations?

Answer. The answer to this will be found in document No. 266 of the Senate documents, pages 186, 187, marked H, from which it appears that the number returned by Col. Ward is 69 heads of families.

Interrogatory 3. What number appears on his register to have given such notice who were not returned by him?

Answer. On the certified list, handed to me by Colonel Ward, there are three names which are not on the list returned to the department. On the uncertified list which I received from Colonel Ward at the same time, there are twenty names not to be found on either the certified list handed to me, or on the list returned to the department. This uncertified list, however, wants a number of names which are on both the certified lists.

Interrogatory 4. State when you came into possession of said register, and its present condition, and whether it is in the same condition now as when you received it.

Answer. I received the register from Colonel Ward on the 11th of September, 1833. It contained two lists of claimants under the 14th article of the treaty, one of which was certified by him. The uncertified list contained twenty names which were not on the certified list, and the certified list contained twenty-three names which were not on the uncertified list. The other names, about fifty in number, were the same on both lists. The names and numbers of their children also varied. These lists were each of them written on a sheet of letter paper, and fastened in the back part of the register of claimants under the other articles of the treaty. It is here produced in the same condition as when I received it. For a corroboration of this statement, I refer to two letters of Colonel Armstrong, marked I and J.

Interrogatory 5. What information did Colonel Ward give relating to said register, and what communication did you make to the War Department in consequence thereof?

Answer. Colonel Ward stated that he had sent the original register to the War Department. The lists referred to in the last interrogatory, marked K, Nos. 1 and 2, furnished to me by Colonel Ward, I understood from him were imperfect, and that he would not vouch for their correctness, and had taken no particular care of them. I got the impression that a part of the register had been lost; but whether Colonel Ward stated it specifically or not, I am unable to say. I think I received the impression from both Ward and Armstrong. I refer to Colonel Armstrong's letters alluded to in the last answer.

Interrogatory 6. Do you know to what extent the Indian claimants have interested white persons in obtaining reservations for them?

Answer. I did not consider it as a part of my official duty, in receiving evidence of these reservations, to inquire into the nature or extent of the interest which the agents for the Indians had in securing them, by contract with the Indians. I never saw any contract of the kind; but it is the general reputation of the country, that the agents were to get one half of the lands which might be secured. I have heard this fact stated in the presence of some of the agents, and it was not denied.

Interrogatory 7. What number of heads of families, whose names were not on the register, have presented Colonel Ward's certificate of notice?

Answer. In order to give an intelligible answer to this question, it is necessary to remark, that there are three different lists of claimants under the 14th article made out by Colonel Ward, one of which was certified and returned to the War Office, and two were handed to me, one of which was also certified. These lists contain generally the same names, although there are a few names upon each which are not on either of the others. The following are the names of all who presented to me Colonel Ward's certificates, and whose names are not on the list returned to the War Office, viz.:

William and Judy Turnbull, on neither list.
William Simmons, on neither list.
James Oxberry, on neither list.
John Homer, on neither list.
Benjamin W. Garvin, on neither list.
Mary Johnson, on neither list.
Sampson Moncrief, on certified list handed to me, and on no other.
Betsy Buckels, on uncertified list handed to me, and on no other.
William Thompson went west, no land required.

Interrogatory 8. What number have claimed locations whose names are not on said register, or who did not produce certificates?

Answer. There are 520 heads of families who have claimed locations who did not produce certificates, and none of whose names will, I think, be found on either of Colonel Ward's lists.

Interrogatory 9. What is the probable number of the Choctaws who have remained on this side the Mississippi since said treaty?

Answer. From the testimony which has been presented to me, in connection with other sources of information, I am induced to believe that the number of the Choctaws who have remained on this side of the Mississippi since the treaty, does not vary materially from 3,500, the number set down in a condensed report of Indian removals, in Doc. No. 2, of House of Representatives, 1st sess. 24th Congress, page 296, as the number of Choctaws east of the Mississippi. This number is ascertained by subtracting the whole number of emigrants, after the completion of the removal, from the number of the population taken before the removal. My own observation of these people, while travelling through the country, the information I have derived from others, and the testimony produced before me in my official capacity, induce me to believe that the number of Choctaws who have remained, and are still living, in the district of country ceded by the late treaty, is at least equal to that above stated.

Interrogatory 10. What is the average number of Choctaws to the head of a family?

Answer. Taking the families for whom locations have been made as the basis of a calculation, the number of Choctaws to each head of a family would be about four. I think it a fair estimate to adopt that number.

Interrogatory 11. What number of the locations you have made, have been made to include the original improvements of the claimants at the date of the treaty?

Answer. I think that all the claimants whose names are upon Colonel Ward's lists, and all who produced certificates, except William Simmons, have been located upon the places they occupied at the time of the treaty. The improvements of Simmons, and most of those for whom lands were reserved under the instructions from the department, were, according to the testimony adduced, sold by government previous to their applications, and other lands were reserved from sale.

Interrogatory 12. Under whose agency was the testimony in behalf of the claimants taken?

Answer. The testimony in behalf of the claimants was presented by a number of different persons acting as the agents of the Indians, most of whose names were set down, under the head of general remarks, upon my register of locations, opposite the names of the claimants, as will appear by a reference to the copy of said register before the committee. In many instances, these agents were accompanied by the claimants, or some of their captains or head men, who were examined by me personally.

Interrogatory 13. State the names of all the white persons who you know, or have reason to believe, are interested in procuring such reservations, and your means of such knowledge.

Answer. With respect to the interest which white persons have in procuring reservations, I know very little. The applications for locations under the different articles of the treaty have generally, and I suppose in most cases necessarily, been made by white men, sometimes accompanied by the claimants, and sometimes by producing powers of attorney from the claimants. I have always endeavored to satisfy myself that the persons acting for the Indians were duly authorized by them, but have never inquired how far they were interested in procuring reservations, or whether they were employed as agents, or were parties concerned. I do not recollect of ever having seen any contract between a white man and an Indian claiming under the 14th article; but I am induced to believe that such contracts do exist, by which white men are interested in the claims of the Indians. My belief is, however, founded more upon general rumor, and the conduct of these men in the troublesome and expensive management of this business, than upon any declarations I have ever heard them make. I state the names of the following persons who have appeared before me as the agents of the Indians, and who, I am compelled, for the reasons just stated, to believe, have some interest in these claims, viz.: F. E. Plummer, Wiley Davis, A. A. Halsey, James A. Girault, John B. Davis, E. Loyd, Richard Barry, James Brown, Charles Fisher, John Johnston, sr., D. W. Portis, G. D. Boyd, —— Bates, Thomas J. Crawford, John D. Boyd, J. Whitsett, William M. Gwin, S. B. Marsh, and E. Williams.

Interrogatory 14. Have you now, or have you had, any interest, directly or indirectly, in any claim for any reservation under the 14th article?

Answer. In the month of September, 1832, eleven months before my appointment as locating agent, I became interested in the claim of James Oxberry, a Choctaw, claiming under the 14th article, who had the agent's certificate of registration. My contract was a conditional one, dependent upon Oxberry's ability to perfect his claim. This is the only claim under the 14th article in which I have ever had an interest, directly or indirectly; and I have never obtained or received, either directly or indirectly, any interest in any claim under any article of the treaty since my appointment as locating agent, except a small interest in the special reservation granted to John Donly, obtained some time after its location.

Interrogatory 15. Do you know whether any Choctaws have returned since their emigration west of the Mississippi; and if so, whether any attempts have been made by them to procure reservations in violation of the treaty?

Answer. I know certainly of but one head of a family, Captain Anthony Turnbull, who has returned; and his claim being a local reservation, was disposed of before his first removal. His brother, Robert Turnbull, made a visit to the west at his own expense, but not having removed his negroes, soon returned, and is one of the claimants under the 14th article. I have seen a man named Nelson, who has recently returned from the west, but he has not since his return presented any claim for land. This man was one of a company of about eighty heads of families who said they were registered by Colonel Ward, under the 14th article of the treaty, and applied to me soon after my appointment, for reservations. Not finding their names upon Colonel Ward's lists, I informed them that they could not obtain lands, advised them to go west, and notified Colonel Armstrong, the removing agent, of their situation. The most of these people were accordingly taken west the last year of the removal, and I have never heard that any of them have returned, except Nelson, just named. I was also informed by General S. Cocke, in the month of October, 1835, and previous to the last sales at Columbus, that a man named Durant, who had procured a location under the 14th article, had emigrated, and returned from the west; and in consequence of this information, I notified said Cocke to produce the evidence of the fact before me, at Columbus, on the 1st day of November following, and gave him a notice addressed to Durant to appear at the same time and place, (which notice the said Cocke undertook to serve,) that the claim of said Durant might be fully investigated, and, if found fraudulent, that the location granted might be raised and the claim rejected. No such evidence having been presented, the location remained as previously made. These are the only persons of whom I have any information respecting their return from the west. I have always made it a point of inquiry, upon the presentation of claims under the 14th article, whether the claimant had always, since the treaty, remained and continued to live in the country ceded. I did not consider myself authorized to reserve lands under the 14th article for any who had ever removed west.

Interrogatory 16. Have any of the emigrants to the west of the Mississippi attempted to procure reservations by agents, since their emigration, in violation of the treaty?

Answer. No emigrant to the west of the Mississippi has ever attempted in person, or by an agent, to procure reservations at all under the 14th article, since their emigration, nor under any other article in violation of the treaty.

Interrogatory 17. Do you know of the existence of any contracts between the Indians and the persons who acted as their agents, by which the agents are to have the remainder or other half of the land, at $1 25 per acre, or at any other price?

Answer. I do not know of any such contracts.

Interrogatory 18. State how many reservations you have located for claimants under the 19th article of the treaty.

State also what number of reservations you have located for claimants under the 14th article, whose locations are considered final.

State also what number of reservations you have located under the 14th article, which are considered constitutional, and subject to the confirmation of Congress, since your appointment as locating agent.

State also what number of special reservations you have located under the Choctaw treaty.

State also whether you know of any grant of a reservation made by the treaty which has not been located—and state the names of the reservee or reservees.

Answer. I have located 343 reservations for claimants under the 19th article of the treaty, as appears from my returns to the War Office; 52 reservations under the 14th article, which are considered final; 520 under the 14th article, which are conditional, and 58 special reservations. The number of reservees, under the 19th article of the treaty, exclusive of those specially named in the 1st section, is limited to 1,600. It appears, however, from Colonel Armstrong's return, that only about 739 reservations, including the special ones, were allowed under this article. Of this number, 288 were relinquished to government, leaving 451 to be located, of which 343 have been located, leaving 108 yet unlocated. The whole number of claims in the supplement is 77, of which 60 have been located, leaving 17 unlocated. The whole number of claims therefore, under the 19th article, and the supplement of the treaty, still remaining unlocated, are about 125. The names of the reservees yet unprovided for, who claim under the 19th article, except those who are specially named in the 1st section, cannot, without an examination, which would require a great deal of time and labor, be given. I am enabled, however, by a reference to documents in the War Office, to give the names of most of the reservees, under the 19th article specially named, as well as those named in the supplement, whose claims have not yet been located. They are as follows, viz.: J. Garland, Jo-ho-ke-be-tub-bee, and Eay-cha-ho-bia, under the 19th article; and the following named in the supplement of the treaty, to wit: Allen Gates and wife, G. Nelson, J. Vaughn, Choc-le-ho-ma, Susan Colbert, D. McCurtain, Oak-la-ho-ma, Polly Fil-le-cu-they, Henry Groves, James D. Hamilton, W. Juzan, Tobias Leflore, Jo. Doke. Chief Nutackachie, provided for under the 15th article, is also unlocated.

Interrogatory 19. You have stated you received your appointment of locating agent on the 5th of August, 1833, and procured Colonel Ward's lists of names under the 14th article on the 11th of September, 1833; state at what time you commenced the location of claims under the 14th article,—what plan you adopted to give notice to the Indians of your authority to locate their reservations,—at what time the land sales took place,—whether you have reason to believe that the Indians generally received the notice of your appointment as locating agent, in time to apply for a location of their lands, before the same was offered at public sale—and whether any portion of the Indians for whom you have made conditional locations, applied to you and claimed reservations, under the 14th article of the treaty, before the sales, or within any short time thereafter—and if so, state what number applied as near as you can.

Answer. As soon as possible, after obtaining Colonel Ward's lists of claimants under the 14th article, on the 11th of September, 1833, I commenced receiving applications for locations under the 14th article of the treaty, as well as the other articles, and immediately caused 200 copies of the notice, marked G No. 1, to be printed, and to be distributed as speedily as possible throughout the Choctaw country. A few copies of this notice were sent to each land office. The land sales commenced on the 21st day of October, 1833, and I am inclined to believe that most of the intelligent Choctaws had received the notice of my appointment in time to apply for their locations before the commencement of the sales. Whether this notice was sufficiently understood by the more ignorant people, in parts of the country remote from the land offices, I am unable to say. Among the first applications under the 14th article, were those of Charles Frazier, Joseph Perry, Rachel Davis, Coleman Cole, Moses Perry, Moontubbe, for himself and others, Samuel McGee, We-shoc-she-homa, with several of his men, for himself and his company, together with a number of others not now recollected. We-shoc-she-homa, at the time of his appli-

cation, informed me that Captains Cobb and Pickens, with their respective companies, were claimants under the same article. I was also informed about the same time, from other sources, that Little Leader and Post-Oak, with their companies, were also claimants under this article. The applications above mentioned were all made previous to, and during the first sales of the Choctaw lands, commencing as above stated. The applicants insisted before me, that they had been registered by Colonel Ward under the 14th article of the treaty; but finding none of their names upon Colonel Ward's lists, except the two names of Captain Cobb and Pickens, I informed them that I could reserve no land for any of them, except the said Cobb and Pickens. During the same time, Garret E. Nelson presented to me a list containing about eighty names, which he said were the names of Choctaw heads of families who had been registered by Colonel Ward upon the application of said Nelson, as a friend and agent of said Indians, with a view, as I understood, of ascertaining whether I would reserve lands for them. Upon examining this paper, and comparing it with Colonel Ward's lists, I discovered that not one name upon the list presented by Nelson was to be found upon Colonel Ward's list. I therefore told him that none of the persons whose names he had produced, could get land, and advised them, as I have stated in my answer to a former interrogatory, to go west, which most of them accordingly did. With respect to many of these applicants, I was satisfied by testimony which they produced that they had been duly registered, but taking Colonel Ward's lists as my guide, I could take no further notice of their applications than to inform the department of their complaints, and request that a register of the 14th-article claimants, which I had not yet received from the War Office, should be forwarded to me immediately, as will be perceived by a reference to my letter of 8th November, 1833, marked L.

The intelligence with respect to the number of names upon Colonel Ward's lists, copies of which lists were furnished to the different land offices, and my course in relation to locations under the 14th article, was circulated through the country, and I do not recollect that any more applications under the 14th article, except by those whose names were on Colonel Ward's lists, were made until after the receipt of the instructions from the department of October 13, 1834, directing conditional reservations. It is probable that the claimants for locations under this article, had desisted from making any further applications to me, on account of the failure of those who applied, and the reports which were circulated in consequence.

Interrogatory 20. Do you know whether the Indians mentioned on your list of conditional locations, asserted claims to reservations under the 14th article, from the date of the treaty, and if so, why their locations were not made before 1835?

Answer. I did not commence my residence in the Choctaw country until about two years after the treaty, and of course am not, from my own knowledge, able to say whether the Indians mentioned in the list of conditional locations, asserted their claims from the date of the treaty or not. From the time, however, that my official duties brought me in contact with these Indians, I have always understood that the facts were notorious in certain neighborhoods, that the Indians residing in those districts, and who are included in the number of those in the list of conditional locations, endeavored, upon the execution of the treaty, to avail themselves of the benefits of the 14th article, and had uniformly ever since asserted their claims to land under that article. In answering the latter part of this interrogatory, "why these Indians did not apply for locations before 1835?" I must refer to the answer of the preceding interrogatory, which accounts for their not *procuring* locations before the receipt of the instructions of October 13, 1834. These instructions were received by me the 12th November, 1834, and I gave notice to those interested by posting at Chocchuma, and notifying the registers at the other offices to do the same as soon as practicable. See my letter marked M. The applications were commenced and continued from that time onward through 1835, and in all applications for other lands than those occupied at the time of the treaty, I required evidence of the sale by government of the original improvements. The reason why most of the applications were not made before 1835, I presume may be, that the Indians did not become acquainted with the purport of the above notice in time to have the lands they claimed reserved before the sale, which commenced December 8, 1834, nor, considering the time it would necessarily take to circulate intelligence through an extensive and wilderness country, 350 miles long and 150 miles wide, so as to convey it to the understanding of an ignorant and scattered population, and the additional time which would be required to prepare the necessary testimony to sustain their applications, and have the lands reserved at five different land offices, could it be expected that these applications should have been made for some time after the sales.

Interrogatory 21. Have you in any instance refused the application of any Indian to locate land for him? and if so, state the number refused as near as you can.

Answer. In answering this question, I must again refer to the answer of a previous interrogatory. The rule upon which I acted previous to the instructions of October 13, 1834, was to reject the application of every claimant whose name was not to be found upon Col. Armstrong's register furnished to me by the department, or upon the certified lists of Colonel Ward, and his certificates of claimants under the 14th article. As to the number of applications refused, I cannot from my recollection speak with certainty: under the 19th article, very few applied whose names were not on the register. The applications rejected under the 14th article have been spoken of in a previous answer.

Interrogatory 22. Are there now remaining in the country ceded by the treaty of Dancing Rabbit, any Indians who claim reservations under any provisions of the treaty, who have not received a location, either conditional or otherwise? and if there be any, state the probable number, and the article of the treaty under which they claimed.

Answer. I know of no Indians now remaining in the country ceded by the late treaty, who claim reservations under any other provision of the treaty except the 14th article; and how many there are of this class who have not received locations, I am unable to say; but from the testimony presented to me, and other sources of information, I am induced to think there are about two hundred heads of families, including those heads of families who have made applications for reservations, but which were not allowed by me.

Interrogatory 23. Were you acquainted with Colonel Ward during the years 1831, 1832, and 1833; and if so, what were his habits and qualifications for business?

Answer. My acquaintance with Colonel Ward commenced in 1833, during which year I had occasion to call upon him twice only; I cannot, therefore, speak fully of his habits and qualifications for business from personal knowledge. From what I observed, however, of such of his official acts as came under my notice, and what I have learned from the testimony adduced to me, and the information of others, respecting his character and official conduct, I must believe that he was an extremely intemperate man, and, consequently, a very negligent officer. In corroboration of this opinion, I refer to the testimony of the following persons, viz: Gabriel Lincecum, Grant Lincecum, Adam James, Reuben Grant, and Jefferson Clements, John Whitsett, James Oxberry, and George S. Ganes, in papers marked N, Nos. 1, 2, 3, 4, 5, 6, and 7.

Interrogatory 24. Who selected the locations you made; the agent of the claimants or yourself?

Answer. The agents or representatives of the Indians, in general, designated the land they wished to be reserved, in their written applications. In some cases, this was not done, and the locations are not made. I required proof of the quality of the lands sold, with a view to locate lands of equal value; but of the value of the lands located, I could not judge myself, except by referring to the field notes of the surveyor.

Interrogatory 25. Were any persons whom you have named as agents for the Choctaw claimants, witnesses in support of any claims?

Answer. I have no recollection that any of those agents were witnesses, except in some cases where certificates were given as to the credibility of other witnesses. But I cannot be positive without an examination of the evidence in the several cases.

Interrogatory 26. Have any Chickasaw Indians claimed reservations, as Choctaws, under the 14th article of the Choctaw treaty?

Answer. Not to my knowledge.

Interrogatory 27. Have you made any locations under said article to any Choctaw heads of families who had no improvements at the date of said treaty?

Answer. I made no locations in any case, unless I believed from the evidence that there was such an improvement as was required by the 14th article of the treaty.

Interrogatory 28. Have you knowledge or reason to believe that two or more reservations have been claimed by, or made to, the same Indian, under different names, under said article?

Answer. I have no knowledge, nor any reason to believe, that the same individual has procured more than one location, under different names.

Interrogatory 29. Have you, in any instance, changed locations (under said article) from the place where first laid, and placed them upon lands purchased by pre-emptors?

Answer. I have not.

Interrogatory 30. Did Colonel Ward, at any time, state to you in what kind of book he made the original entry of the names of the Choctaw heads of families who gave notice under said 14th article? if so, state the same.

Answer. I do not know that he ever did. Colonel Ward stated that he had sent the official register to the War Department, and retained the one given to me as a copy for his own use.

Interrogatory 31. Did said Ward state whether he had refused to enter applications not made by the applicant in person, or which was not made at the agency?

Answer. He made no such statement to me.

Interrogatory 32. Do you know William and Henry Garvin? and, if so, state their character.

Answer. I know both, but do not know enough of their character to speak of their truth and veracity.

Interrogatory 33. Has any agent of any applicant for a reservation under said 14th article, or any other person on behalf of himself or such agent, or applicant, at any time directly or indirectly, proposed to give to you any money, or other thing of value, or any interest, present or future, in any of such reservations, or in other lands, or any benefit or emolument whatever, to induce you to do, or forbear to do, any act in the execution, or under color of the execution, of your duty as locating agent under said fourteenth article? if so, state the same.

Answer. No such offer has ever been made to me by any person, either directly or indirectly.

Interrogatory 34. Were the following persons, or any of them, witnesses in support of any of the claimants: Benj. A. McKelven, John Carter, Daniel Green, Lewis Whitsett, J. Garrotts, Hugh McDonald, William Herbert, D. W. Wright, A. F. Young, D. H. Morgan, Lemuel U. (N.) Hatch, Rollin Williams, Henry L. Bennett, F. M. Tucker, Armstrong Hodge, William Humphreys, Richard Evans, Briscoe Bennett, Samuel Garland, —— Holsey?

Answer. I do not find, upon the examination of my papers, that any of the persons mentioned in this interrogatory were witnesses, except John Carter and Hugh McDonald, nor do I believe that any of the others were.

Interrogatory 35. Were any of the persons whom you have named in the answer to the 13th interrogatory, as being agents of the Choctaw claimants, witnesses in support of any of the claims?

Answer. I recollect none, except Mr. Whitsett, who has certified to the credibility of one of the witnesses.

Interrogatory 36. Did you appoint commissioners to meet at the house of Little Leader, in 1835? and if so, what instructions did you give them, and what were the proceedings and report of said commissioners?

Answer. I did appoint such commissioners. My instructions to them are contained in the commission here produced, marked O. And the proceedings under it in the report of the said commissioners, marked P.

Papers referred to by Colonel Martin.

A.

DEPARTMENT OF WAR, *June* 26, 1833.

SIR: You are hereby appointed to make the selection of the locations of the tracts of land granted to the Choctaws by the 14th, 15th, and 19th articles of the treaty of September 27, 1830, concluded at Dancing Rabbit creek. Your compensation will be five dollars per day, to include services and expenses, while engaged in this duty. And you are authorized to employ an interpreter, if one attached to the agency cannot be detailed to attend you, and to allow him two dollars and a half per day, in full for his expenses and services. These claims will be paid upon accounts certified by both yourself and the interpreter. The department is informed, that plats of the surveys of one hundred and twelve townships have been received at the General Land Office, and that the exterior lines of one hundred and seventy-six townships have been run, the sectioning of a majority of which is in progress. Copies of the plats received here will be forwarded for you from the Land Office to the care of General Coffee. You will please to apprize the department of your address, that copies of the other plats may be sent to you direct. Upon application to Colonel Ward, or William Armstrong, esq., at the old agency, you will be furnished with copies of registers of the different classes of reservees in the three districts, and may obtain all the information you will require in the fulfilment of this duty. These registers are supposed to be complete, and you will be governed by them in the location and assignment of reservations in all cases, unless otherwise directed by this department. The general provisions of the treaty are, that the reservations shall be bounded by sectional or quarter sectional lines of survey, and include the improvements of the reservees. An

exception to this rule occurs in the 15th article, and in the first clause of the 19th, by which two of the four sections granted to the three chiefs and to Colonel Folsom, are to be located "on unoccupied, unimproved lands." You will consult the wishes of these persons in locating these sections, taking care not to interfere with the possessory rights of any other Indian. The half-sections and quarter-sections allowed to heads of families, in the 14th article, for their children, will adjoin the location of the parents. The number of reservees provided for in the 3d and 4th clauses of the 19th article, is limited, and the extent of their respective reservations is proportioned to the number of acres in cultivation. You will learn from the register the names of the persons entitled to lands under the several classes. In locating the three quarter-sections granted to those who shall have cultivated thirty acres or more, you will observe that the treaty provides they shall be "contiguous and adjoining." The reservations allowed under these two clauses are also to be so located, as to include that part of the improvement which contains the dwelling-house. If the contingency should happen contemplated in the latter part of the fourth clause, that the number of reservees should exceed the number stipulated for, you will call upon one or more of the chiefs of the district to which they belong, to decide who shall be excluded. For instance, one half-section is granted to the cultivators of from twenty to thirty acres, the number not to exceed four hundred. If there should be four hundred and fifty claimants, the chiefs are to decide upon the fifty whose claims must be rejected. The fifth clause provides for the assignment to the captains whose cultivated possessions may entitle them, under the previous clauses, to less than a section, of an additional half-section. This half-section must adjoin the tract which includes their improvements and dwelling-house. The registers, also, will show you the names and number of the orphans entitled to reservations. If any of the Choctaws have no improvements, or if the location of a tract would include the improvements of more than one of them, in that case you must exercise a sound discretion respecting the person to whom such tract shall be assigned. It is desirable that the parties interested should decide for themselves, or agree to submit to the determination of their chief; but if they will not do either, perhaps the best method will be to draw lots in their presence. It is also desirable that the reservees of each district should be located together, and as near to each other as the preservation to each of them of his improvement will permit. You will establish such permanent marks upon each reservation, as will show its extent and boundaries. You will also open a new register, and enter upon it the names of the reservees, and the number of the sections, half-sections, or quarter-sections, as marked on the plats of survey assigned to them respectively; the originals of this register you will leave with the sub-agent, William Armstrong, esq.; a copy you will forward to this department. The department relies upon your zeal and exertions to execute every part of your duty under these instructions, in a manner accordant with the obligations of the government, and satisfactory to the Indians. I enclose a copy of the treaty.

Very respectfully, your obedient servant,

JOHN ROBB, *Acting Secretary of War.*

GEORGE W. MARTIN, Esq., (*care of General Coffee,*) *Florence, Alabama.*

B.

DEPARTMENT OF WAR, *October* 13, 1834.

SIR: The applications that have, from time to time, been presented to this department by persons claiming reservations under the 14th article of the Choctaw treaty, that the sale of the sections they claim may be suspended, have been submitted to the President, who has directed the following instructions to be communicated to you: In the cases that have been brought to the notice of this department, it has appeared from the evidence exhibited, that the names of the claimants were registered, and the record has been lost; or that the record was made on separate slips of paper that cannot now be found; or that they applied verbally, and were led by the agent to believe that this was a compliance with the treaty; or that their application to be registered was refused without sufficient reason. There has also been evidence exhibited to show that the agent certified that persons "caused their names to be registered, whose names are not upon the register returned by him." In this state of things, the President deems it to be his duty to modify the order that precluded you from locating sections for persons not upon this register, in order that the parties may have an opportunity to obtain the action of Congress upon their claims. You will, therefore, give public notice that persons who consider themselves entitled to reservations under the 14th article, and whose names are not upon the register of Colonel Ward, will exhibit to you the evidence in support of their claims. This evidence must show that they were citizens of the Choctaw nation, heads of families, and did signify their intention to become citizens within the time prescribed by the treaty. It must also show the time of their application to be registered, and the conversation, and circumstances relating to it. If they bring themselves within the requisition of the 14th article, and the evidence of credible and intelligent witnesses induces you to believe that the omission of their names on the register was caused by the mistake or neglect of the agent, you will make locations for them in the manner pointed out in the instructions heretofore given to you. These locations, it must be understood, are contingent, and will be complete only in the event of their being confirmed by Congress. If the whole or a part of any reservations that may be claimed have been sold, you will designate upon the plats tracts of equal dimensions, and of as nearly equal value as practicable. The register and receiver of the proper land offices will be instructed to reserve from sale the reservations you may locate under this order, until the views of Congress are ascertained. The President specially directs that you transmit, in season for the action of Congress at its next session, detailed reports, showing the names, standing, and credibility of the witnesses, and all the facts and circumstances in each case, with copies of the papers presented to you, and your communications to the land offices upon this subject. The execution of these instructions will require your prompt and vigilant attention, that justice may be done to the Indians and the government.

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

MAHLON DICKERSON, *Acting Secretary of War.*

Col. GEORGE W. MARTIN, *Columbus, Mississippi.*

C.

DEPARTMENT OF WAR, *Office Indian Affairs, March* 11, 1835.

SIR: The reports of locations, transmitted by you to this office, in compliance with the instructions of the 13th October, 1834, were submitted to Congress by the President, but no definite legislative action was had upon them. In the opinion of this department, nothing more can be done until the next session. The locations you have made, and those you may make, under the instructions above named, will be reported by you to the proper land offices, and to this department, and the lands will be reserved from sale until the decision of Congress is known. You are requested to inform the claimants of the course contemplated.

Very respectfully, your humble servant,

ELBERT HERRING.

Col. GEO. W. MARTIN, *Chocchuma, Mississippi.*

D.

CHOCCHUMA, *Mississippi, December* 24, 1834.

SIR: As per my instructions from the War Department, of the 13th of October last, which came to hand on the 12th of November, I herewith transmit a list of claimants under the 14th article of the treaty at Dancing Rabbit creek, for the purpose that said claims and accompanying testimony may be laid before Congress. A register of the locations will be forwarded to the War Department so soon as the lands are designated on the plats of survey, and a complete list can be procured and regularly made out; all of said claims have been *conditionally* reserved for the final action of Congress.

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

GEO. W. MARTIN.

Hon. LEWIS CASS, *Secretary of War.*

E.

CHOCCHUMA, *Mississippi, December* 29, 1834.

SIR: I have the honor, in addition to the list of claims transmitted on the 24th instant, to the War Department, herewith to forward the following testimony, in support of a number of Indian claimants therein embraced. These Indians claim to be entitled to lands under the 14th article of the treaty, having, as they alleged, fully complied, on their part, with all its requisitions, notwithstanding their names do not appear on the agent's books. The 14th article provides that each Choctaw head of a family, being desirous to remain and become a citizen, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of the treaty, and thereupon shall be entitled to receive certain allowances of land, in manner as set forth in the treaty. These claimants allege that they did so signify their intentions, as required by the treaty; and say, if their names do not appear on the agent's book, it is no fault of theirs, and consequently they ought not to be deprived of their just rights, by the neglect or default of the agent, or anybody else, over whom they had no control. This being the nature of the claims set up by them, I have, in each case presented, inquired, first, "Is this a case coming under the 14th article?" and next, "Is there [in the language of the President's letter] probable evidence of credible witnesses, of their rights under the provisions of said article; and that their failure to obtain such reservations has been caused by the mistakes or neglect of the agent appointed to make a list of reservees?" Wherever it has been satisfactorily proved to me by indisputable testimony, that the claims came under the 14th article, and that the failure to have their names registered was not their fault, but arose from the neglect, or mistakes of the agent, or other cause not embraced in the treaty, I have located their lands, and directed the register to withhold them from sale, conditionally. The letter of the President directs "that, in all cases, the locating agent will make special reports of the names of the witnesses, and of the facts and circumstances submitted to the War Department."

In obedience to these instructions, I have caused all the testimony offered to be taken in writing, under oath, and in due form of law. A list of the names of the witnesses is annexed to this report, and copies of the depositions themselves are herewith transmitted, the originals being retained for the use of this office. The instructions require that I should report the facts and circumstances submitted to me. By reference to the papers, it will be seen that the depositions establish the following facts, viz.: 1st. That within the time limited by the treaty for registration, on one occasion a number of the Indians, then living at Suckenatchie, and some of them living yet on the same, did actually go forward to the agent, then at the old factory, for this and other purposes, and did not only offer their names for registration, but their names were duly and formally entered down in a book opened for that purpose; nevertheless, few, if any, of the names then and at that place taken down, are now to be found in the agent's book in my possession. The conclusion is inevitable, that the small book or sheet of paper on which their names were entered, has been either lost by the agent, or destroyed by those who might possibly wish the Indians to emigrate. It appears that a portion of these Indians have since gone away, while others remain on their lands, and now contend for their claims. 2d. That there are instances where individuals went forward and had their names entered down on the book, and yet they were afterward erased, or blotted out by (possibly) those who had free access to the agent's book. 3d. It further appears, from the testimony of several witnesses of unquestionable character, that, in the month of June, 1831, a number of Indians attended at the council-house, for the purpose of entering their names to become citizens, and take lands. Being ignorant of the English language, they appointed one or two head-men, or leaders, to go forward for them, and give in their names accordingly. As is customary among the Indians, they collected a parcel of small sticks, designating the number of them that wished to register. With these sticks in their hands, the spokesman went up to the agent and gave them in, at the same time informing the agent, through the interpreter, that these sticks showed the number they came forward to give in, and that they would give the name of each head of a family, and the number and ages of their children. It appears further, that the agent took the sticks in his hand and threw them away, and directed the interpreter to tell the Indians that there were too many of them, and that they ought or must move over the Mississippi. Being thus repulsed or turned off, it appears that many of these Indians abandoned their claims, and have gone west, while some of them yet remain, and now assert their claims, under the foregoing signification of their intention to remain.

I have, &c.,

GEO. W. MARTIN, *Locating Agent.*

Hon. LEWIS CASS, *Secretary of War.*

F.

WASHINGTON CITY, *April* 5, 1836.

SIR: In compliance with an order from the department, dated January 22, 1836, requiring me "to report, without delay, the proceedings which have taken place" in the location of claims under the 14th article of the late Choctaw treaty, and "the reasons that have governed me," as locating agent, in making conditional reservations of land to satisfy said claims, I have the honor to present the following history of my proceedings, with the documents upon which, in accordance with my instructions, they are founded. It will be necessary, for the purpose of giving a connected view of these proceedings, to commence with my first instructions as locating agent for the Choctaws, and trace thence the course I have since pursued in relation to claims under the 14th article of the treaty. My first instructions, accompanying my appointment, bear date June 26, 1833, and were received by me the 5th day of August following. By these instructions I was directed to apply to Colonel Ward, or William Armstrong, esq., at the old agency, for copies of registers of the different classes "of reservees, and such other information as I might require in the fulfilment of my duties;" and was advised "that copies of the plats of survey would be forwarded to me from the land office."

I immediately visited the agency, made the requisition directed, upon Colonel Ward and Mr. Armstrong, and was informed by them that perfect copies of the registers of reservees could not be furnished at that office, and I was advised by Mr. Armstrong to apply to the department for such registers. The only document or information obtained at that time from the office of the old agency, relative to the claimants under the 14th article, was a register, represented by both Colonel Ward and Mr. Armstrong, as being mutilated and very imperfect, which contained two lists of claimants under the 14th article, having the general appearance of duplicates, with numerous discrepancies, and embracing together ninety-one names, one of which lists was certified. I then applied to the department for a correct register, which was furnished complete as to all the classes of claimants, except those under the 14th article, which were not contained in it; and no other register of these claimants has ever been received by me, except the imperfect one above alluded to, although, urged by the numerous complaints of claimants under this article, I frequently presented the subject to the department. As the first public sale of Choctaw lands was to occur within less than two months after my obtaining from Colonel Ward the imperfect register above alluded to, and commenced three days after I received the one from the department, not containing the claimants under the 14th article, I felt authorized to reserve lands for all of the last-mentioned claimants, whose names were on the certified list, obtained from Colonel Ward, as well as for some others whose names were not on said list, but who presented to me certificates from Colonel Ward of their registration. On the 12th of November, 1834, I received a communication from the department, dated the 13th October preceding, instructing me "to make contingent locations for all such applicants under the 14th article of the treaty, whose names were not upon the register of Colonel Ward, as should produce evidence of credible and intelligent witnesses, inducing me to believe that the omission of their names on the register was caused by the mistake or neglect of the agent, and to report thereon in season for the action of the next Congress, that justice might be done to the Indians and the government." Under these instructions, I made a number of locations upon the application of claimants, whose names, with the evidence in support of their claims, were transmitted to the department within the prescribed time, and were submitted to the last Congress. In the month of April, 1835, I received another communication from the department, dated the 11th March preceding, stating that "no definite legislative action was had during the preceding Congress upon the locations submitted as above mentioned, and that, in the opinion of the department, nothing more could be done until the next session." In this communication, I am instructed to "report to the proper land offices, and to this department, the locations I had made, and those I might make under the former instructions;" and am advised "that the lands would be reserved from sale until the decision of Congress should be known;" and am required "to inform the claimants of the course contemplated." From the tenor of this communication, in connection with my previous instructions, urging "my prompt and vigilant attention, that justice might be done to the Indians and the government," and various other communications from time to time received from the department, directing me to make reservations for individual claimants under the 14th article, whose testimony had been submitted to the department, and whose cases were, in all material respects, similar to those presented to me, I felt compelled to continue my notice to all claimants of this character to present their applications. An additional fact, showing the propriety of extending the time for receiving applications of this nature, is, that much testimony in support of a large class of claims since located, was presented to me and reported to the department, but for want of time, the individual applications for location could not be made so as to be embraced in that report. The locations made since my last report, are contained in the document marked F, and the evidence in support of them, in documents marked A, B, C, D, and E, and Congressional document No. 138, herewith transmitted to the department. In the prosecution of my duties as locating agent, especially those which pertained to the claims under the 14th article of the treaty, I have had many and serious difficulties to encounter. The want of copies of the plats of survey which I was assured, before I entered upon those duties, should be furnished, but which were never received, and when applied for at some of the land offices, were peremptorily refused, has occasioned me much embarrassment. The necessity of making numerous reservations in the same district of country, without any maps upon which to mark them, has probably, in some instances, occasioned conflicting locations. This, under the circumstances of my situation at the time, could not completely be guarded against. I have also felt considerable embarrassment on account of the number of the claims, and the danger there might be that some of them would ultimately prove to have been sustained by false testimony. To guard against any attempt at fraud or imposition, I caused a notice to be inserted in the public newspapers, at the commencement of my official duties, requesting all honest citizens who might know of any fraud or misrepresentation in procuring locations, to make such facts known to me. Notices of a similar import, and for the same object, were repeatedly published in the newspapers, during the whole term of my official duties. Upon hearing any rumor of fraud in connection with these locations, I have invariably taken pains to search for the evidence, and in two instances felt myself authorized to institute a board of commissioners: one during the month of December last, to sit in Columbus, and near the same time, another to sit in the interior of the Choctaw country, to summon witnesses and procure testimony in relation to any frauds perpetrated or attempted, respecting these claims. The results of these commissions have already been communicated to the department, no fraud having been detected. I do not pretend to say that frauds may not have been practised upon me, but I do say, that upon the most cautious investigations, I have failed to discover any. I have endeavored faithfully to adhere to my instructions, to keep in view the principle enjoined upon me by the department, "to do equal justice to the Indians and the government;" and to proceed just so far as the evidence of credible and intelligent witnesses, bearing upon the facts I was compelled by my instructions to act upon, necessarily led me, and no farther. I considered it my duty to inquire into the justice of the claims,

agreeably to my instructions, and not into their number or the aggregate amount of land to be reserved for them. I cannot close this communication without stating my opinion, that, under the present circumstances of excitement on the subject, there is no way in which justice can be done to the Indians, while the interest of the government may be completely guarded, except by some provision constituting a board of commissioners, to sit at a convenient point in the Choctaw country, for the purpose of receiving testimony, examining the facts, and deciding upon the claims.

All which is respectfully submitted.

I have the honor to be, respectfully, yours,

GEORGE W. MARTIN.

Hon. LEWIS CASS, *Secretary of War.*

G—No. 1.

To those who claim reservations under the treaty of Dancing Rabbit creek.

By a communication from the War Department, under date of July 23, which was not received until the 5th of August last, I learned that I was appointed to make the selections and locations of the reservations of lands granted to the Choctaws, under and by virtue of the provisions of the treaty of Dancing Rabbit creek, made and entered into on the 27th of September, 1830, between the United States of America and the Choctaw nation of Indians. It was contemplated by the department, before I proceeded to the discharge of the duties required of me, that I should be furnished with the plats of all the townships of land within that district of country ceded by the treaty aforesaid, which have been surveyed, and also with copies of the register of all persons entitled to land under the same. I have not yet been furnished with any of the plats of survey, and with but imperfect copies of the registers. By a communication from the War Department, dated August 8, which I received on the 8th instant, I am informed that the President of the United States has directed the lands ceded by the treaty aforesaid to be offered at public sale, to commence on the third Monday in October next, and that it is necessary for the reservations provided for under the treaty to be located prior to the day of sale, and I am directed to proceed without delay to execute the duty required of me. My instructions seem to require of me to go in person on the ground, and examine the improvement and lines of survey, corner posts, &c., of each local reservation claimed under the treaty: this I am unable to do before the day of sale. For the information of those interested, I have prescribed the following rules and regulations, to be observed in presenting claims under the treaty, and in making locations, which are as nearly in conformity with my instructions as the circumstances of the case will permit. I will open an office in each land district within that tract of country ceded by the treaty aforesaid, for the purpose of receiving applications and registering the names of applicants for reservations as soon as practicable, and keep the same open until the day set apart for the commencement of the sales in each district. In the northwestern district the office will be opened at Elliot; in the northeastern district at Columbus; in the Augusta district, at Augusta; and in the Mount Salus district, at Clinton.

The applicants must proceed to the place designated in their respective districts prior to the day of sale, and adduce to the agent, or such person as may be appointed to represent him, satisfactory proof that he or she is entitled to a reservation of land under the treaty, designating the numbers of the reservations so claimed. The name of the reservee will then be registered, the number of the section, half-section, quarter-section, or other quantity to which he may be entitled, marked on the plat of survey, in the proper land office, and the land reserved from sale. The reservations granted to heads of families, under the fourteenth article of the treaty, to those who desire to remain five years, and become citizens, will be bounded by sectional, half-sectional, or quarter-sectional lines of survey, and so located as to include the improvement of the head of the family at the time of the making of the treaty, or a portion of it. The half-sections and quarter-sections, allowed for their children, must adjoin the location of the parent. The reservations granted under the third and fourth clauses of the nineteenth article of the treaty, will also be bounded by sectional and quarter-sectional lines of survey, and so located as to include that part of the improvement which contained the dwelling-house of the head of the family, at the time of the making of the treaty. When the dwelling-house of two or more persons, entitled to reservations under this article, shall be included within the same section, half-section, or quarter-section, they will be so located as to take such legal subdivisions of adjacent sections as will give to each reservee his claim in as square a form as practicable; thus, if different improvements are so situated upon the same section, or subdivision of a section, as to allow the parties, by taking legal subdivisions, to retain that part of their respective improvements containing their dwelling-houses, they will have to take such legal subdivisions, together with such adjacent lands, as may be necessary to give the required shape and contents to their claims. If, however, two or more reservees have settled upon and improved the smallest legal subdivisions of a section, and thus rendered it impracticable to make a division of the improvements by the selection of legal subdivisions, they will have to make an arrangement among themselves as to the manner in which their reservations are to be located. If they cannot agree among themselves, they will be permitted to cast lots for the same; and those who lose their improvements take the quantity to which they are entitled out of the adjacent lands.

Where a reservation, based upon an actual improvement, falls on a fraction, and that fraction is short of the number of acres to which the reserve is entitled, he will be allowed to make up the complement from the adjoining fraction, provided that the subdivision which may be located to complete the quantity, be so designated as to give an entire reserve a square form. If the contingency should happen contemplated in the latter part of the fourth clause of the nineteenth article, that the number of reservees should exceed the number provided for, the chief of the proper district will be called on to decide who shall be excluded. Captains entitled to less than a section, who claim an additional half-section under the fifth clause of the nineteenth article, must locate the same on lands adjoining their improvements and dwelling-house. Those claiming local reservations granted to them by name in the treaty, or the supplement thereto, in designating the boundaries of their claims, will have to be governed by the rules prescribed in the particular clause under which they claim. Those persons claiming floating reservations granted to them by name in the treaty or supplement, will be permitted to locate the same on any lands which were unoccupied and unimproved at the time of the making of the treaty, unless confined by the treaty to a particular district. In making the locations, they will be confined to sectional, half-sectional, or quarter-sectional lines of survey, and will not be permitted to cross sectional, half-sectional, or quarter-sectional lines. If they locate them on fractional sections, they will be compelled to take such fraction, if less than the complement, in full satisfaction of the whole quantity claimed under such floating reserve. In no case whatever

can a floating claim be divided. Where application is made at the same time to locate two or more floating claims of equal size, on the same tract of land, the same course for the adjustment of the matter as is prescribed in case of conflicting claims under the third and fourth clauses of the 19th article, will be pursued as near as practicable, and all conflictions will be settled in the same manner. Where application is made at the same time to locate two or more floating claims of different sizes, the largest will have the preference; thus, a section will have precedence over a half-section, and a half-section be preferred to a quarter-section, &c. In all cases the claim will be confined within the section lines of the section run and marked by the surveyor of the United States, and will not be permitted to go into an adjoining section or fraction, unless the quantity of land, or the terms of the treaty in which the grant is made, requires or authorizes it to be done. I intend to examine, on the ground, after the sales, the several local reservations, if it should be deemed necessary to a final adjustment and settlement of the claim, before I return a register thereof to the War Department, or adopt such other course as I may be instructed to pursue in relation thereto. It is important that every claimant should, in person or by his agent, attend promptly to his interest, and make his application, particularly describing the land claimed within the time prescribed, in order to exclude his land from sale. I have thus given explicitly my views, and the substance of the instructions to me, which I hope will be satisfactory to all interested. If any additional information is desired in relation to any clause of the treaty, which I have inadvertently omitted, I will take great pleasure in giving it on application. It is the intention of the President, as well as the War Department, and the undersigned, in making the locations of the several reservations granted under the treaty, to conform to the letter and spirit of that instrument in every particular, and to construe the same, wherever well founded doubt shall arise, and any discretionary power is to be exercised, "favorably toward the Choctaws."

GEORGE W. MARTIN, *Agent for locating Indian Reservations.*

September 15, 1833.

G—No. 2.

To all those interested in reservations in the late Choctaw purchase at Dancing Rabbit creek: "Let no white man interfere with you in those locations; receive no representatives from any one. Any conveyance made by the Indians is yet wholly void, and the President does not recognize the right of a single person claiming lands in the Choctaw country under a deed of conveyance from any Indian. The representatives of the Indians themselves, you are at liberty to receive, and it is proper they should be received." I take the earliest opportunity to give publicity to the above extract, as part of my instructions from the War Department, for the information of those whom it may concern.

GEORGE W. MARTIN, *Commissioner of Indian Claims.*

N. B. The commissioner for locating Indian reserves is desirous of any information relative to such claims, as may have been already located, and takes this occasion to request all honest citizens residing in the late purchase from the Choctaws, who may know of any fraud or misrepresentation in procuring locations on lands, to which the claimants are not justly entitled under the treaty, to make such facts known to the commissioner.

G. W. M.

The editor of the "Mississippian," at Jackson, will please publish this notice.

November 19, 1833.

G—No. 3.

We are requested to give notice to all who are interested, that Col. G. W. Martin, the locating agent, under the treaty of Dancing Rabbit creek, will be in Columbus on the first Monday of November next, for the purpose of making a final location of the lands claimed by the Choctaws under said treaty, when all proper testimony in favor of or against any location will be heard and determined upon.

October, 1835.

G—No. 4.

NOTICE.

The undersigned, locating agent for registering and locating claims under the provisions of the treaty made with the Choctaw Indians at Dancing Rabbit creek, is desirous of any information touching all or any of said reservations, and more particularly the locations recently made, and now making, under the late instructions from the War Department, directing me to make conditional reservations to Choctaw citizens, under the provisions of the 14th article of the treaty, and which are subject to the final action of Congress. It is expected that the information furnished will consist of facts, not vague rumors; that is, information of such character as will justify the agent in taking the proper steps to correct errors or frauds, that may be attempted on the government, by any applicant reservee, his agent or attorney.

GEORGE W. MARTIN, *Land Agent under the treaty of Dancing Rabbit creek.*

November 14, 1835.

H.

Register of Choctaw names, as entered by the agent previous to the 24th of August, 1831, who wish to become citizens, according to a provision of the late treaty in 1830.

Dates of entries.	Names of persons who wish to remain five years.	Number of children under ten years.	Number of children over ten years.	General remarks.
April 18, 1831.....	John Moore.....	4	3	White man, Indian wife.
May 7, 1831.....	Iklanabbee.....	.	3	Indian.
do.	Onatamba.....	.	3	do.
do.	Samuel Byington.....	.	.	do.
do.	Alabacha.....	2	.	Indian woman.
do.	Jack Jinkens.....	3	.	Indian.
May 17, 1831.....	Samuel Cobb.....	4	1	Indian, half-breed.
do.	James Pickens.....	4	2	
do.	John Pickens.....	1	.	
May 20, 1831.....	Hartwell Hardaway.....	3	4	White man, Indian wife.
May 23, 1831.....	Henry Garvin.....	1	.	do. do.
do.	George Murphy.....	4	1	
do.	Patrick Byley.....	2	1	
do.	William Christy.....	4	4	
June 13, 1831.....	Alexander Brashears.....	5	2	Indian, half-breed.
do.	Robert Hencock.....	3	2	
do.	Arthur Kearney.....	2	1	
do.	Betsy Beams.....	.	.	Woman, half-breed.
do.	Robert McGilvery.....	2	.	Indian, half-breed.
do.	John Walker.....	3	4	White man, Indian wife.
do.	Delila Brashears.....	3	3	Woman, half-breed.
do.	Zadock Brashears.....	2	1	Indian, half-breed.
do.	Turner Brashears, jr.....	.	.	do. do.
do.	Allen Stanton.....	2	.	White man, Indian wife.
do.	Adam James.....	4	2	Indian, half-breed.
do.	Rachel Brashears.....	1	.	Woman, half-breed.
do.	Calvert Howell.....	2	.	White man, Indian wife.
June 14, 1831.....	William Foster.....	2	.	Half-breed.
June 16, 1831.....	Otemansha.....	.	.	Indian woman.
do.	Hugh Foster.....	4	.	Indian, half-breed.
do.	James Foster.....	4	.	do. do.
June 18, 1833.....	Jim Tom.....	4	.	do. do.
do.	Ohoyan.....	4	.	Woman, half-breed.
June 21, 1831.....	Charles Buchanan.....	2	.	White man, Indian wife.
June 25, 1831.....	Henry Johnson.....	.	.	do. do.
do.	Lewis Bryant.....	3	2	do. do.
July 2, 1831.....	Henry Pebworth.....	4	2	do. do.
July 5, 1831.....	John Jones.....	.	1	do. do.
do.	Jacob Daniels.....	4	.	do. do.
do.	Matthew Lebrush.....	.	.	do. do.
do.	Luceve Durant.....	.	2	Indian, half-breed.
do.	William Hall.....	4	3	do. do.
do.	Betsey Pinson.....	2	1	Woman, half-breed.
do.	William Lightfoot.....	3	.	Half-breed.
do.	Anthony Parress.....	3	.	White man, Indian wife.
do.	Lewis Robertson.....	2	.	
do.	Lyman C. Collins.....	.	.	Indian.
July 18, 1831.....	Jack Tom.....	4	.	Indian, half-breed.
July 26, 1831.....	Sophia Pitchlyn.....	1	3	Woman, half-breed.
Aug. 3, 1831.....	Noah Wall.....	2	2	White man, Indian wife.
Aug. 13, 1831.....	Susanna Graham.....	.	1	Woman, half-breed.
do.	Anne V. Lewellyn.....	.	1	do. do.
Aug. 23, 1831.....	John McGilvery.....	2	3	Man, half-breed.
do.	Turner McGilvery.....	2	.	do. do.
do.	Little Leader.....	2	3	Indian.
do.	Hotah.....	1	1	
do.	Eyatubbee.....	2	.	
do.	Hiatubbee.....	1	.	
do.	Onahambee.....	3	.	
do.	Oguahotonah.....	2	1	Indian woman.
do.	Tusononsha.....	2	.	
do.	Onakastubbee.....	3	.	Indian.
do.	Lalahnia.....	3	2	
do.	Janimtubbee.....	.	.	
do.	Noatemah.....	2	2	Indian woman.
do.	Anolah.....	3	2	do.
do.	Ispia.....	3	2	do.
do.	Tuwatucha.....	3	3	do.
do.	Nawahhona.....	2	3	

I do certify that the foregoing persons did apply to me as agent, to have their names registered to remain five years and become citizens of the State before the 24th ——, 1831.

W. WARD, *United States Agent.*

I.

CHOCTAW AGENCY. *September* 11, 1833.

SIR: I have just returned from the lower district, and find here Mr. Martin, the agent selected to locate the land claims under the late treaty with the Choctaws. Mr. Martin has shown me his instructions, in which he is directed to apply to me and Colonel Ward for a copy of the register of those entitled to land under the cultivation section. The register in the possession of Colonel Ward is in part destroyed. I acted as an agent in taking the census, and examining the fields in Mushulatubbee district, which was returned to the War Office. Before Mr. Martin can act, he will have to be furnished with a copy of those entitled to land, as will appear by the books returned by my brother, F. W. Armstrong, and also a list of those who have relinquished their land to the government, on which payment, in part, was made west of Mississippi, last winter. The books will show the locality of the land, and enable the agent to discharge his duty. The lands are advertised for sale, and knowing that not a moment is to be lost, I have taken the liberty of addressing you on the subject.

Respectfully, your obedient servant,

WM. ARMSTRONG, *Superintendent Choctaw removal.*

Hon. LEWIS CASS, *Secretary of War.*

J.

CHOCTAW AGENCY, *September* 14, 1833.

SIR: I have the honor to acknowledge the receipt of yours of the 30th of August last, requesting me to act in valuing the improvements and other property belonging to the board of American missions within the Choctaw purchase. I will endeavor to perform this duty as early as practicable, and report as directed. The several missionary stations are located in the three districts of the nation, at some distance apart. I shall, however, notify Mr. Kingsbury, who, I understand, is the agent for the board, and proceed immediately. I took the liberty of writing to the Secretary of War, by last mail, in reference to what would be proper to furnish Mr. Martin with, the agent for locating the land under the treaty. This I did, because, in Mr. Martin's instructions, he had been directed to call on me, with Colonel Ward, for a register, &c. I was one of the agents who took the census, and surveyed the fields under the cultivation section in the Choctaw nation, which was returned by my brother, F. W. Armstrong, to the War Department. A copy of those who were entitled to land by cultivation, will have to be furnished Mr. Martin, which copy will show the locality and quantity of land; also a copy of those who relinquished their lands to the United States; as also a copy of those who registered to remain five years, and become citizens. The register of those entitled to land, left by F. W. Armstrong with Colonel Ward, was left exposed, and, indeed, a leaf or two lost. Mr. Martin took it with him to Chocchuma, and, I presume, will act, as far as he can, until he receives other instructions. Seeing the lands advertised for sale, and the time so short for Mr. Martin to make return in, must be my apology for addressing you at all on the subject. The citizens of this State are deeply interested in the proper location of those claims. I hope, however, I have been anticipated, and that the copies, as above, have been before this sent to Mr. Martin.

Respectfully, your obedient servant,

WM. ARMSTRONG, *Superintendent Choctaw removal.*

ELBERT HERRING, Esq., *Commissioner, &c., Washington.*

K—No. 1.

Register of Choctaws as entered by the agent previous to the 24th ——, 1831, *who wish to become citizens according to a provision of the treaty of* 1830.

Dates of entries.	Names of persons who wish reserves by remaining five years and be citizens.	Number of children under ten years.	Number of children over ten years.	General remarks
April 18, 1831.....	John Moore.....	4	3	White man, Indian wife.
May 7, 1831.....	Iklanabbe.....	.	3	Indian.
do.	Onatambee.....	2	.	do.
do.	Samuel Byington.....	.	.	do.
do.	Alabache.....	2	.	Indian woman.
do.	Jack Junkins.....	3	.	Indian.
May 17, 1831.....	Samuel Cobb.....	4	1	do.
do.	James Pickens.....	4	2	do.
do.	John Pickens.....	1	.	do.
May 20, 1831.....	Hartwell Hardaway.....	3	4	White man, Indian wife.
May 23, 1831.....	Henry Garvin.....	1	.	do. do.
do.	George Murphy.....	4	1	do. do.
May 26, 1831.....	Patrick Reyley.....	2	1	do. do.
do.	William Christy.....	4	4	do. do.

K—No. 1—*Register*—Continued.

Dates of entries.	Names of persons who wish reserves by remaining five years and be citizens.	Number of children under ten years.	Number of children over ten years.	General remarks.
June 13, 1831.....	Alexander Brashears.....	5	2	Half-blood Creek.
do.	Robert Hancock.....	3	2	Half-blood Choctaw.
do.	Arthur Carney.....	2	1	do. do.
do.	Betsey Beemes.....	.	.	Half-breed woman.
do.	Robert McGilvery.....	2	.	do. Indian man.
do.	John Walker.....	3	4	White man, Indian wife.
do.	Deliah Brashears.....	3	3	Half-breed woman.
do.	Zadoc Brashears.....	2	.	Half-breed man.
do.	Turner Brashears.....	.	.	do. do.
do.	Alen Stanton.....	2	.	White man.
do.	Adam James.....	4	2	Half-breed man.
do.	Rachel Brashears.....	1	.	Half-breed woman.
do.	Calvan Howell.....	2	.	White man, Indian wife.
June 14, 1831.....	William Foster.....	2	.	Half-breed man.
June 16, 1831.....	Otemansha.....	.	.	Indian woman.
do.	James Foster.....	3	.	Half-breed.
do.	Hugh Foster.....	4	.	do.
June 18, 1831.....	Jim Tom.....	2	.	do.
do.	Ohoyon.....	4	3	Half-breed woman.
June 21, 1831.....	Charles Buckhannon.....	2	.	White man, Indian wife.
June 25, 1831.....	Nancy Johnson.....	.	.	Half-breed woman.
do.	Lewis Bryant.....	3	2	White man, Indian wife.
June 29, 1831.....	Sampson Moncrief.....	3	1	do. do.
July 2, 1831.....	Henry Pebworth.....	4	2	do. do.
July 5, 1831.....	John Jones.....	.	1	do. do.
do.	Jacob Dannels.....	4	.	do. do.
do.	Matthew Labrouse.....	.	.	Lived on military road.
do.	Linew Durant.....	.	2	Half-breed.
do.	William Hall.....	4	3	Half-breed man.
do.	Betsey Pinson.....	2	1	Half-breed woman.
do.	William Lightfoot.....	3	.	Half-breed man.
do.	Antony Parres.....	3	.	White man, Indian wife.
do.	Lewis Robertson.....	2	.	do. do.
do.	Lyman C. Collins.....	.	.	Indian man.
July 8, 1831.....	Jack Toms.....	4	.	Half-breed.
July 26, 1831.....	Sophiah Pitchlynn.....	1	3	Half-breed woman.
Aug. 3, 1831.....	Noah Wall.....	2	2	White man, Indian wife.
Aug. 13, 1831.....	Susannah Grayham.....	.	1	Half-breed woman.
do.	Ann V. Lewellyn.....	.	.	do do.
Aug. 23, 1831.....	John McGilvery.....	2	3	Half-breed man.
do.	Gordon McGilvery.....	2	.	do. do.
do.	Turner McGilvery.....	1	.	do. do.
do.	Little Leader.....	2	3	Indian man.
do.	Hotah.....	1	1	do.
do.	Eyatubbee.....	2	.	do.
do.	Hiatubbee.....	1	.	do.
do.	Onahambe.....	3	1	do.
do.	Ogoahotonah.....	2	1	Indian woman.
do.	Tusonontha.....	2	.	do.
do.	Anokadubbee.....	3	.	Indian man.
do.	Salahma.....	3	2	do.
do.	Ianimtubbee.....	.	.	do.
do.	Noahtima.....	2	2	Indian woman.
do.	Anola.....	3	2	do.
do.	Ispia.....	3	2	do.
do.	Funaytucha.....	3	3	do.
do.	Nowahhonah.....	2	3	do.

I do certify that the names, as registered by me, were entered previous to the 24th of August, 1831, to become citizens of the State.

W. WARD, *United States Agent.*

K—No. 2.

Registered for five years.

Date of entries.	Names of persons who wish reserves by remaining five years and be citizens.	Number of children under ten years.	Number of children over ten years.	General remarks.
June 21, 1831.....	Ohoyo Tom.....	4	3	Tombigbee river.
do.	Charles Buckhannon.....	2	.	do. do.
June 25, 1831.....	Nancy Johnson.....	.	.	Chicasawhay river.
do.	Lewis Bryant.....	3	2	do. do.
June 27, 1831.....	John Countee.....	1	.	Yazoo river.
June 29, 1831.....	Sampson Moncrief.....	3	1	Tombigbee river.
June 30, 1831.....	Henry Pebworth.....	4	2	do. do.
July 5, 1831.....	John Jones, sr.....	.	2	do. do.
.. ..	Jacob Daniels.....	4	.	do. do.
.. ..	Matthew Labrouse.....	.	.	do. do.
.. ..	William Hall.....	4	3	do. do.
.. ..	Betsey Pinson.....	2	1	do. do.
.. ..	William Litefoot.....	3	.	do. do.
.. ..	Antony Parris.....	3	.	do. do.
.. ..	Lewis Robertson.....	2	.	do. do.
.. ..	Lyman Collins.....	.	.	do. do.
July 8, 1831.....	Henry T. Carr.....	2	.	Oknoxoby creek.
July 11, 1831.....	George Johnson.....	4	3	Chicasawhay river.
July 18, 1831.....	Tennessee Jones.....	3	.	Oknoxoby creek.
.. ..	Lewis Durant.....	.	1	Big Black river.
.. ..	Pier Durant.....	2	4	do. do.
.. ..	James Karnes.....	4	4	do. do.
.. ..	Rosease Durant.....	2	.	do. do.
.. ..	William Taylor (white man).	3	1	do. do.
July 18, 1831.....	Joe Payton.....	.	1	do. do.
.. ..	Fisher Durant.....	.	.	do. do.
.. ..	Peggy Kearns.....	.	.	do. do.
July 22, 1831.....	Jack Tom (colored man).....	4	.	Tombigbee river.
July 26, 1831.....	Sophia Pitchlynn.....	1	3	do. do.
.. ..	Jockalonah.....	.	2	do. do.
Aug. 4, 1831.....	Ennes Wade (white man)....	4	.	Yellobushah creek.
.. ..	Samuel A. Allen (white man).	1	.	do. do.
Aug. 17, 1831.....	Betsey Buckles.....	5	3	Tombigbee river.
Aug. 23, 1831.....	Hoolbatubbe.....	2	.	Leaf river.
.. ..	Hoshaloobba.....	3	2	do. do.
.. ..	Muckatonah.....	1	2	do. do.
.. ..	Chaffatokechia.....	.	.	Hashookwah creek.
.. ..	John McGilbray.....	2	4	Tombigbee river.
.. ..	Gorden McGilbray.....	2	.	do. do.
.. ..	Turner McGilbray.....	1	.	do. do.
Map 7, 1831.....	Jack Jinkins.....	3	.	Oknoxoby.
.. ..	Heartwell Hardaway.....	3	4	Hashookwah creek.
May 17, 1831.....	Samuel Cobb.....	5	5	Pearl river.
.. ..	James Pickins.....	6	3	do. do.
.. ..	John Pickins.....	1	.	do. do.
May 23, 1831.....	Henry Garvin.....	1	.	Chicasawhay.
.. ..	George Murpha.....	4	1	do.
May 26, 1831.....	Patrick Riley.....	2	1	Yazoo river.
.. ..	William Christy.....	4	4	Six towns.
June 13, 1831.....	Alexander Brashears.....	6	3	Suckenacha creek.
.. ..	Robert Hancock.....	3	5	Tombigbee river.
.. ..	Arthur Kernay.....	2	.	do. do.
.. ..	Betsey Beams.....	.	.	do. do.
.. ..	Robert McGilbray.....	2	.	do. do.
.. ..	John Walker.....	3	4	do. do.
.. ..	Delila Brashears.....	3	3	do. do.
.. ..	Zadoc Brashears.....	2	.	do. do.
.. ..	Turner Brashears.....	.	.	do. do.
.. ..	Stanmore H. Johnston.....	.	.	do. do.
.. ..	Allen Stanton.....	2	.	do. do.
.. ..	Adam James.....	4	2	Sand creek.
.. ..	Calvin Howell.....	2	.	Tombigbee river.
.. ..	Rachel Brashears.....	1	.	do. do.
.. ..	William Foster.....	2	.	Mississippi river.
.. ..	Oteimansah Foster.....	.	.	Black creek.
.. ..	James Foster.....	3	.	do. do.
.. ..	Hugh Foster.....	4	.	Mississippi.
.. ..	Jim Tom.....	2	.	Tombigbee river.

L.

COLUMBUS, *November* 8, 1833.

SIR: I arrived here this morning at eight o'clock, having left Choccuma on Tuesday night, 5th instant, having closed the business in that district at present, having, as I believe, located all claims justly entitled under the treaty, (when found on the register furnished me as my guide, &c.,) except, perhaps, some floating claims, which possibly may be held up by owner. I am happy to have it in my power to say that I believe I shall have the same success here, from the great number of claims already located in this district.

I left Choccuma on Tuesday, in the second week of the sale of the public lands. As I am extremely pressed with business at this moment, I shall write to the department again, in a short time, more fully, and after progressing further with matters here. I am happy to say to you, I am in possession of the registers sent me from Washington. I received them on the 18th of October, by an express from this place. Your esteemed favor of the 27th of September came to hand on the 18th of October, with regard to all of which I will write you more fully in a few days.

I am, &c.

GEORGE W. MARTIN.

Hon. LEWIS CASS, *Washington.*

P. S.—The registers I received from Washington are deficient as regards the citizens' or five years' claims, as I find no such claims alluded to in any part of the said registers. These claims are under the 14th article of the treaty. If there is any such register, I should like to know it. There are many complaints of the defects of the one furnished by Col. Ward.

Respectfully, G. W.

M.

CHOCCHUMA, MISS., *November* 14, 1834.

DEAR SIR: I am in the receipt of instructions from the War Department, dated the 13th of October, to the following effect: "You will, therefore, give public notice that persons who consider themselves entitled to reservations under the 14th article, and whose names are not upon the register of Colonel Ward, will exhibit to you the evidence in support of their claims. This evidence must show that they were citizens of the Choctaw nation, heads of families, and did signify their intention to become citizens within the time prescribed by the treaty. It must also show the time of their application to be registered, and the conversation and circumstances relating to it." "If they bring themselves within the requisition of the 14th article, and the evidence of credible and intelligent witnesses induces you to believe that the omission of their names on the register was caused by the mistake or neglect of the agent, you will make locations for them, in the manner pointed out in the instructions heretofore given to you. These locations, it must be understood, are contingent, and will be complete only in the event of their being confirmed by Congress.

Now, sir, you will readily see the impossibility of my attending at all the different land offices prior to the day of sale, and I have already given notice to the claimants to apply at this place for the purpose of having them laid before Congress; and it would appear to me that all those who will come before you with their claims fully authenticated, under the rule laid down by the department in the instructions of the 13th ultimo, these lands should be reserved from sale, and the claimants are required to produce their claims, with a description of the land, together with all the requisites as set out with regard to the testimony, to me, at Chocchuma, at the earliest time practicable, that the same may be communicated by me to the proper department for the consideration of the next Congress, and it is expected they will have their immediate attention, and presented here for examination.

Respectfully, &c.,

GEO. W. MARTIN.

WILLIAM HOWSE, Esq., *Register of the Land Office, Augusta, Miss.*

A similar letter to the above was transmitted to Major William Dowsing, the register at Columbus

GEO. W. MARTIN.

December 24, 1834.

N—No. 1.

STATE OF MISSISSIPPI, *Oke-tibbe-ha County:*

Gabriel Lincecum having been summoned before me, the subscribing justice of the peace, in and for the county and State aforesaid, to declare what he may know respecting the claims of certain Choctaw Indians, under the 14th article of the treaty of Dancing Rabbit creek, after being duly sworn, deposeth and saith, as set forth in his answers to the following interrogatories, to wit:

Question. Where did you live in the years 1830 and 1831?

Answer. In the year 1830, I lived in the Choctaw nation, about one half mile east of the agency; and in 1831, I moved to another place about one mile and a half west of the agency, on the Robeson road, where I now reside.

Question. Were you at Dancing Rabbit creek council ground when the treaty was made? If so, please to state whether the Indians reluctantly made that treaty, and what induced those to consent to it who did consent.

Answer. I was there during the time, and was extremely anxious that the treaty should be made, and I know that many of the Choctaws were altogether opposed to making the treaty, and utterly opposed to removing west; from all I heard and witnessed, I am entirely confident that no treaty could have been made, but for the solemn assurances of the commissioners, made in public council, that all might stay and keep their homes who did not wish to go; and the Indians distinctly understood that this was put down as a part of the treaty.

Question. What settlements of Indians were most opposed to removing?

Answer. There were many from every part of the nation who seemed determined not to go; but I think the Indians living on Bogue-chitto and the Mogalush-as, and those living on Sook-e-natche, and on the head waters of Pearl, Leaf, and Chickasaw-hay, were the most open in their opposition to removing. It was a very common declaration among them, that they would die before they would go west.

Question. Did these Indians afterward change their opinions and go west, or are they yet here?

Answer. A great many of them were afterward induced to remove; but a considerable number of them yet remain, and claim their lands by the treaty.

Question. Did you, during the six months allowed for registration, ever see any of these Indians who yet remain here go forward to the agent, and signify their wish or intention to stay and retain lands?

Answer. Yes, many of them. As stated in a former deposition, I saw the representatives of some of these Indians go forward to the agent with a large bundle of sticks, as is the Indian custom, and offer to register the families thus represented; but the agent refused to receive them, and threw them away, saying that there were too many of them, and that they had sold their lands, and must go west. I have also, on various occasions, seen the agent object to register the names of Indians who went to him on purpose; I have seen him at other times register a good many names, and I have seen him put down names which afterward could not be found on the book.

Question. You resided a near neighbor to the agent during this important period of his agency; will you state what were his habits of business?

Answer. I lived near the agency, as before stated, and was very often at the agent's house, where he did all his business; and must say that his habits of business were very loose and careless. He kept his book lying on the table at all times, free to the inspection of all who wished to look into it. I have often seen persons take the register out of the room where it was deposited, to other parts of the house, and out into the yard, and inspect it as much as they wished. I have seen it loaned out and taken off by persons. Several times the agent sent the book to my house by persons who wished to find names in it, for me to examine, he himself not wishing to take the trouble to do so.

Question. You, then, often saw the register, and looked over it; can you form any opinion as to the number of names that were actually entered down?

Answer. I cannot undertake to say what number of names were registered, as I never made any count; but I am certain there must have been several hundred at least. I know that I have frequently spent one or two hours in looking over it, before I could find some particular name that I was in search of.

Question. What were the habits of the agent, and of his deputy, Stephen Ward?

Answer. The habits of both were very intemperate, to such a degree, indeed, as totally to disqualify them for business. The agent himself was often absent from the agency during the six months allowed for registering, and in his absence, Stephen Ward had charge of the business. I have often seen him so much intoxicated that he could neither read nor write. I have seen the mail arrive when he would be too drunk to open it, and he would tell me to do it. I have often opened the mail under these circumstances; and sometimes the driver would open it, and sometimes one, and sometimes another.

Question. Were the agent and his deputy opposed to the Indians taking the five years' stay to become citizens?

Answer. Most certainly they were; and Colonel Ward was so much so, that he seriously advised the emigrating agents to whip such as did not wish to go, and force them off.

Question. Was David Fulsom often at the agency, and had he free access to the register?

Answer. Yes; he lived near the agency and was often there, and had just as free access to the book as Colonel Ward himself. He was very much opposed to any of the Indians staying, and I always suspected that he had some agency in destroying the register of names, though I have no certain knowledge of it.

GABRIEL LINCECUM.

Sworn and subscribed before me, on the 30th November, 1835.

WILLIAM CABANISS, *Justice of the Peace.*

STATE OF MISSISSIPPI, *Oke-tibbe-ha County:*

I, Charles Dibrell, clerk of probate in and for said county, do certify that William Cabaniss is, and was, at the time of signing the above, an acting justice of the peace for said county, and duly commissioned as such, and that due faith and credit are given to his official acts.

Given under my hand and seal of office, at office, the 30th day of November, 1835.

CHARLES DIBRELL, *Clerk.*

N—No. 2.

STATE OF MISSISSIPPI, *Lowndes County:*

Grant Lincecum being called on to state what he knows touching an application made to William Ward, late United States agent, by certain Choctaw Indians, to have their names registered according to the 14th article of the treaty of Dancing Rabbit creek, deposeth and saith as follows, to wit: That he was present at the assembly of Indians, called at the council-house, near the agency, in June, 1831, for the purpose of distributiug the annuity, and of affording to all such Indians as did not wish to emigrate, an opportunity of registering their names to become citizens and hold lands, as provided for under the 14th article of the treaty. He states that when the business of the day was opened, the agent directed the interpreter, Middleton McKee, to tell the Indians that all who did not wish to emigrate had a right, by the treaty, to stay and hold lands, and that he was then ready to receive their names, and register them in his book; all of which the interpreter did make known to the Indians. This deponent further states, that after the business of the day had considerably advanced, and while he was standing near the agent's table noticing what was going on, he saw a parcel of Indians come up, with an Indian they called the *Red Post Oak*, as their spokesman, and one or two others as sort of leaders. One of them had a bundle of sticks in his hand, which he gave in to the agent, and told the interpreter to inform the agent that these sticks represented a number of Indians who were unwilling to go away, and who wished to remain, become citizens, and hold their lands, and that they would give in the names of each head of a family, the number and sizes of their children.

The interpreter explained all this to the agent, who took up the sticks and threw them away, and said there were too many of them, and told the interpreter to tell them that they must move west of the Mississippi.

Question. Did the interpreter tell the Indians what the agent said?

Answer. Yes, he did, and it gave great dissatisfaction to them. Some of them talked a good deal about it, and said it was not what the treaty promised them; they said they would never move away; that the treaty promised them that they might stay here and live on their lands if they did not wish to move away. Some of them

said they would die before they would go; others said they would go home and live on their lands, for they had confidence that the government would not drive them off. There were some white men present, who advised the Indians to go home and stay on their lands, and told them that the government would treat them honestly.

Question. Do you understand the Choctaw language?

Answer. Yes, I understand and speak it very well. I have lived in constant intercourse with the Choctaws for the past twenty odd years.

Question. Is it a common method for the Choctaws to give in and enumerate by sticks in the manner you mentioned?

Answer. They always use sticks, or corn, or something of the sort, to count by; most commonly small sticks.

Question. What became of those Indians after they were repulsed in the manner you stated by the agent?

Answer. They all went to their homes. After a time some of them became discouraged, thinking they could get no lands, and concluded to move off to Arkansas. But others of them still stick to their homes, and say they will never move, but will die first. The last time the emigrating agent was collecting a company to go, one of the sub-agents went among the Indians to get them to go. Finding that persuasions would not do, he used all kinds of threats, and told them if they did not go, the soldiers would soon come with their muskets and drive them off. About that time I passed through one of their little settlements, and found, in some places, the women and children had left their houses and fled into the woods and swamps to keep out of the way of the soldiers. They were told that the soldiers were coming with guns and bayonets to drive them off. I told them it was all false, and quieted their fears as well as I could, and they returned to their houses. They have since lived on their lands, except in some cases where white settlers would drive them off and take possession of their houses and lands; and those who occupied good lands have generally met with this fate. The coming on of the land sales has alarmed them, as they are told by the whites that their lands will now be sold. This has made them employ counsel, and apply to the government for relief and aid.

Question. Have any of these Indians, to your knowledge, ever received any reservations, such as field or cultivation claims, for their improvement?

Answer. No. I have frequently been among them, and I am very certain that not one of those now applying to Congress ever received any reservations, or other benefits of the treaty. All they wanted was their lands and homes, and they say they wish to become citizens, and live under the white men's laws.

Question. You say that the agent, in the morning when the business opened, gave notice that all who wished might come forward and register, and then, after a time, he refused to register the names offered. How do you account for this conduct?

Answer. All who know the agent's habits can very easily account for it. In the morning he was sober, and in the evening he was drunk.

Question. Was the agent in the habit of intemperance?

Answer. Hundreds beside myself can answer that question in the affirmative.

Question. Do you recollect of seeing Samuel McGee, in May or June of the year 1831, at the agency give in his name, and did you see the agent register it?

Answer. Yes. I think it was in May, 1831. I was with McGee at the agency, and saw him give in his name, and saw Colonel Ward enter it down; but I understood that his name was not afterward to be found, and McGee's land was sold from him at the sales. It was first quality land. He has never yet got any land.

And further this deponent saith not.

GRANT LINCECUM.

STATE OF MISSISSIPPI, *Lowndes County, ss.:*

I, Adolphus G. Weir, notary public for the county and State, duly elected, commissioned, and qualified according to law, residing in the town of Columbus, in said county, do hereby certify that the within-named Grant Lincecum, being summoned to appear and testify to the foregoing deposition, this day personally appeared before me in said county, and, after having been first duly sworn according to law, deposeth and saith, that the facts, as set forth in said deposition, are true, to the best of his knowledge and belief. In testimony whereof, I, the said Adolphus G. Weir, notary public as aforesaid, have hereunto subscribed my hand and affixed my notarial seal, at my office, in the town of Columbus, in said county, the 8th December, 1834, and 58th year of American Independence.

[L. S.] ADOLPHUS G. WEIR.

I, George W. Martin, locating agent, do hereby certify that the foregoing is a true and correct copy of the original deposition of Grant Lincecum, which is on file in my office.

GEORGE W. MARTIN.

CHOCCHUMA, *December* 29, 1834.

I am personally acquainted with Grant Lincecum, and believe him to be a man of truth and intelligence.

GEORGE W. MARTIN.

December 29, 1834.

N—No. 3.

STATE OF MISSISSIPPI, *Lowndes County:*

Adam James being called upon to state what he knows respecting the application of certain Choctaw Indians to Mr. Ward, the late agent, to register their names for citizenship and land under the 14th article of the treaty of Dancing Rabbit creek, deposeth and saith, as set forth in his answers to the following interrogatories, to wit:

Question. Were you present at the meeting of Indians held at the council-house near the agency, in the spring of 1831, which was called for the purpose of distributing the annuity, and of receiving names of such as wished to register for citizenship, and to hold their land?

Answer. Yes, I was present at the council or meeting.

Question. Did you see any Indians offer to register their names, and refused by the agent, and their sticks thrown away?

Answer. Yes, I did. I was standing, among others, close by where the agent was at his table, and saw a number of Indians from the settlements on the head waters of Pearl, Leaf, and Suckenatchie rivers, with Red

Post Oak and some other leaders at their head, come up to register. They handed in a bundle of sticks, and said they wished to register the families that these sticks stood for, and that they would give in the names, and numbers, and ages of the children; they said they would not move off, but wanted to stay here and live on their lands. When the interpreter, old McKee, told this to the agent, he took the sticks and flung them away, and said there were too many of these Indians, and that they must move away.

Question. What became of these Indians after this refusal on the part of the agent to take their names?

Answer. They retired very much hurt and dissatisfied, and said it was not what was promised them in the treaty, and by Major Eaton, in his last talk at Dancing Rabbit creek. Old McKee, the interpreter, also said it was a violation of the treaty, and he did not like it, for the agent had made him, in the morning, tell the Indians that all had a right to register and stay here, and hold their lands, if they did not choose to move; and now to turn them off in this way looked very bad, and the Indians might say he did not interpret right.

Question. What became of the Indians?

Answer. They said they would go home and stay on their lands, for they belonged to them. Some said the agent was drunk, and they did not believe the government would take their lands from them; others said they would die rather than go to Arkansas. Since, however, a good many of them have been persuaded to go away, but others still stick to their houses, and say they will never go; they are now in hopes of getting their lands from government, as all that have not moved away are trying to get their lands.

Question. Have the whites intruded on the improvements of these Indians?

Answer. Yes, they have; and in many cases taken their good lands from them, and pushed the Indians on the poor land. I understand that a great deal of the best land of the Indians, that was not sold at the first land sales, has been now taken by pre-emption rights.

In answer to questions, he further states that Mr. Ward was very often disqualified for business in consequence of drinking, and that he believes he was intoxicated at the time he threw the sticks away.

He also states that Middleton McKee, the interpreter, has been dead these two years.

Question. What became of the sticks that were thus thrown away by the agent?

Answer. They were picked up by an Indian by the name of Hol-lo-tubbe, who said he would keep them to show hereafter.

Question. Where is Hol-lo-tubbe?

Answer. He afterward moved west of the Mississippi, and I hear that he is now dead.

And further this deponent saith not.

ADAM JAMES.

THE STATE OF MISSISSIPPI, *Lowndes County:*

I, Adolphus G. Weir, notary public for the county in the State aforesaid, do hereby certify that the above named Adam James, being summoned to appear before me in said county, this day personally appeared before me in said county, and after having been duly sworn, deposeth and saith that the facts, as stated in the foregoing deposition, are true to the best of his knowledge and belief.

In testimony whereof, I, the said Adolphus G. Weir, notary public as aforesaid, have hereunto subscribed my name, and affixed my notarial seal, in the town of Columbus, this 9th day of December, 1834, and fifty-eighth year of American Independence.

[L. S.] ADOLPHUS G. WEIR.

I, George W. Martin, locating agent, do hereby certify that the foregoing is a true and correct copy of the original deposition of Adam James, and which is on file in my office.

GEORGE W. MARTIN.

CHOCCHUMA, *December* 29, 1834.

N—No. 4.

THE STATE OF MISSISSIPPI, *Lowndes County:*

We, Reuben H. Grant and Jefferson Clements, having been called upon to state what we know in relation to the conduct and capacity of Colonel William Ward, late agent for the registration of certain Indians or Choctaws, under the fourteenth article of the treaty of Dancing Rabbit creek, for citizenship and land, state as follows, to wit: We have been frequently present when the Indians made application to the agent, Colonel Ward, to register themselves to take citizenship and receive land, under the provisions of the fourteenth article of the treaty of Dancing Rabbit creek, and before the expiration of six months after the ratification of said treaty, and have known the agent, Col. Ward, to refuse and reject a good number of applicants, saying, "that they might go west of the Mississippi river;" that it would be better for them. Being requested, we further state, that the agent, Col. Ward, was frequently incapable of attending to business, from intoxication; and, when not intoxicated, was so negligent and careless, that any persons who wished books and papers did pretty much as they pleased with them; and that said agent was much opposed to the Indians availing themselves of the advantages of the fourteenth article of the treaty aforesaid.

REUBEN H. GRANT,
JEFFERSON CLEMENTS.

Sworn to, and subscribed before me, December 23, 1834.

[L. S.] JOHN H. MORRIS, *Justice of the Peace for said county.*

I, George W. Martin, locating agent, do hereby certify that the foregoing is a true and correct copy of the original deposition of Reuben H. Grant and Jefferson Clements, on file in my office.

GEORGE W. MARTIN.

CHOCCHUMA, *December* 29, 1834.

I am personally acquainted with Reuben H. Grant and Jefferson Clements, and from my own knowledge, believe them to be intelligent, credible, and honest men.

GEORGE W. MARTIN.

December 29, 1834.

N—No. 5.

STATE OF MISSISSIPPI, *Lowndes County:*

Before me, Wm. H. Walsh, a justice of the peace in and for the county aforesaid, John C. Whitsett, of Sumter county, Alabama, personally came, and upon oath deposed and said, that some time in the month of October or November, 1831, this affiant went to the Choctaw agency for the purpose of examining the register of Choctaw claims. Soon after this affiant arrived at the agency aforesaid, a man rode up and said to Col. Ward, the then United States agent, that some men who had stopped at Col. D. Fulsom's (who lived about four miles from the agency) wished to have the register of Indian claims sent to them. Col. Ward, without hesitation, delivered the register to the man, and it was carried off by him.

At that moment this affiant supposed the book sent was a copy. But soon afterward, this affiant wishing to transact his business with the agent, inquired for the register of claims, and was informed that the book loaned out as aforesaid was the book desired. Whereupon this affiant suggested the impropriety of such a course to the agent, who said he would not lend it out in future, and promised to send for it. The book was returned the next day.

JNO. C. WHITSETT.

Sworn to, and subscribed before me, this 28th day of November, 1835.

[L. S.] WM. H. WALSH, *Justice of the Peace.*

Further this affiant saith, that during several days which he spent at the agency, he saw the register of claims exposed during the whole time to the access of every one who might think proper to meddle with it; he remembers to have seen Col. Ward strike a name from the register with his pen, saying at the time he did it, the individual had applied to him to have his name registered, and had been refused by him, the said agent; that some person had inserted his name in his absence, and that he, the agent, was determined that the individual should not have land. Further this affiant saith, that so far as he saw and knew of the agent's manner of transacting the business of the Choctaw claims, it was extremely loose, and greatly liable to afford error and mistakes.

JNO. C. WHITSETT.

Sworn to, and subscribed before me, this 29th November, 1835.

[L. S.] W. H. WALSH, *Justice of the Peace.*

N—No. 6.

STATE OF MISSISSIPPI, *Holmes County, ss:*

This day personally appeared before me, Robert L. Walton, clerk of the circuit court in and for said county, James Oxberry, who being duly sworn, deposes and says, that some time in the month of July, in the year one thousand eight hundred and thirty-one, and within six months after the ratification of the late Choctaw treaty, this deponent visited the office of the then resident agent for the Choctaw Indians in the State of Mississippi, (Col. William Ward,) for the purpose of registering his name for the five years' stay or citizenship, under the 14th article of said treaty, and that the name of this deponent was then duly registered by said agent in a book which this deponent understood was kept by said agent for the purpose of registering the names of Choctaw citizens applying for the benefit of said treaty. And this deponent further saith, that the book in which the name of this deponent was registered, appeared to contain about six quires of paper, larger than common size foolscap paper, the back and sides covered with leather, with a piece of leather of a different color on the back, with letters on it, as this deponent believes; that this book contained the names of the following persons with whom he was acquainted, to wit:

John Perry, James Perry, Joseph Perry, Hardy Perry, Charles Frazier, Molly Frazier, Polly Frazier, Nancy Frazier, Harry Frazier, Nelly Dyer, Lewis Perry, Garret E. Nelson, George Nelson, Isaac Nelson, Eden Nelson, Blount Nelson, Solomon Nelson, Moon-tubba, Tish-o-pia, Shok-wa-hubba, How-a-chubba, Halla, Hopac-ka-nubba, Sti-mo-na-noka, Ano-nan-tubba or Aun-ta-tubba, Sham-pi-ka, Im-ma-hoy-a, Ma-chubba, O-chin-chi-pona, E-la-no-au-chi, Ano-no-ka, Rachel Davis, Nancy Moore, Tick-ba-pa-lubba, I-ya-na, I-imma-tubba, Tu-nish-pa, Par-sish-to-nia, Ho-litta-no-ma, John T. Hammonds, William Thompson, and a number of others which this deponent cannot now name, all of which were Choctaw heads of families; and this deponent further states, he acted as interpreter to the locating agent, Col. Martin, and that previous to the land sales in the fall of 1833, he saw and examined a book in the possession of the locating agent, which said agent informed him he had received from Col. Ward, the resident agent, as the register of the names of all the Choctaw citizens who had given in their names to be registered for the benefits of said treaty, which last mentioned book appeared to contain about two quires of paper, sewed together without any cover, and which this deponent verily believes is a different book entirely from the one in which his name was registered at the office of said Ward as aforesaid.

Interrogatory 1. Please state what you know as to the habits of Col. Ward and his sub or assistant agent.

Answer. I cannot say of my own knowledge much about the habits of Col. W. Ward, but I have always been under the impression from information, that he was a very intemperate man; and further, I was very well acquainted with his brother, Stephen Ward, the sub-agent, and know he was an exceedingly intemperate man, subject to excesses of intemperance by the too great use of ardent spirits, unfitting him for any kind of business; and I believe that said Stephen Ward had much, if not the greater part of the business of the registering of the citizens, or what is called the five years' claims under the treaty.

Interrogatory 2. State the object of your visit to the resident agent, and all you know about the matter, and particularly what transpired while you were at the agency.

Answer. Wm. Thompson and myself arrived at the agent's (Col. Ward's) about two or three o'clock on the 2d July, 1831, and were there some five or six hours; finding Col. W. Ward was not there, we applied to the sub-agent, Stephen Ward, to register our names as citizens to stay the five years, and receive the benefits of the 14th article of said treaty. I found, on examination of the aforesaid book, that my name had been registered by Mr. G. E. Nelson, and I then applied to the agent for his certificate to the fact; that my name, the number of my children, and their ages, were actually placed on said book which he gave me, and I have previous to this placed the same in the hands of the locating agent for the purpose of having my land secured to me, agreeable to the provision of the said 14th article of the treaty aforesaid; and after the agent (Ward) had given me my certificate, I inquired of him who had registered the names of the above-named Indians, and he informed me it was Mr. Garrett E. Nelson; and further said that the said Garrett E. Nelson had applied as the agent of about one hun-

dred and fifty Indians, heads of families, and had their names registered as citizens under the 14th article of said treaty, the names of Mr. Thompson and myself being included in the number. The said Stephen Ward seemed to discourage us from registering our names under the 14th article, by stating if our wives went away we could not be benefited, and that he was instructed to reject the names of white men who had Choctaw families, as the United States would not let them have land, as they would not be considered Choctaw heads of families; and in consequence, Mr. Thompson, who had a certificate granted him, determined to go west, as he had been told he could not hold land, and on finding that his name was not on the register handed over by Col. Ward to the locating agent; that said Thompson always considered himself entitled to land, having done all the treaty required of him, and went west much deceived and disappointed; and on further conversation with the agent, he stated that there were a great many persons not Indians, whose names were registered under the 14th article, (and the truth of which this deponent then saw;) but he the agent further stated he knew the Indians had much better go west of the Mississippi, for they never could stand the laws of the whites, and under this impression he had registered their names merely to satisfy their minds and keep them from pestering him any more.

Interrogatory 3. State what you know concerning your people, and anything concerning yourself, which you may think proper to state.

Answer. I am a half-breed Indian, bred up in the nation; we have no way of communication except by hearsay; I have always understood that the Moglushes, the Six Towns, and many of the Sou-chi-na-chee Indians, as well as the Cobb and Pickens Indians, had stayed, and I know myself, of my own knowledge, many of the Indians whom I have put down and named above by name, have none of them got land, unless it should be allowed them by the government hereafter, or by the confirmation of the late locations.

Interrogatory 4. Are there any of your former neighbors now remaining who have not emigrated, and what are the circumstances attending, and what the object of their stay?

Answer. There are a number of my immediate acquaintances, relations, and friends, who had their names registered under the five-year citizen clause of the treaty, and who are now somewhere, not a great way off, in a strolling condition, the most of them. Their lands, which they lived on, and expected to own, having been sold by the government of the United States, leaving them no spot on which to rest the sole of their foot, which they could call their own, and they complain much of such treatment by their white brethren, and contend it is not what the treaty promised them. It is my belief that there cannot be less than forty to fifty heads of families, of my friends and acquaintances, now in this condition, who were my former neighbors, and not one of the individuals herein named, and who were registered by Ward, in the aforesaid book, have ever received the benefits of the 14th article of the treaty, nor were their names on the book which I saw in the hands of the locating agent, and which he said he had procured from Colonel Ward, as the five years' register of Choctaw heads of families. And I further know that many of the individuals above alluded to, are completely destitute, and depend upon game and charity for their support. And, further, this deponent saith not.

JAMES OXBERRY.

Sworn and subscribed to before me, this 25th February, 1836.

R. L. WALTON, *Clerk.*

Witness my hand, and private seal of my office, this 25th February, 1836.

[L. S.] R. L. WALTON, *Clerk.*

I hereby certify that I have been intimately acquainted with James Oxberry seven or eight years, and it affords me a pleasure to say, he is a peaceful and good citizen, and I believe him honest, and his word on oath to be entitled to full credit and belief.

JOHN T. HAMMONDS.

February 22, 1836.

I hereby certify, that I have been acquainted with James Oxberry three or four years, and it affords me a pleasure to say, he is a peaceful and good citizen, and I believe him honest, and his word on oath to be entitled to full credit and belief.

WILLIAM RANEY.

February 22, 1836.

I have been acquainted with James Oxberry one or two years, and concur with the above certificates.

GEORGE C. WARD.

February 22, 1836.

We certify that we have, for about a year past, been acquainted with John T. Hammond and James Oxberry, who have, during that time, resided in the neighborhood of this place; and we have no hesitation in saying that we consider them highly credible and intelligent men, and worthy of all confidence.

R. H. STERLING.
SAMUEL GWIN.

CHOCCHUMA, *November* 27, 1834.

N—No. 7.

DEMOPOLIS, ALA., *November* 15, 1834.

SIR: I have met here Mr. Williams, the bearer of this letter, who was in pursuit of me, in order to obtain my testimony of the fact of Imponah, *alias* Billy, and Cunneubbee, two Choctaws, residing on factory creek, having applied in due time to Colonel William Ward, late United States Choctaw agent, to be registered for citizenship, in conformity to the treaty of Dancing Rabbit creek, the former having one child over ten years of age, and the latter two children under ten years of age.

I well recollect of interesting myself for the Indians residing in the neighborhood of the factory, who desired to become citizens, and of going with them to the agent's room when at the factory, and seeing that he took down their names, and described their families for registration, as the parties called upon me for that purpose, and I do verily believe the above-named Indians were of the number; and that they, with others, who, I am told, are not found on the register in your hands, did what was required of them to entitle them to the lands occupied by them.

I have, some two weeks ago, addressed the Hon. Secretary of War on the subject of the omission of the

agent mentioned to record upon his book the applications for citizenship of many families, made to him at the factory, and full minutes of the same, made by him for that purpose in my presence, requesting an order from him on the proper authority to reserve from sale the lands claimed until the parties could produce proof of their applications in due time. But as there may not be time to receive such an order at the land offices before the public sales next month, I would respectfully suggest to you, whether, under the circumstances, it would not be your duty to cause to be reserved from sale all the lands claimed by the parties mentioned, including all those named in my letter to the Hon. Secretary, a copy of which Major Whitsell will lay before you. It is beyond doubt that the parties are entitled to their lands, and that justice would be subserved by the course suggested, and the government saved much trouble.

I am, &c., GEORGE S. GAINES.

GEO. W. MARTIN, *Locating Agent, Choctaw Claims.*

Mr. Gaines, I expect, is well known as a respectable and intelligent man; I conceive him such, from information; with Mr. Williams, the other witness, I am unacquainted.

GEO. W. MARTIN, *Locating Agent.*

O.

To Doctor JOHN J. DILLARD, *of Sumter County, Alabama, greeting:*

Reposing trust and confidence in you, I do, by these presents, appoint you a commissioner to take testimony and depositions in writing, touching the validity of the claims of Hotah Eye-a-tubbee, His-tubbee, Ona-hambee, Ano-kac-tu-tubbee, La-lo-mah, Jan-in-tubbee, Noah-timah, Anolah, Ispia, Tevara-a-tucha, No-wa-ho-nah, and Little Leader, under the 14th article of the treaty of Dancing Rabbit creek, and touching any frauds which the said Choctaws may have practised, or attempted to practise, on the government, or which other persons may have practised, or attempted to practise, in their, or either of their names. For this purpose, you will attend at the house of Opia-stittina, (otherwise called Little Leader,) in Kemper county, Mississippi, on Monday, the 14th day of December next, and there remain, from day to day, for the space of two weeks, unless your business is sooner concluded.

Before you enter upon the discharge of your duty, you will make and sign an affidavit before some person authorized to administer an oath: "That you are not in any manner interested, for or against the claims of said Indians, or the claims of other persons who claim adversely to said Indians, or either of them, or interested in the claims which have been purchased of said Indians, or either of them." You must procure the attendance of some justice of the peace, or other officer authorized by law to administer oaths; and all testimony and depositions, taken before you, must be taken under oath.

The opposite parties, or their attorneys, to this contest, will serve each other, or their attorneys, with a list of the names of each of their witnesses respectively, before or by the 27th day of this *instant;* and the testimony of no witness shall be taken by you, unless his name appears on such list so served or acknowledged; and for all such witnesses, so ratified to the opposite parties respectively, you shall issue subpœnas on application of either party. You will take the depositions of Choctaw Indians as well as white persons. The testimony and depositions so taken by you, together with this commission, you will seal up and send to me by a special messenger to Chocchuma, Mississippi. Two other persons are appointed besides yourself; any two of you may act, and in case only one of you shall attend, that one may appoint another to act with the one in attendance.

Christopher C. Scott is the attorney for the Choctaws, and Messrs. Acee and Grant, for Wm. H. Capers and others, who complain against the Indian claims.

In testimony, I have to these presents set my hand and seal this 4th day of November, 1835.

[L. S.] GEO. W. MARTIN, *Locating Agent.*

P.

William H. Capers and others *vs.* Hotah, Eye-a-tubba, Ki-a-tub-ha, Ooa-ham-ba, Anoch-ack-tubbee, La-la-mah, Jan-im-tubba, Noah-timah, Ano-lah, Ishpia, Tevara-a-tu-ha, Nowah-honah-ana, Little Leader, Choctaw Indians.

This is to certify that, in pursuance of a commission to us directed from George W. Martin, locating agent of the United States for the Choctaw nation of Indians, dated on the 4th day of November, 1835, appointing us, the undersigned, commissioners to take testimony and deposition in writing, touching the validity of the claims of the abovenamed Indians, and any frauds which the said Indians may have practised, or attempted to practise, on the government, or which other persons may have practised, or attempted to practise, in their, or either of their names—we did attend at the house of the Little Leader, in the county of Kemper, in the State of Mississippi, on the 14th day of December, 1835, and then and there remained until the 15th of December, 1835, when William H. Capers and others, by their attorney, Pryor M. Grant, duly appeared, and the said Indians, by their attorney, C. C. Scott, and Murphy and Wilson, before the undersigned commissioners, and then and there the question arose, which party should first introduce testimony; upon which the undersigned commissioners did then and there determine and decide that, in their opinion, the said William H. Capers and others should first introduce testimony against the claims of the Indians; and the counsel of the Choctaw Indians then and there made known, and proclaimed to the undersigned commissioners, that all the Indians aforesaid were ready, with their witnesses, to go to trial, if William H. Capers and others should make out a case, or introduce testimony against them, or either of them. And the said William H. Capers and others, and no other person or persons for them, and no other person or persons whomsoever, making any proof against the said Indian claims, and no testimony being introduced, on account of the decision, as the atterney alleged for Capers et alias, the undersigned commissioners then and there adjourned *sine die.*

Done and signed by us, at the house of the Little Leader, in the county of Kemper, in the State of Mississippi, on this the 15th of December, A. D., 1835, as witness our hands and seals.

[L. S.] J. A. MARSHALL,
[L. S.] JOHN J. DILLARD,
[L. S.] B. F. BULLOCK.

24TH CONGRESS.] No. 1524. [1ST SESSION.

IN FAVOR OF GIVING EFFECT TO THE COMPACTS WITH ALABAMA AND MISSISSIPPI, IN RESPECT TO THE FIVE PER CENT. FUND AND SIXTEENTH SECTIONS, LOST BY THE CHICKASAW TREATY OF 1832.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 12, 1836.

Mr. WALKER, from the select committee, to whom was referred the "bill to reduce and graduate the price of the public lands, in favor of actual settlers only, to provide a standing pre-emption law to authorize the sale and entry of all the public lands in forty-acre lots, and to equalize the grants of certain portions of the public domain among the several States in which the public lands are situate," on leave given, reported, in part, as follows:

Reserving until the information called for from the Treasury Department is received, the questions presented by the first four sections of this bill, the committee will confine their report, at this time, to the last two sections of the bill. In the opinion of the committee, the subject involved in the last two sections, above alluded to, should not be involved in the fate which may await the other portions of the bill. By the treaty concluded with the Chickasaw Indians on the 20th of October, 1832, all the lands ceded by this treaty to the United States are either covered by reservations for the benefit of certain individuals, as specified in the treaties, or required to be sold for the sole benefit of the Chickasaw nation, by which the cession was made. These lands are situated in the States of Alabama and Mississippi, and are estimated by the Secretary of the Treasury at six millions four hundred and twenty-two thousand four hundred acres. As, however, the President of the United States has directed a change of the line marked as the southern boundary of this territory, so as to require said line, conformably to the treaty, to be run many miles north of the present designated boundary, the estimate of the number of acres presented by the Secretary of the Treasury will be very greatly reduced. The claim also urged by the State of Tennessee, to a large and valuable portion of this territory, may possibly still further diminish its dimensions. As the treaty now stands, and is carried into effect by the Executive Department, the sixteenth section in every township, for the use of schools therein, and the five per cent. fund, heretofore universally reserved to the new States, under various laws and compacts, are lost to the States of Alabama and Mississippi, so far as regards the lands ceded by this treaty. The question now presented is, should Congress furnish to these States an equivalent for the loss of this fund and school lands? The committee will first examine the question in relation to the sixteenth sections.

In the ordinance of Congress of the 20th of May, 1785, the system of disposing of the lands of the United States is established. By this ordinance, it is made a fundamental provision that "there shall be reserved the lot No. 16 of *every* township, for the maintenance of public schools within the said township." Having in view this wise and salutary provision, it is declared, in the ordinance of Congress of the 13th of July, 1787, "for the government of the territory of the United States northwest of the river Ohio," that "schools and the means of education shall *forever* be encouraged." The ordinance of the 20th of May, 1785, establishes the reservation of the 16th section in every township for the use of schools, and this provision, or some equivalent for it, is perpetuated in the ordinance of the 13th of July, 1787. Congress, in their directions, under date of the 23d of July, 1787, to the Treasury board, for the sale of the western territory, declare "the lot No. 16 in *each* township or fractional part of a township to be given *perpetually* for the purposes contained in the said ordinance." As regards the reservation of the sixteenth section, or an equivalent, for the use of schools, the people in each township, in the States of Alabama and Mississippi, have been placed on the same footing as the people of the Northwestern Territory. The territory embracing the States of Alabama and Mississippi, north of latitude 31, was ceded by Georgia to the United States, by articles of agreement and cession, dated April 24th, 1802. By these articles, the same privileges are conceded to the people of this territory as those heretofore conferred on the people of the Northwestern Territory, and it is expressly declared that the ordinance of the 13th of July, 1787, "shall, *in all its parts*, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery." The fundamental provision in favor of "schools and the means of education," contained in the ordinance of the 13th of July, 1787, was therefore extended to the entire territory now in question, then ceded by Georgia to the United States. Here, then, upon the solemn obligations of the very compact by which the United States obtained this territory, the committee might safely repose the case, for the provisions of this compact expressly extended throughout the whole ceded territory, embracing in terms the country thus acquired, "to which the Indian title has been *or may hereafter be extinguished.*"

But the right of the people of this territory is still further confirmed by the act of Congress of the 3d of March, 1803. This act, expressly embracing this entire territory, declares that section number sixteen "shall be reserved in *each* township for the support of schools within the same." Under the various titles confirmed by this act of the 3d of March, 1803, it often happened that the sixteenth section was covered by adverse and paramount titles, and it was specifically provided by the act of Congress of the 21st of April, 1806, that, in all such cases, "the Secretary of the Treasury shall locate another section in lieu thereof, for the use of schools, which location shall be made in the same township, if there be any other vacant section therein, and otherwise, in an adjoining township." Here the principle of an equivalent, whenever the people of any township might lose the sixteenth section, is established, and extended throughout the territory in question. Indeed, the principle of an equivalent is here extended to the case even of a "British grant" covering a sixteenth section, although that British grant may have originated prior even to the ordinance of 1785. That this act of the 21st of April, 1806, in its spirit and principle embraces the present case, your committee entertain no doubt.

By the act of Congress of the 1st of March, 1817, the people of the territory now including the State of Mississippi, were authorized to form a State government. By this act, the principles of the ordinance of the 13th of July, 1787, and by the compact with Georgia, are expressly applied to the people thus emerging from territorial pupilage, and assuming the attitude of a sovereign State. By this ordinance and compact, we have heretofore shown that the sixteenth section, or its equivalent, was reserved to the people of each township, and, therefore, by this reference to, and adoption of, that ordinance and compact, by the act of the 1st of March, 1817, the sixteenth section or its equivalent is clearly reserved to the people of each township in the State of Mississippi; for the rights of the people in this respect are necessarily rendered co-extensive with the limits of the State. But

independent of this reservation of the sixteenth section, by the act of the 1st of March, 1817, this section was reserved by pre-existing laws and compacts, unrepealed by the act in question. Indeed, in the constitution of the State of Mississippi, (subsequently adopted by Congress,) all rights created under the territorial government are expressly preserved and continued, unaffected by the assumption of State sovereignty. In further demonstration of this position, the act of the 6th of March, 1817, passed in relation to the Mississippi Territory, almost contemporaneously with the act above quoted, expressly continues to reserve the sixteenth section in every township in future sales of the lands of the United States. Again, by the act of the 6th of May, 1822, "providing for the disposal of the public lands in the State of Mississippi, section numbered sixteen in each township," it is expressly declared "shall be reserved for the use of schools within the same." Similar acts of Congress, in regard to Alabama, might be cited, but, as a matter of superabundant caution, it is expressly declared in the act of Congress of the 2d of March, 1819, authorizing the people of the Alabama Territory to form a State government, "that the section numbered sixteen, in every township, and when such section has been sold, granted, or disposed of, other lands, equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such townships, for the use of schools." We will cite but one other act of Congress in relation to the State of Mississippi upon this subject. It is the act of the 28th of January, 1833, and relates, by reference to township and range, to the sixteenth section in a part of the territory within the limits of the State of Mississippi, acquired long after the assumption of State government, by a treaty concluded with the Choctaw Indians. In that treaty, no allusion is made to the sixteenth section, yet the right of the people of each township embraced in the ceded territory to this section has been distinctly recognized by Congress as created by pre-existing laws. Certain individuals had a settlement upon and claim to the sixteenth section, in the township and range last referred to. This claim conflicted with the right of the people of this township to this section for the use of schools. By the act of Congress of the 28th of January, 1833, these individuals were permitted to retain their claim to this sixteenth section, but section eleven of the said township and range was provided as a substitute for the use of schools in the township, in lieu of the sixteenth section, taken by the above-mentioned claim. So sacred, however, was the light in which Congress viewed the right of the people of the township to the sixteenth section, that the exchange was only authorized to be made in case "that the Secretary of the Treasury shall first be satisfied that a majority of the inhabitants of said township desire said exchange." Indeed, throughout Alabama and Mississippi, as well during their territorial pupilage as since their admission into the Union as States, the right of the people of each township to the sixteenth section, or an equivalent, for the use of schools, has been universally recognized by every department of the government. This right is engrafted in an unbroken series of laws and compacts, from the ordinances of 1785 to 1787 down to the present period, either by the adoption of those ordinances, or by express reservation. It is impressed upon all the public surveys of the public domain, in every State and Territory of the Union. It is incorporated into all the operations of the old Treasury Board, and of the present Treasury Department, from its organization to the present period. It is a sacred, fundamental, and inviolable reservation of the sixteenth section, or its equivalent, in behalf of the people of each township, in every State and Territory, formed out of the public domain, and especially was this right rendered co-extensive with the limits of Alabama and Mississippi, by the acts of Congress of 1833 and 1806, before cited.

The country ceded by the Chickasaws is within the limits of Alabama and Mississippi, and the right of the people of each township to the sixteenth section, or its equivalent, is just as sacred and inviolable in the country ceded by the Chickasaws, as in every other portion of these States. If this specific section cannot be had without violating the treaty with the Chickasaws, then the right of the people to an equivalent section is full and complete. Throughout all the new States and Territories composed of the public domain, the principle of an equivalent has been universally recognized whenever the sixteenth section was taken by an adversary claim. Your committee have heretofore shown the express adoption of this principle, as regards Alabama and Mississippi, and they will now cite a few from the numerous instances in which it has been applied in the other new States of the Union. By the act of Congress of the 3d of March, 1823, it is enacted "that, *in all cases* in which section number sixteen, *in any township within the State of Mississippi*, has been sold, or otherwise disposed of, it shall be the duty of the register and receiver of the respective land office in whose district such land may be, so soon after the passage of this act as may be, to select the like quantity of other lands, equivalent thereto, from any of the unappropriated lands of the United States in that State." Here the principle of an equivalent of the sixteenth section is adopted co-extensively with the limits of the State of Missouri. By the act of Congress of the 20th of May, 1826, entitled, "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," an equivalent for the loss of the sixteenth section is directed, in all cases, "in those States in which section number sixteen, or other lands equivalent thereto, is by law directed to be reserved for the support of schools in each township." As by the acts of Congress of 1803 and 1806, and various other enactments of Congress before cited, the right of the people of each township to the sixteenth section, or its equivalent, is expressly recognized and established throughout the limits of Alabama and Mississippi, this act of May, 1826, would provide a remedy in the present case, were not a probable obstruction to the practical operations of this act presented by the provisions of its second section. That section is in these words: "That the aforesaid tracts of land shall be selected by the Secretary of the Treasury, out of any unappropriated public land within the land district where the township for which any tract is selected may be situated; and, when so selected, shall be held by the same tenure, and upon the same terms, for the support of schools in such township, as section No. 16, is or may be held, in the State where such township shall be situated." The principles of this law embrace the case in question, and might be practically extended to it, by enlarging the land districts in Alabama or Mississippi, without violating the rights of the United States or of the Chickasaw Indians.

By the act of Congress of the 29th of May, 1830, the Territory of Arkansas was authorized to select other equivalent lands, wherever the 16th sections were covered by other valid claims. The committee will cite but one remaining example; but it is a case so closely parallel to the present, as to merit particular observation. By the act of Congress of the 28th of April, 1800, the right of the United States to the western Connecticut reserve was ceded to the State of Connecticut. This western reserve is known to constitute now a very large and valuable portion of the flourishing State of Ohio. There being no sixteenth section appropriated for the use of schools in all the townships of the western reserve, the legislature of Ohio, in 1828, applied to Congress for "a grant of so much land from the United States, for the use of schools, in the Connecticut western reserve, as, together with the lands heretofore granted for that purpose, shall be equal to one thirty-sixth part of the land contained in said reserve." By the Indian treaty at Fort Industry, of the 4th of July, 1805, the Indian title to all the residue of the reserve, amounting to upward of a million and a half of acres, was extinguished by the United States, for all which no school sections were reserved. The application above mentioned, of the State of

Ohio, was referred to the Committee on Public Lands of the House of Representatives of Congress, from which committee Mr. Vinton made a report in favor of the application, which report concluded as follows: "The committee are of opinion that the spirit of the compact and the reason of the case require that this tract of country should be placed upon an equal footing with the rest of the State of Ohio, and indeed of all the western States, in the provision that has been made for the support of schools." But "all the western States," as this committee supposed, will not be placed on "an equal footing" in this respect, if the present application on behalf of portions of the States of Alabama and Mississippi is now refused. In pursuance of this memorial of Ohio, an act of Congress was passed on the 19th of June, 1834, entitled, "An act to grant to the State of Ohio certain lands for the support of schools, in the Connecticut western reserve." By this act a quantity of land in other sections of Ohio, "equal to one thirty-sixth part of said western reserve," was appropriated for the use of schools therein. Thus, while Congress derived nothing from the sale of the lands in the western reserve, this section of the State was placed on the same footing as the other portions of Ohio, in regard to a section for each township for the use of schools therein.

The various committees of both Houses of Congress, which may at any time in their reports have referred to this subject, have invariably sustained the right of the people of every township in the States created out of the public domain, to the 16th section, or its equivalent, for the use of schools. This committee will present extracts from but two of these reports, one from a committee of the House, and the other from a committee of the Senate. In the first of these reports, made by Mr. Hunt, from a select committee, it is stated, "Congress has granted one entire section of land, equal to 640 acres, in *each* township of six miles square, in *all* the States, upon the national territory, amounting in the whole to upward of 5,000,000 acres, to be enjoyed forever by the inhabitants of such township, for the use of schools." Here the broad and comprehensive principle which embraces the present case is distinctly recognized. The other report to which your committee would refer, is the celebrated report of Mr. Clay, from the committee on manufactures of the Senate, in favor of the distribution among the several States of the proceeds of the sales of the public lands. In this report the committee say: "By voluntary compacts between the new States, respectively, and the general government, five per cent. of the net proceeds of *all* the sales of the public lands, included within *their limits*, are appropriated to internal improvements, leading to or within those States; that a section of land in each township, or one thirty-sixth part of the *whole of the public lands embraced within their respective boundaries*, has been reserved for purposes of education." Here the principle is again distinctly admitted, that the rights of the new States to this five per cent. and school sections is co-extensive with the "boundaries" of each of the new States, where the public lands are situated.

The various branches of the executive department, in all their communications on this subject, have uniformly adopted the same principle, both before and since the Chickasaw treaty. We will quote from but one of these reports, that of the Secretary of the Treasury, under date of the 28th of April last, in answer to a call from the House of Representatives for information in regard to the public lands. In this report the Secretary says, in relation to all the new States, specifying Mississippi and Alabama among the number, "one thirty-sixth part of the public lands granted for the support of common schools, is calculated on the *superficial contents of each State*;" presuming, as a matter of course, that equivalent sections would be given for the loss of the 16th sections under the Chickasaw treaty.

But, suppose that all the departments of the government have been mistaken on this subject, and that Congress might, in the present case, withhold these 16th sections, or an equivalent, without the infraction of any positive law or compact, would it be proper to do so? Would it be proper to deprive portions of the States of Alabama and Mississippi of privileges coeval with our land system, and extended to all the other new States? Would it be a wise or salutary course to strike out this grant of the 16th sections in the present case, and thus deprive the people of these townships of that sacred grant, for the noble purpose of planting schools in the wilderness, where virtue and knowledge might be instilled into the minds of that rising generation which we hope is destined to perpetuate our republican institutions? Shall these village and township schools be prostrated, these glorious lights be extinguished, in portions only of Alabama and Mississippi, when every township in all the other new States and Territories erected out of the public domain, are enjoying the advantages of the ordinances of 1785 and 1787? Your committee cannot believe that Congress will now abandon its settled policy upon this subject, and create a most odious distinction between the case of Alabama and Mississippi, and that of all the other new States where the public land is situated.

Having demonstrated, as your committee conceive, the propriety of granting to the States of Alabama and Mississippi an equivalent for the loss of the 16th sections, under the Chickasaw treaty, we will now proceed to investigate the question in regard to the five per cent. fund. And here we might refer to most of the acts of Congress heretofore cited, in relation to the questions of the 16th sections, as applicable to the inquiry in regard to the five per cent. fund. As, however, the organic acts by which the States of Alabama and Mississippi were authorized to form State governments, both provided particularly for the reservation to each of these States of this five per cent. fund, it cannot be necessary to repeat the citation of the other numerous acts on this subject. The act of the 1st of March, 1817, entitled, "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," provides, in its fifth section, as follows: "That five per cent. of the net proceeds of the *lands lying within the said Territory*, and which *may be sold by Congress*, from and after the first day of December next, after deducting all expenses incident to the same, shall be reserved for making roads and canals, of which three fifths shall be applied to those objects within the said State, under the direction of the legislature thereof, and two fifths to the making of a road or roads leading to the said State, under the direction of Congress." The act of the 2d of March, 1819, entitled, "An act to enable the people of Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," provides as follows: "That five per cent. of the net proceeds of the *lands lying within the said Territory*, and which *shall be sold by Congress*, from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three fifths shall be applied to those objects within the said State, and two fifths to the making of a road or roads leading to the said State, under the direction of Congress." The two provisions are nearly substantially the same. These lands, ceded by the Chickasaws in October, 1832, were, in the language of these organic laws, "*lands lying within the said Territory*," both as regards Alabama and Mississippi; and they are also lands, in the language of said laws, to be "*sold by Congress*;" the sales of them by Congress are now progressing, but these States cannot receive this fund, because, under the treaty with the Chickasaws, the net proceeds of all the sales are to be paid over to them; but this does not release Congress from its solemn obligation to pay to each of these States a sum equivalent to this fund. The same reservation has been made as regards all the new States erected out of the public domain; and these

funds are to be expended in making roads in and leading to these States; the value of the public lands therein are thereby greatly enhanced, and it is consequently the interest of the nation, as a mere question of dollars and cents, to provide this fund for all these States, and to permit no portion of this fund to be subtracted or diminished. In conformity with these principles, the committee have reported a bill, which they unanimously recommend to the early consideration of the Senate.

24TH CONGRESS.] No. 1525. [1ST SESSION.

STATEMENT OF THE QUANTITY OF LAND SECURED BY CLAIMANTS UNDER THE PRE-EMPTION LAWS.

COMMUNICATED TO THE SENATE, MAY 14, 1836.

TREASURY DEPARTMENT, *May* 12, 1836.

SIR: In obedience to the resolution of the Senate of the 20th ultimo, directing me to report "the quantity of public lands secured by claimants under the various acts of Congress granting pre-emptions," &c., I have the honor herewith to transmit a report from the Commissioner of the General Land Office, to whom the resolution was referred.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. M. VAN BUREN, *V. P. of the U. S., and President of the Senate.*

GENERAL LAND OFFICE, *May* 10, 1836.

SIR: In obedience to a resolution of the Senate of the United States, passed on the 20th ultimo, which has been referred to this office, and which is in the following words, viz., "*Resolved*, That the Secretary of the Treasury be requested to ascertain and report to the Senate, with as little delay as practicable, the quantity of the public lands of the United States secured by claimants under the various acts of Congress granting pre-emptions, since the adoption of the cash system, specifying in said report the quantity so secured each year," I have the honor to transmit the enclosed statement, which affords the information called for, so far as the abstracts of sales made at the several district land offices, from which this statement is principally prepared, afford the means of discriminating between the lands secured by purchasers under the pre-emption laws and those bought at private sale.

The district land officers have been directed, in latter years, to distinguish the pre-emption cases in those returns; but it is found that observance of this order has not been without exception. The registers in the General Land Office of purchases in several districts are greatly in arrear; and the detection of every omission of this sort would require the examination of an immense mass of certificates, that cannot yet be speedily accomplished without a suspension of much current duty, too pressing to be long deferred; while circumstances seem to forbid so long a delay in complying with the resolution as would be required to render this exposition quite perfect.

This statement is believed to fall short of the quantity of land entered by virtue of the pre-emption privilege, during the period since the commencement of the cash system; but it is submitted as the nearest approximation to exactness that can be attained by the means in the power of this office, without the dilatory scrutiny alluded to, which, it is apprehended, would retard this report too long for the purposes of the Senate during the present session.

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

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Statement showing the quantity of land which appears to have been annually secured under pre-emption laws in the several States and Territories, from the 1st of July, 1820, to the year 1835, inclusive, and including the returns, so far as received, for the year 1836.

States and Territories.	1820.	1821.	1822.	1823.	1824.	1825.	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	27,046.72	3,102.97	.....	38.00	.....	.....
Indiana	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4,308.47	36,163.40	11,934.76	.....	15,505.26	34,852.35	1,583.37
Illinois	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25,707.98	15,560.74	11,526.18	2,972.33	30,869.60	224,275.12	13,771.22
Missouri	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	878.36	2,092.88	263.54	40.00	9,314.56	19,821.00	314.00
Alabama	.....	.....	.....	.....	.....	.....	.....	.....	1,280.00	.....	184,762.51	427,717.69	9,641.36	11,658.95	338,985.05	12,638.82	13,760.62
Mississippi	676.54	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,765.00	17,359.70	4,289.60	.....	196,295.11	51,384.58	5,321.54
Louisiana	.....	1,286.82	80,195.05	345.82	6,879.05	.....	7,159.71	.....	.....	320.00	15,368.47	21,885.50	7,331.61	11,701.05	11,294.12	159,450.40	48,709.01
Michigan Territory	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6,192.95	2,237.58	1,374.99	693.93	4,362.67	37,044.81	.....
Arkansas Territory	.....	.....	18,002.64	.....	1,224.62	222.95	1,068.54	.....	.....	326.28	860.41	3,686.77	506.16	4,690.53	29,240.56	35,469.77	28,748.41
Florida Territory	.....	.....	.....	.....	.....	.....	35,066.05	19,466.55	4,227.56	1,976.75	3,165.00	3,189.36	.....	.....	1,692.66	.....	639.76
Total	676.54	1,286.82	98,197.69	345.82	8,103.67	222.95	43,294.30	19,466.55	5,507.56	2,623.03	242,979.78	557,840.34	49,971.17	31,756.79	637,597.59	574,936.85	112,842.93

	Acres.
Aggregate of the foregoing	2,887,650.38

24TH CONGRESS.] No. 1526. [1ST SESSION.

ON A CLAIM TO A BOUNTY LAND-WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 17, 1836.

Mr. PATTERSON, from the Committee on Private Land Claims, to whom was referred the claim of Thomas Todd, a soldier of the late war with Great Britain, reported:

That, by reference to the War Department, they find that he enlisted as a private soldier for during the war, on the 23d of May, 1813; that he continued in the service until some time in August, 1814, when he was made prisoner of war at Fort Erie; after which time he has never been heard of, nor is there any further account of him at the department.

The law granting bounty land requires an honorable discharge, to entitle soldiers to a warrant, and for want of such discharge, the heirs of said Todd have been deprived of the bounty land to which he or his heirs were entitled by his enlistment and service; and as nothing has appeared, connected with his service, to deprive him of being honorably discharged, had he lived to ask such discharge, your committee, under these circumstances, think that a special law ought to be passed by Congress for the relief of the said Todd or his heirs, and have reported a bill accordingly.

24TH CONGRESS.] No. 1527. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 25, 1836.

TREASURY DEPARTMENT, *May* 25, 1836.

SIR: I have the honor to transmit a further report from the register and receiver at New Orleans made to this department under the provisions of the acts of Congress, approved the 6th February and 3d March, 1835, accompanied by a communication from the Commissioner of the General Land Office upon the validity of the claim.

I am respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *May* 23, 1836.

SIR: The Commissioner of the General Land Office having examined the papers which the Secretary of the Treasury has been pleased to refer to him, concerning the claims of Robert Bell, reported and recommended for confirmation by their register and receiver at New Orleans, has the honor to submit his views of the case as required by the statute.

Robert Bell claims, as direct purchaser from Santiago de la Rosa and Joseph Alvarez, two contiguous tracts of land on the west bank of the bayou Grosse-Tête, in the parish of Iberville, containing each forty arpens front by the ordinary depth of forty arpens, being in all three thousand two hundred superficial arpens.

The claimant asserts, on the 20th of April, 1836, that the two tracts in question are claimed by virtue of two separate orders of survey, issued by Governor Miro. The first in favor of Santiago de la Rosa, on the 21st October, 1787, the second in favor of Joseph Alvarez, on the 15th February, 1789, and that the claim is supported by evidence of habitation and cultivation, on the 20th of December, 1803, and for several years prior thereto.

Two documents are presented, purporting to be orders of surveys, signed "Miro," of the substance and date above described, accompanied by the respective petitions.

Daniel McCloud testifies, that, in 1797 or 1798, he went, in company with Gobo, a Spaniard, to Grosse Tête, where several people were settled, and recollects Joseph Alvarez and Santiago de *Loxaga* there.

Lopas Gobo confirms the statement in all but the date, which he does not recollect, but it was several years before the change of government. That he lived with Loxaga at that place for more than two years, till the latter was employed with his neighbor, Joseph Alvarez, by Noland, to go to the Spanish country to catch horses. Witness mentions a report that Noland was killed and his companions made prisoners.

Charles Sallier, called Savoyard, swears on the 17th November, 1823, that in 1800 or 1801, the persons named Santiago de la Rosa and Joseph Alvarez, at his dwelling at Cazkouchiou, on their way to join Philip Noling, at Nacogdoches, deposited in his hands, to be restored on their return, different papers, &c.; that some time after, when the defeat of Noling had came to his knowledge, not seeing Rosa and Alvarez return, and not knowing how to read, he caused the papers left in his care to be read by one named Peyrault, as well as he remembers, who told him that among those papers were two concessions, or surveys, each of forty arpens front by forty arpens deep, at the bayou Grosse-Tête, &c.; that, in the year 1822, the same Rosa and Alvarez returned, who told him that having been made prisoners, on the death of Noling, they had only been able to escape within some months; and that he restored them their papers upon their demand.

Thomas Peyrault, sworn on the 17th November, 1823, confirms the statement of Sallier so far as to his reading papers of that import, at the request of Sallier, at Cazkouchiou, in 1804.

The register and receiver must be supposed to have become acquainted, by experience, with the ordinary marks of authenticity of the old title papers in Louisiana, and, therefore, their judgment in such matters is entitled to much consideration; but the inherent evidence of these alleged concessions raises some doubts of their genuineness. That to Rosa is for an extraordinary quantity of land, even upon the representation of his being the owner of four slaves. That to Alvarez of equal extent has no such pretence. Neither of them appear to have been registered under the Spanish government. Their deposit of their papers with a stranger in the Attakapas; their sudden appearance to reclaim them after 21 or 22 years of pretended captivity, and their equally sudden disappearance (no subsequent intelligence of them being pretended) are extraordinary, and all these circumstances tend to render the claim somewhat suspicious to my mind, admitting the witnesses Sallier and Peyrault to be entitled to the full credence which the land officers at New Orleans seem to have given them. It is also worthy of remark that none of the evidence in support of these claims was taken before the land officers, and that their favorable report is made on the very same day on which the application bears date.

The Commissioner does not consider the act of the 11th of May, 1820, et sequentes, which extended the time for exhibiting and proving claims derived from the Spanish government, as dispensing with all the other conditions required by the act of the 2d March, 1805, one of which requisites is the actual habitation and cultivation of the tract claimed by the inhabitant on the 20th of December, 1803. The witnesses McCloud and Gobo, represent that Joseph Alvarez and Santiago de la Loxaga, or Loxoga, resided, in 1797 or 1798, at the bayou Grosse-Tête, but the identity of the latter with Santiago de la Rosa is not in any degree established by the evidence reported by the register and receiver. None of the ancient settlers found there by these witnesses depose on this subject. If such were the fact it would appear from the testimony of Gobo and Sallier, that they departed as early as 1800 or 1801, and the latter dates their return in 1822, at the distance of 21 or 22 years, consequently they could not have been inhabitants nor cultivators of the lands in question on the 20th of December, 1803.

Lastly, the register and receiver at New Orleans have not reported when, where, nor by what mode of conveyance, this claim was assigned to Robert Bell, nor how they arrive at the conclusion that he was a purchaser from Rosa and Alvarez, whence their opinion is formed that he ought to be confirmed in his claim.

From all which, the opinion that the evidence does not warrant the confirmation of the claim, is submitted to the Secretary of the Treasury.

With great respect, by his obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 10.

LAND OFFICE, *New Orleans, April* 20, 1836.

Robert Bell claims two certain contiguous tracts of land, situate and lying on the west bank of the bayou Grosse-Tête, in the parish of Iberville, and containing each forty arpens front on the said bayou, by the ordinary depth of forty arpens, being in all three thousand two hundred superficial arpens.

The said two tracts are claimed by virtue of two separate orders of survey issued by Estevan Miro, one of the governors of the late province of Louisiana, while under the dominion of Spain, as follows, to wit, one in favor of Santiago de la Rosa, on the 21st day of October, 1787, and the other, in favor of Joseph Alvarez, on the 15th day of February, 1789; which said claim is also supported by evidence of habitation and cultivation on and for several years prior to the 20th December, 1803, and is held by the said Bell by means of purchase direct from the said grantees.

All which will more fully appear by reference to the accompanying documents herewith respectfully transmitted as the evidence filed in the case.

We are of opinion that this claim ought to be confirmed.

B. Z. CANONGE, *Register.*

MAURICE CANNON, *Receiver of Public Moneys.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington, D. C.*

No. 1.

To the Register and Receiver of the land office, in and for the southeastern district of Louisiana:

The notice of Robert Bell, of the parish of Iberville, respectfully shows: That he is the owner by purchase of two certain contiguous tracts of land, situate and lying on the west bank of the bayou Grosse-Tête, in the said parish of Iberville, and containing each forty arpens front on said bayou, by the ordinary depth of forty arpens; being in all thirty-two hundred superficial arpens.

The said tracts are held by purchase immediately from Santiago de la Rosa and Joseph Alvarez, who received regular orders of survey for the same respectively from the Spanish government, to wit: the former on the 21st day of October, 1787, and the latter on the 15th day of February, 1789, which said orders are herewith presented, together with evidence of habitation and cultivation of the said land, by the said grantees, on the 20th December, 1803, and for several years prior. All which, duly considered, said claimant prays that the said accompanying evidence of his claim may be duly admitted to record, pursuant to the provisions of the act of Congress now in force, touching the final adjustment of land claims in this district, and that he may receive a favorable report, &c.

NEW ORLEANS, *April* 20, 1836.

No. 2.

Señor Gobernador è Yntendante General:

Santiago de la Rosa, sargento licenciado del regimiente de la Luisiana, con la mayor veneracion y respeto, a v. s. expone: Que habiendo heredado de su difunto tio Alberto de la Rosa la suma de mil y ochocientos pesos-

que ha empleado en quatro esclabos, que ha comprado con el intento de cultivor la tierra, unico talento que posee el exponente; en cuya virtud, sup^ca. rendidamente a v. s., se sirva concederle una porcion de tierra g^e. se halla situada sobre el bayou Grosse-Tête, a coma una legua de su juncion con el bayou Marengouan, de quarenta arpanes de fronte sobre quarenta de fondo, lindando de ambos lados con tierras del dominio de S. M. gracia que espera el suplicante recivir de la benevolencia de v. s.

NUEVA ORLEANS, *a* 18 *de Octubre*, 1787.

SANTIAGO DE LA ROSA.

NUEVA ORLEANS, *y Octubre* 21, *de* 1787.

El agrimentor general de esta provincia Don Carlos Laveau Trudeau, establécerà esta parte sobre los quarenta arpanes de tierra que solicita en el parage que expreta estand vacante, y no cantand perjuicio alguno à los circunvecinos, y extenderà à continuacion las diligencias de apeo, y fecho se me remitira para proveer al interesado del titulo enforma.

MIRO.

No. 3.

Señor Gobernador è Intendente General:

Joseph Alvarez, sargento 1^o. retirado del regimento de la Luisiana, con el respeto, a v. s. expone: que deseando establecer se con su familia sobre el bayou Grosse-Tête, solicita de la bondad de v. s., se sirva conceder le quarenta arpanes de tierra de fronte al dicho bayou, sobre quarenta de fondo lindando de un lado con tierra concedida a Santiago de la Rosa, y del otro con las del dominio de S. M. E. gracia g^e. el suplicante espera recivir de v. s.

NUEVA ORLEANS, 8 *de Febrero, de* 1769. JOSEPH ALVAREZ.

NUEVA ORLEANS, 15 *de Febrero, de* 1789.

El agrimentor general de esta provincia establecera à esta parte sobre los quarenta arpanes de tierra de frente, con la profundidad de quarenta g^e. solicita, siendo vacantes, y no cantando perjuicio alguno a los circunvecinos, y estenderà à continuacion las delig^as. de apeo, que me remitira para proveer al interesado del titulo enforma.

MIRO.

No. 4.

Personally appeared before me, Michael Perrault, one of the justices of the peace in and for the parish of St. Landry, the following witness, Daniel McCloud, who after being duly sworn, deposeth and saith, that about the year 1797, or '98, the deponent went in company with a Spaniard, by the name of Gobo, and another man, who was an American, his name the deponent does not now recollect, to view the land on bayou Grosse-Tête; they found several people settled and living there; among them were two Spaniards that he recollects well; one of them by the name of Joseph Alvarez, and the other by the name of Santiago de Laxaga; they were settled and cultivating small places on the bayou Grosse-Tête, a few miles below the bayou Marangua, and as well as he now recollects, about two miles apart. This deponent further saith not.

DANIEL McCLOUD.

Sworn and subscribed to, before me, this 28th day of September, 1835.

M. PERRAULT, *Justice of the Peace in and for parish of St. Landry.*

No. 5.

Personally appeared before me, Michael Perrault, one of the justices of the peace in and for the parish of St. Landry, the following witness, Lopas Gobo, who after being duly sworn, deposeth and saith, that several years previous to the change of government in Louisiana, the date of the year he does not now recollect, he went with two other men to see the land on bayou Grosse-Tête; when they arrived there they found several people living there; this deponent was pleased with the place, and remained there, and lived with a countryman of his, who was a Spaniard, by the name of Santiago de Laxaga; who was settled and cultivating a small place on the Grosse-Tête, a few miles below the bayou Marangua; this deponent continued to live there with De Laxaga for more than two years, until De Laxaga and his neighbor, who was a Spaniard also, by the name of Joseph Alvarez, who was settled and living on the bayou a mile or two below them, were both employed by a man, by the name of Noland, to go to the Spanish country to catch Spanish horses and mules; this deponent heard sometime after they had started from the Grosse-Tête, that Noland, the man who employed them, was killed, and his two countrymen, Alvarez and De Laxaga, were both taken prisoners, and that is the last that this deponent recollects ever to have heard of them; and furthermore he saith not.

LOPAS $\overset{\text{his}}{\underset{\text{mark.}}{\times}}$ GOBO.

Sworn and subscribed, before me, this 4th day of October, 1835.

M. PERRAULT, *Justice of the Peace in and for parish of St. Landry.*

No. 6.

ETAT DE LA LOUISIANE, *Paroisse St. Landry, Comté des Opeloussas:*

Pardevant moy Louis Chacheré, juge de paix pour et dans la paroisse susditte, est compaon le sieur Thomas Peyrault, lequel après avoir été duement assermenté sur le saint evangile, déclare que, environ l'annú mil-huit-cent-quatre, étant en route pour la partie Espagnole, il séjourna quelques jours chez le nommé Charles

Sallier dit Savoyard au Cazkouchiou, et qu'étant là, lui, Charles Sallier le priat de lui lire quelques papiers qu'avaient laissés, lui dit-il, les nommés Alvarez et Rozat, Espagnols qui étaient allés dans les provinces intérnis, et dont il n'avait pas eu de nouvelles depuis très long-temps; qu'il se rappelle lui déposant, que dans les papiers qu'il lût, il y avait deux concessions de quarante arpens sur le bayou Grosse-Tête, chaque aux noms des susdits Rozat et Alvarez, accordées par le Gouverneur Miro, que le susdit Charles Savoyard lui dit alors, qu'ils croyait que ces concessions ne serviraient pas, ayant oui dire que les dits Rozat et Alvarez avaient été tués lors de la défaite de Noling avec qu'ils étaient alors.

THOMAS PEYRAULT.

Sworn to and subscribed, before me, this nineteenth day of November, in the year of our Lord one thousand eight hundred and twenty-three.

L. CHACHERÉ, *Justice of Peace in and for St. Landry.*

No. 7.

ETAT DE LA LOUISIANE, *Paroisse St. Landry, Comté des Opelousas:*

Pardevant moi, Louis Chacheré, juge de paix, pour et dans la paroisse susditte, est comparu Charles Sallier dit Charles Savoyard y résidant, lequel apris avoir été dument assermenté, déclare et dit, que dans l'année, mil-huit-cent ou mil-huit-cent-un, les nommés Santiago de la Rosa et Joseph Alvarez, étant à son habitation à Carnuchion, et en route pour aller rejoindre Philip Noling aux Nacogdoches, laissirent entre ses mains à titre de dépôt et pour leur être remis à leur retour différents papiers et quelques autres objets, que quelque tems apris leur départ, ayant su la défaite susdit Noling dans la province de Texas et ne voyant pas revenir les dits Rosa et Alvarez, il crût devoir faire examiner les papiers qu'il avait en garde, et que pour cet effet il les fit lire par une personne que se trouvait chez lui, ne sachant pas lire lui-même, qu'autant qu'il se rappelle celui qui les lut se nommait Peyrault, qu'il lui dit que parmi ces papiers il se trouvait deux concessions ou ——— d'arpentage de quarante arpens de face chaque sur quarante arpens de profondeur au bayou Gross-Tête, que les autres étaient des reçus, de comptes des marchandises acquittés et factures—que dans l'année mil-huit-cent-vingt-deux, ces mêmes Roza et Alvarez revirerent et lui dirent, qu'ayant été faits prisonniers lors de la mort de Noling, ils n'avaient per s'échapper que depuis quelques mois, qu'ils lui redemandirent leurs effets et papiers, qu'il les leur remit alors qu'il se re rappelle parfaitement que ces concessions étaient données par le Gouverneur Miro et aux noms des dits Roza et Alvarez.

Marque ordinaire × de CHARLES SALLIER.

Sworn to and subscribed, before me, this seventeenth of November, 1823,

L. CHACHERE, *Justice of Peace in and for St. Landry.*

REGISTER'S OFFICE, *New Orleans.*

I do hereby certify the foregoing to be true copies of the original evidence on file in this office.

B. Z. CANONGE, *Register.*

24TH CONGRESS.] No. 1528. [1ST SESSION.

IN FAVOR OF THE CREATION OF A NEW LAND DISTRICT IN LOUISIANA.

COMMUNICATED TO THE SENATE, MAY 27, 1836.

GENERAL LAND OFFICE, *March* 16, 1836.

SIR: On the subject of the resolution of the general assembly of the State of Louisiana, respecting the passage of a law by Congress, creating a land office at Natchitoches, in Louisiana, to be styled the "*Red River land district,*" and to which you have requested my attention, I have the honor to submit to you a copy of a communication made to the Hon. R. Chapman, of the Committee on Public Lands, House of Representatives, on the 18th of January last, accompanied by a copy of the diagram therewith submitted.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. THOMAS EWING, *Chairman of the Committee on Public Lands.*

Letter from Ethan A. Brown, Commissioner of the General Land Office, to the Hon. R. Chapman, House of Representatives, dated General Land Office, January 18, 1836.

(For this letter, see ante., No. 1407.)

24TH CONGRESS.] No. 1529. [1ST SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 31, 1836.

Mr. DUNLAP, from the Committee on the Public Lands, to whom was referred the petition of Thomas M. Burland, and other citizens of the parish of Carroll, in the State of Louisiana, reported:

That, in consequence of directions issued by the proper authority, considerable portions of the public lands lying on the Mississippi, and other rivers, in the State of Louisiana, were not surveyed in the usual manner, by sections, half-sections, quarters, &c., but in conformity to the method pursued by the French and Spanish governments, while they possessed that country; that is, having a front of from two to five acres on the river or watercourse, running back forty acres by parallel lines. It appears that township No. 17 north, range No. 13 east, or that part of it lying on the river, was surveyed in this manner, consequently there was no 16th section in that township that could be preserved for the use of schools; but the Secretary of the Treasury very properly directed the register of the land office for the district north of Red river, to select a number of fractional sections or lots, equal to six hundred and forty acres, to be reserved for the use of schools, which was done by the late John Hughes, then register at Monroe, in said district. It appears that fractional quarter-section No. 1, of section No. 28, was a portion of the land selected; but from some oversight, or other reason unknown to the committee, no mark or other evidence of such selection was placed on the maps in the office, whereby a succeeding register could know which lots or fractional sections had been selected, though the necessary information, it appears, had been forwarded to the Commissioner of the General Land Office. About 1829, Mr. Hughes resigned his office, and another register was appointed.

On the 11th of November, 1830, the petitioner went to the land office, and purchased the aforesaid fractional quarter-section, neither he nor the register nor receiver knowing it had been reserved from sale, or selected as school land. He took possession of the land in good faith, cleared a portion of it, and it is stated, it now forms a part of his plantation. This possession was quietly continued until about the month of November, 1833, when the petitioner was informed by the Commissioner of the General Land Office, that the entry made in 1830 was illegal, and would not be recognised, as the lands had been set apart for schools in 1826. The object of his petition now, is to confirm the purchase he made, and authorize the selection of an equal quantity of land elsewhere, for the use of schools.

As it is apparent to the committee that the petitioner and register both acted in good faith, but in ignorance of a fact that was very material, they think that upon principles of equity, the prayer of the petitioner ought to be granted, and they report a bill for the purpose.

24TH CONGRESS.] No. 1530. [1ST SESSION.

IN FAVOR OF GRANTING TO THE INHABITANTS OF A TOWNSHIP IN ILLINOIS OTHER LANDS, IN LIEU OF THEIR SIXTEENTH SECTION—COVERED BY PRE-EMPTION CLAIMS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the petition of sundry citizens of Madison county, State of Illinois, reported:

That the subject, which is presented in the petition, is of importance and of great interest to the inhabitants of the township mentioned in said petition. Your committee have given to it that consideration to which it is entitled.

It is known to all, that there exists a solemn compact, and law between the United States, and all the new States which are formed on the public domain, that one section of land, being the sixteenth, in each township of six miles square, is appropriated to the inhabitants of said township for the use of schools.

The petitioners, in the case before the committee, state that they are inhabitants of one of these townships, to wit: township three north, range nine west, of the third principal meridian, in the county of Madison and State of Illinois; and that the sixteenth section of land in said township is "good land," on which there are three good farms, and is now worth three thousand dollars.

Having considered the statement made by Mr. Reynolds, which is made a part of this report, together with the statement of the petitioners, your committee are fully satisfied that the said sixteenth section was of the first quality of land in the township, and is very valuable.

The petition further states, that the said sixteenth section was appropriated, under the pre-emption laws, to the use of private citizens, and a section in lieu of it selected, in an elm-swamp, on which there is, perhaps, not forty acres of dry land, and therefore of little or no value.

An act of Congress, which passed on the 26th April, 1816, authorized and permitted "every person" and their legal representatives, who, before the 5th of February, 1813, settled on and improved any tract of land reserved for the use of schools or seminaries of learning, and who, if the same lands had not been reserved, would have had the right of the pre-emption, shall be, and they are hereby authorized and permitted to enter the same with the register and receiver of public moneys at the land office at Kaskaskia.

Under the proceeding of the above-recited act of Congress, the said sixteenth section of land was purchased at the land office at Kaskaskia, and appropriated to the use of private citizens. The section and township at the time above mentioned were situated in the Kaskaskia land district.

Now, by an act of Congress, the said township is included in the district of lands sold at Edwardsville, in said State.

It is provided by the second section of the said act, "that the registers and receivers of public money shall have power, and they are hereby authorized to select any other vacant and unappropriated lands, within the tract set apart to satisfy confirmed claims as aforesaid, in lieu of such of the lands formerly reserved for a seminary of learning, and for the support of schools, as have been appropriated in satisfaction of ancient grants, or confirmed improvement claims, or as shall be entered in right of pre-emption, according to the provisions of the preceding section of this act; *provided*, that the lands thus to be selected shall be taken as near adjacent to those in lieu of which they are selected as an equal quantity of land of like quality can be obtained, and shall be reserved and appropriated for the same purpose."

Your committee are clearly convinced, that the inhabitants of said township had no agency, or gave no consent, to the removal and exchange of the school section of land in said township. The same was effected by the operation of the said act of Congress allowing the pre-emption to the settlers on the said sixteenth section.

The act of the register and receiver of public moneys at Kaskaskia in making the selection of the section, in lieu of the sixteenth section, was not the act of the inhabitants, but the act of the government, and there exist no reasons that the citizens of said township should be injured in their rights for the act of the government which was not in their control or power.

Your committee can arrive at no other conclusion than that the inhabitants of said township are entitled to relief, and therefore report a bill.

24TH CONGRESS.] No. 1531. [1ST SESSION.

IN FAVOR OF CORRECTING AN ERROR IN THE ENTRY OF LAND IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

Mr. CASEY, from the Committee on the Public Lands, to whom was referred the claim of John Wigle for relief in the purchase of a lot of land, reported:

That the committee have examined the evidence in this case, and have no doubt that John Wigle made a mistake in entering and purchasing of the United States, in the Kaskaskia land district, in the State of Illinois, the west half of the northeast quarter of section number thirty-one, in township twelve south, range two west, in said district.

The county surveyor of Union county, State of Illinois, in which county the land is situated, states on oath, "that one half of which (meaning the land) is entirely covered with water, the same lying in a lake, or pond; it is not suitable for cultivation; nor is it practicable to cultivate any part of it."

It was the intention of Mr. Wigle to purchase the west half of the southeast quarter of section number thirty-one, in the same township.

Your committee deem it an act of justice to John Wigle, and in pursuance of the policy of the government on such occasions, to afford him relief, and to permit him to enter a like quantity of land in said district, which is subject to private entry. Therefore, your committtee report a bill.

24TH CONGRESS.] No. 1532. [1ST SESSION.

ON A CLAIM FOR THE RE-ISSUE OF A LOST BOUNTY LAND-WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

Mr. CRANE, from the Committee on Revolutionary Claims, to whom the petition of Levi Chadwick was referred, reported:

It appears that on the 4th day of December, 1818, warrant No. 716, for one hundred acres, issued from the bounty land office, in the name of Levi Chadwick, alias Shadwick, a soldier in the New Jersey continental line. No location has been made on this warrant, nor has it been surrendered at the General Land Office, for the purpose of obtaining either a patent or scrip, and from the testimony it appears to have been lost. The petitioner, who is shown to be the person to whom the original warrant issued, prays that a duplicate warrant may be issued to him; and the committee report a bill accordingly.

24TH CONGRESS.] No. 1533. [1ST SESSION.

ON A CLAIM FOR BOUNTY LAND AS A CANADIAN VOLUNTEER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom was referred the petition of William Clark, asking a grant of bounty land, as a Canadian volunteer, during the last war, reported:

That the committee have considered this application, and the law and evidence in relation to it.

In the petition it is stated that the petitioner is a natural-born citizen of the United States, and that he had removed to Upper Canada anterior to the late war with Great Britain, where he resided at the commencement of hostilities; and that, being drafted and pressed to do military duty by the authorities of the British government, he deserted and returned to his former residence in the State of New York, where, in March, 1814, (as he believes,) he voluntarily enlisted in the army of the United States, under the command of Captain John Lytle, of the rifle corps, for the period of the war, and that he remained in service, and was honorably discharged in the summer of 1815. The evidence accompanying this petition is the affidavit of a Francis Clark, who deposes that he is the father of William Clark, the petitioner, who testifies that his son William resided in Upper Canada at the commencement of the late war.

Congress, by an act passed on the 5th March, 1816, granted bounty land to such persons as had been *citizens* of the United States anterior to the late war, and were, at its commencement, inhabitants of the province of Canada, and who, during the said war, joined the armies of the United States as volunteers, and were slain, died in service, or continued therein till honorably discharged. By a subsequent act of March 3, 1817, the act referred to was amended, and declared to be continued in force for the term of one year and no longer. The discovery of many frauds and impositions practised and attempted on the government under the provisions of the original act, induced Congress, it is believed, thus to limit its duration for a short period, not remote from the time of alleged service.

The propriety of now legislating for individual cases as they may be presented, and which might have been embraced under the provisions of those acts of Congress, had they been presented to the proper department and substantiated, is, to your committee, very questionable. As there are many applications to Congress for this bounty, if they be meritorious and deserving of it, it would be the better policy to extend the provisions of the former law on the subject, for a short time, and leave their investigation and proof to the rules and attention of the war department, in which there would be some uniformity of proof as well as certainty of right and security to the government.

By inquiry at the War Department, the committee learn, that from the records of the bounty land office, it appears that a land warrant for 160 acres was issued in favor of William Clark, who was a private in Captain Lytle's company, 4th rifle regiment, which warrant was delivered to the honorable John Savage; and the original discharge of the said William Clark is filed in the same office, by which it appears he was enlisted by Captain John Lytle, on the 3d March, 1814, and discharged on the 14th June, 1815, and that he was born in the prov ince of Canada.

To the committee it is manifest that the William Clark who has already received a warrant for 160 acres of bounty land, as a soldier of the United States during the late war, is the same individual who now asks Congress to pass a law granting him bounty land as a Canadian volunteer.

Your committee do not suppose that Congress intended to give cumulative bounties of land to the same soldier, for the same service; but the committee are relieved from the necessity of considering the claim of the petitioner under this aspect, which is a very strong one against the claim, even if they should adopt the provisions and policy of the acts of Congress of 1816 and 1817 referred to. The bounties extended by the said acts of Congress were *confined* to such persons as had been citizens of the United States anterior to the late war, and were, at its commencement, inhabitants of the province of Canada; and to bring himself within the provisions of those acts the petitioner, in his petition, states that he was a natural-born citizen of the United States; and though the only witness, his father, to prove his citizenship and residence, testifies to his residence in Canada, without specifying where he was born, and of what government he was a citizen at the commencement of that war. The omission to give the particulars of birth, residence, and citizenship, by the father, Francis Clark, whose deposition is taken to support the claim of the son, William, savors of an intended suppression of circumstances material to be known as determining the right. The original discharge of the said William, filed in the War Department, which was made at a time antecedent to said acts of Congress granting bounties to Canadian volunteers, and when there was no inducement to misrepresent, is evidence more to be relied on than representations at this time accompanying the claim. In that discharge the said William Clark is stated to have been born in the province of Canada. From the evidence, it appears that said William Clark was not a citizen of the United States, and would not have been embraced by the provisions and policy of the said acts of Congress, even if they were still in existence. How the petitioner would attempt to reconcile the incongruity and contradiction as to the place of his nativity, as exhibited in his original discharge and his petition to Congress, it is not in the power of the committee to conjecture. Enough does appear to satisfy them that the petitioner is not entitled to the relief desired.

24TH CONGRESS.] No. 1534. [1ST SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

Mr. CHAMBERS, of Pennsylvania, from the committee on Private Land Claims, to whom was referred the petition of Joseph E. Padro, agent for the heirs of Pedro Palao, reported:

That they have considered this claim, and the documents exhibited in relation to it. It appears that Don Pedro Palao, captain of a regiment of infantry of Louisiana, in the month of April, 1813, applied to the intendant of the province of Florida for a grant of eight hundred arpens of land, fronting upon the bay of Pensacola, with certain boundaries, affirming that he was desirous of locating and cultivating the same, with a view to the preservation and support of some cattle which he had. There does not appear to have been any allowance or concession at the time of the application, which was again renewed in October, 1815; and on the 23d January, 1816, a concession purports to have been made by Governor Soto of eight hundred arpens of land to the said Don Pedro Palao, at the place indicated.

The claimant's ancestor represented, in his application of April, 1813, that he was desirous of locating and cultivating the land applied for, with a view to the preservation and support of some cattle which he then had; and the only evidences of cultivation, improvement, or possession, are to be found in the affidavit of the agent and petitioner for the heirs of Pedro Palao, and also the affidavit of another individual, which affidavits are made on the 12th of March, 1836, and testify to survey this land in 1816; and that the improvements consisted of two small houses, and about two acres cleared and enclosed. In the absence of all evidence of a continuation of possession and extension of cultivation for a period of twenty years, it may well be presumed that a possession and improvement so limited and circumscribed as that stated to exist in 1816, had been discontinued and abandoned by the applicant.

The presumption is strengthened by the circumstance that the said Pedro Palao resided in the island of Cuba, and did not, as required by the act of Congress, present his claim of title to this land to the United States commissioners, appointed by the law of the United States to investigate the claims of individuals to lands in West Florida under Spanish grants.

By act of Congress of May 8, 1822, claimants to land in Florida under Spanish grants, were required to file their claims with the commissioners under the provisions of that law, on or before the 31st of May, 1823, and if not so filed they were declared void. The power to file claims in said Territory was extended, by subsequent acts of Congress, till the 1st of September, 1824, with the provision "that all and every claim not filed by that time shall be held and deemed void, and of none effect."

The excuse alleged on the part of the claimant, that the said Don Pedro Palao lived in the island of Cuba, and had with him there the original title papers, cannot be allowed to exempt him, and those claiming under him, from the limitations of a law necessary to the protection of the government against fraudulent, dormant, and defective claims; and that the government might be enabled to adopt the necessary measures for the survey and sale of the public lands.

Public policy, as well as the provisions of the act of Congress, required non-residents, as well as resident citizens, to file and present their claims within the time allowed, under the penalty of having them declared "void, and of none effect."

The committee are therefore of opinion, that the said claimants are not entitled to any confirmation of a concession, not prosecuted as required by the Spanish laws for the government of Florida, and barred also, and declared "void, and of none effect," by the acts of Congress; and therefore report that the claimants are not entitled to relief.

24TH CONGRESS.] No. 1535. [1ST SESSION.

APPLICATION FOR THE CONSTRUCTION OF LEVEES ON THE MISSISSIPPI RIVER, AND THE RECLAIMING OF INUNDATED LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 1, 1836.

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

The undersigned memorialists, residents on the Mississippi river, now in the State of Louisiana, most respectfully represent: That there is a large scope of country lying west of the Mississippi river, within the State of Louisiana and the Territory of Arkansas, the greater portion of which is property belonging to the United States. This country is bounded on the east by the Mississippi river; on the south and southwest by Red river, on the west and northwest by the Ouachita river and its tributaries.

The Tensas is a large navigable stream, which takes its source in Lake Providence, about two miles distant from the bank of the Mississippi, and about twelve miles below the southern boundary of the Territory of Arkansas. Its general course is to the southwest, nearly parallel with the course of the Mississippi, diverging, however, to the west, until, at the distance of thirty miles from the Mississippi, it joins the Ouachita, which here takes the name of Black river. This latter river keeps its course to the southwest, at the distance of thirty miles from the Mississippi, until the Black river joins the Red river, thirty miles above the junction of this latter with the Mississippi.

In Old river, in the Territory of Arkansas, about forty miles above the Arkansas and Louisiana division line, the bayou Macon takes its rise, and flows southwest, gradually increasing the space between it and the Mississippi, (four miles at its source,) until it falls into the Tensas, about the distance of twenty miles from the Mississippi, and about sixty miles above the confluence of the Ouachita and the Tensas. This stream is navigable through almost its whole course for steamboats and other craft. Its western bank is skirted in almost its whole course, after it leaves Arkansas, by lands that rise above all overflow.

The bayou Bartholomew takes its source in some hilly land lying north and west of the source of the bayou Macon, runs for a short distance parallel to the Mississippi; but at a point nearly opposite the town of Columbia, in Arkansas, turns off to the west, and joins the Ouachita, about thirty miles above the town of Monroe, and two hundred miles above the point at which this latter river takes the name of Black river. It is navigable in part of its course for steamboats, and affords large bodies of public land, a great portion of which may be reclaimed by the contemplated improvement hereinafter mentioned.

The river Au Bœuf is a small stream, taking its rise in Arkansas Territory, between the bayou Macon and the bayou Bartholomew, and running down to the southwest, at the distance of twenty miles in its general course from the bayou Macon, and finally falls into the Ouachita, thirty-three miles above its junction with the Tensas and Little river. This latter river rises between the Ouachita and Red rivers, perhaps in Arkansas, and, in its general course, runs south and southeast, until it falls into the Black river, a quarter of a mile below the mouth of the Tensas.

A line starting from a point on the north bank of Red river, about fifty miles above its junction with the Mississippi, running northeast to Little river; thence nearly east to the Ouachita, a few miles below the town of Harrisonburg; thence along said river to a point on the same, three miles above said town; thence along the bluff of Sicily island, easting about seven miles first, and then running fifteen miles due north; thence along the bayou Macon to the division line between Arkansas and Louisiana, and thence crossing over to the head of the river Au Bœuf, and running to the bayou Bartholomew, and along the same to the hills in Arkansas, will form a western and northwestern boundary of an area which is flooded at high tide by the waters of the Mississippi. Within this space are contained perhaps about two millions of acres of public lands, which may be reclaimed and rendered fit for cultivation, by raising, on the west bank of the Mississippi, a levee of earth, only six feet perpendicular height, of twenty-four feet breadth at the base, and four feet at the summit. The cost of such a levee would be about twenty-five hundred dollars per mile; and assuming the distance from the mouth of Red river to the town of Columbia, at the head of the bayou Macon, in Arkansas, to be three hundred and thirty miles, the whole cost will be eight hundred and twenty-five thousand dollars. The land reclaimed by the improvement will produce at auction from six to eight millions of dollars. The several back concession laws, granting certain lands to front proprietors on the Mississippi, &c., are totally inadequate to the purpose for which they were intended.

By reason of the serpentine course of the river, many proprietors can have no benefit from those laws. In a great number of instances, the lands immediately contiguous to the tracts owned by front proprietors are worthless, and in numerous cases, the back lands have been entered by other persons than the front proprietors before the passage of these several acts, granting back concessions, &c. Neither the State of Louisiana nor the Territory of Arkansas is able, without inconvenience, to make this levee; the burden is too great for the front proprietors: and even if it were not too onerous on them, the difficulty of concert and unanimity among them is not to be surmounted. Your memorialists, then, have no recourse but to pray the aid of a liberal and enlightened government, and this they hereby do with great confidence, considering those claims and that of the government will itself be a great gain, by doing them justice. Some persons have entertained doubts as to the practicability of confining the waters of the Mississippi within its channel in case of very high floods, such as came in the years 1811, 1813, 1815, 1823, and 1828.

Others have thought, that if the waters be confined within the channel of the river for several hundred miles above the mouth of the Red river, the height will be so great in the part of the river which lies below Red river, that New Orleans, and all the country for one hundred and fifty miles above that city will be flooded in time of high water.

Many reasons can be given to show the fallacy of these opinions, but they would unnecessarily swell this memorial to an unwarrantable length. Your memorialists will, therefore, content themselves with the following demonstration of the truth in regard to this subject.

The great overflow in the year 1828, the highest water ever known in this country, rose to an average height of two feet above the natural bank of the river; then the whole course of the waters of the Mississippi, except that portion which flowed out by a depth two feet over the banks, were contained in a channel which consisted of a natural basin of earth of the height of one hundred feet, (say for instance,) and of a column of water of two feet perpendicular height. The breadth of the river is one mile. Erect on the natural bank a basin of earth two feet in height, which shall stand instead of the column of water of the same height; there will be now, on each distance of a mile on the line of the river, a column of water of two feet, and of the superficial extent of one mile square, which runs with the same velocity of the waters of the river, say five miles per hour, not in the direction of the natural current, but at right angles with it; mount this column of water on the top of that which is contained within the banks natural and artificial, now of the height of one hundred and two feet, and change the course of the current of this column, by adding two feet more to the artificial bank, and its course will be that of the ordinary current of the river.

The consecutive flow of each mile space of this column of water will prevent any accumulation of water in the channel* beyond two feet; indeed, the velocity of this column of water will be so much increased by running with a body that runs at the rate of five miles per hour, instead of running over a stationary plain which has a rough surface, that, we feel assured, it will not add to the height of the waters in the river more than one foot and a half at the utmost. The waters that run out by the various small channels, called bayous, will not, by being confined within the channel, add materially to the height of the column of water that runs down the river. The extent of augmentation of height in the Mississippi from this source can be easily ascertained with sufficient exactitude to answer all practicable purposes, though, at this time, your memorialists have not the data on which to found a calculation. It is to be observed that the channel of the Tensas, the bayou Macon, Little river, and

* The distance from the mouth of Red river to Columbia, in Arkansas, is one hundred and fifty miles on a direct line; there is, consequently, only one hundred and fifty miles of water to be thrown into a channel that is three hundred and thirty miles in length; this reduced to the maximum augmentation of two feet more than one half; the velocity with which the waters in an overflow pass over the banks is not more than one fourth as great as the velocity of the waters of the channel o the river, consequently th‹re is a large deduction on this score to be made from this maximum of two feet.

Black river, are deep and spacious, and are amply sufficient, at all times, to contain their own waters. Although the Upper Ouachita overflows its banks, such is not the case in any portion of its course in Louisiana.

The inclination of the whole plain contained within the boundaries above specified, is sufficient to drain all transportation waters that may pass through the levee, and all rain-waters, into the streams that run through it in various directions.

The soil is everywhere of the best quality, its products being equal to those of any lands in the world.

In consideration of all the premises, your memorialists respectfully ask that your honorable body will take such measures for the accomplishment of the desirable object herein before mentioned, as shall be found most expedient, and as in duty, &c. All which is most respectfully submitted, &c.

Jesse Harper,
C. Love,
Daniel Bondurant,
A. W. Becket,
James O. Farrell,
Francis Surget,
S. Sprague,
Wm. H. Phipps,
Gila Gillan,
Donelson Walker,
H. C. Haley,
James E. Dunn,
A. C. Jameson,
H. P. Sury,
Robert Montgomery,
F. and W. McKewen.

24TH CONGRESS.] No. 1536. [1ST SESSION.

BRIEF OF THE EVIDENCE IN DEFENCE OF SAMUEL GWIN FROM CHARGES AFFECTING HIS OFFICIAL CONDUCT AND CHARACTER AS REGISTER OF THE LAND OFFICE AT CHOCCHUMA, MISSISSIPPI.

COMMUNICATED TO THE SENATE, JUNE 1, 1836.

WASHINGTON, *May* 31, 1836.

To the Senate:

I transmit, herewith, the response of Samuel Gwin, esq., to the charges affecting his official conduct and character, which were set forth in the evidence taken under the authority of the Senate, by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d of March, 1835. This resolution, and the evidence it refers to, were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

BRIEF SUMMARY OF THE EVIDENCE IN DEFENCE OF SAMUEL GWIN, HERETO APPENDED.

No. 1.—*Thomas L. Sumrall, register at Mount Salus land office.*

Witness states that there are many marks on the maps of said office, indicating that the lands are sold, in the handwriting of Samuel Gwin, which he believes were the result of mistakes in him. From a recent examination he believes that about *fifty* of those marks, above alluded to, are in the handwriting of Samuel Gwin, and of them *fifteen* or *twenty are correctly marked* on the maps, but not entered in the tract-books. He believes that other cases of the same kind do exist; explains how applicants frequently apply to enter land, and, by giving a wrong description of it, are informed that it is entered, when in fact the land wanted may not be entered, in which case the register is usually blamed; believes that had Samuel Gwin been present and permitted to cross-examine the witnesses, acts that now appear criminal or improper would have appeared perfectly innocent; knows of no acts of said Gwin in violation of law, or that would result in an injury to the government, or to individuals; does not believe that impartial justice could be given said Gwin by William S. Jones or Isaac Caldwell, from the hostility of the parties of long standing; finds many marks on the maps not made by the officers but by fraudulent persons, to prevent said land from being sold; states that the present desk, constructed by said Gwin, was intended to prevent these practices, and without such a one it could not be prevented; states that Joseph D. Peebles admitted to him that he, Peebles, had falsely marked the maps of said office; (see Peebles's deposition, Doc. 22, p. 32;) believes that said Gwin, while register of said office, conducted it to the best of his ability and to the interest of the United States; that he, the deponent, has found marks on said maps in his own handwriting, that are not in the tract-books, and that he is liable to such mistakes in a press of business; states that Samuel Gwin entered but one tract of land before he, Sumrall, took charge of the office, and that tract was a single eighth, jointly with a Mr. Green. [This is from the records of the office, and clearly disproves that part of the report of the committee that states that these officers "appear on their sale-books to be purchasers of lands in their own names."] Witness explains and gives a diagram of the land entered by Samuel Gwin, adjoining Robert Matthews. (See Doc. No. 22, p. 73.)

No. 2.—*James McLaran.*

Witness lives in same town (Clinton) and has had much business in said office; was in public business himself and had a good opportunity to know public sentiment in regard to Gwin and Dameron, which was highly favorable to them as public officers, more so than in any other office in the State; details the great debility

and sickness of Mr. Dameron in 1832, [to which may be attributed the errors in the cases of Jacob Williams, Burrass Haley, Ramsey Cox, and others;] explains fully the situation of Mr. Dameron at this period; never heard that Samuel Gwin and George B. Dameron were notoriously engaged in land speculations; never heard that they ever marked lands as sold that were not, but has good reason to believe that others, unconnected with the office, have so marked the maps without the knowledge of said officers; does not know or believe that either of them ever represented lands as sold to applicants that were not; never heard that either of them ever attempted to sell at *private sale*, and at a "*suitable profit*" any lands thus marked as sold, nor does he know or believe that either of them ever entered themselves lands thus marked as sold; never heard of their marking land as sold, for particular friends, when it was not; explains how the maps might be falsely marked by other persons until Samuel Gwin constructed the present confined desk; never heard, nor does he believe said Gwin and Dameron were in the habit of selling land on a credit, receiving a "bonus" or interest for the same; such an occurrence would have been spoken of, if done, and he never heard of any such acts; never heard them charged of "partiality" or favoritism, but, on the reverse, were unusually accommodating to all; knows that Gwin has gotten out of his bed to accommodate persons who wished to enter land; had a conversation with Avery Nolan in relation to his deposition, (see Doc. 22, p. 6,) who admitted to him that he had no "hand in wording" or "authorizing the offensive part alluded to;" that it was "not mentioned while he was with Jones, and that it was made up and added after he left Jones's office, without his knowledge or approbation, and that could he have written it would not have occurred;" states that Joseph D. Peebles, when intoxicated, is very abusive, and can easily be induced to do anything while in this situation; gives the general character of William S. Jones, from a five years' acquaintance, which is not very good; speaks of the hostility between Gwin and Jones, of a challenge being sent by the latter, which was accepted, but that he then refused to fight, or appear on the ground; represents that the public generally disapproved of the appointment of the commissioners by the Senate, knowing their hostility to the officers; explains fully the object of the land company at Chocchuma in 1833; speaks of the conduct of Samuel Gwin at said sales in high terms of praise, as not liable to the censure attempted to be cast upon him by the report of the committee; denies that the company "monopolized" all the good lands, or "overawed bidders," or that Samuel Gwin "connived at" or participated in any of the acts of the company; speaks of the conduct of said Gwin at the private entries in the highest terms of praise; states that Samuel Gwin adopted the only rules that could be devised to give a fair chance to all; speaks of the conduct of Samuel B. Marsh and John Jones, on that occasion, as highly improper, and as attempting to practise a deception; states that Samuel Gwin threatened to stop the sales if advised of any company violating the laws of the United States, and read the law frequently to them; disproves John Jones's testimony, and also part of R. H. Sterling's deposition.

No. 3.—*Seneca Pratt, Esq., clerk in the receiver's office at Mount Salus.*

Witness was a clerk in receiver's office, and frequently, in the absence of the register, or when he was present but otherwise engaged, filled up applications and attended to the business of the register; this he continued for the register after he was not considered as attached to either office. Both offices were either in the same room or adjoining rooms in the same building. Witness was conversant with all or most of the transactions of Gwin and Dameron, and never discovered any disposition in either of them to conceal any of their transactions from him; speaks of the illness of Mr. Dameron in the latter part of 1832; of his being often confined for days, unable to get to the office; that he, witness, although his clerk, did not not feel himself authorized to take up and complete any unfinished business in the office that was left undone by Mr. Dameron; states that Mr. Dameron frequently, while thus in bad health, and where the applicants were not pressing for their receipts, filed the money of the the applicant with his application in his strong box, until he had more time and was better able to make out receipts; that the application and money would thus remain for weeks perhaps; that this occurred with Dr. William M. Gwin and Samuel Gwin to his knowledge; states that he is well aware that after those severe attacks of disease, and on his return to the office, he, Mr. Dameron, would forget for weeks or months papers thus laid aside, until his attention was called to them by the applicant, or on finding the papers in the strong box; speaks positively that Gwin and Dameron were not "notoriously engaged in extensive land speculations," nor has the witness ever seen anything to induce him to believe that Gwin and Dameron ever "marked as sold vast bodies of the most valuable lands," when it was not; nor does he know or believe that the register ever represented, knowingly, lands as sold that were not; does not know or believe that they, or either of them, ever attempted to sell at private sale and a suitable profit, any lands marked as sold, but that Samuel Gwin informed him that he had discovered various tracts marked as sold, but could not be found on the books, which he informed the department of, and was waiting an answer before he would suffer them to be entered; does not know or believe that Gwin and Dameron ever entered themselves lands thus marked as sold, nor does he know or has he reason to believe that they, or either of them, ever marked lands as sold for particular friends that were not; knows that improper marks were put on the maps, indicating that the tracts were sold without the knowledge of Samuel Gwin; describes how the maps were kept before Gwin constructed the present desk; does not know, or has he reason to believe, that they (Gwin and Dameron) sold the public lands on a credit, but they did in a *few* instances enter lands with their own funds for others, at a small premium; has heard them charged with partiality, which charge he knew to be unfounded and unjust; knows that Gwin and Dameron took uncommon pains at unusual hours to accommodate the public. Witness heard Joseph D. Peebles admit that he, Peebles, had marked on said maps lands as sold that were not, without the knowledge of Samuel Gwin, and who also admitted that he wanted the land and had not the money to enter it, which was the cause of his marking it as sold; knows that the register, in the press of business, is liable to mark the wrong tract as sold, leaving the one sold unmarked; witness states that he himself has made these errors while attending to the register's office. Witness believes that individuals, through mistake, have taken off the application with their receipt, from the receiver's table, leaving no evidence in the office of the sale of the land save the marks on the maps, and that applications were liable to be lost before they could be entered in the books; states that he has discovered, while posting up the books, numerous numbers that were missing, and he attributes most of the marks on the maps originating from this cause; knows of instances where tracts marked as sold, and reported to the department as not sold, which were in fact sold, and stood registered in all the books except the tract-book.

No. 4.—*John J. McCaughan.*

Witness was at Chocchuma during the public sales in 1833, and for ten days thereafter; explains the conditions of the land company formed at said sales: represents that the actual settlers were greatly benefited by the

conditions of said company; knows of no combination or threats or unlawful means being used of any kind to intimidate or prevent any person from bidding for any lands he chose; proves Edmund Row's deposition to be false, where he states that individuals were compelled to sign a paper binding not to bid in opposition to the company; does not know, nor has he reason to believe, that Samuel Gwin was either directly or indirectly interested in said company; states that Samuel Gwin took the legal advice of Hon. John Black as to the propriety of his suspending the sales, if the company were violating the laws of Congress, and was informed by him that such a course would not be proper or legal, and that the company was violating no law; speaks of the conduct of Samuel Gwin with commendation for vigilance and attention, and as being entirely clear of partiality to the company or any one else. Witness has had much business in the Mount Salus office while Samuel Gwin had charge of it, and states that he, Gwin, "was and ever has been the most efficient register I have ever known in the State;" states that Joseph D. Peebles has admitted that he, Peebles, had marked the maps without the knowledge of Samuel Gwin.

No. 5.—*Colonel Robert L. Scott, clerk in receiver's office.*

Witness was a clerk in receiver's office; speaks in terms of high praise as to the official conduct of Gwin and Dameron, and that their conduct was universally approved of by the public; never saw or heard anything that would in the remotest degree warrant the statements made in the depositions taken by Jones and Caldwell; does not know or believe that either of their them (Gwin and Dameron) ever marked on the maps of said office lands as sold that were not, or that they ever informed individuals that lands were sold that were not, knowingly, or that they ever sold lands on a credit, receiving a separate note as a "bonus" or interest; never saw either of them act partially or oppressively to any one having business in said office; speaks in terms of severe reprobation of the conduct of Jones and Caldwell, appointed commissioners by the chairman; of their deadly hostility toward the officers before and since they received the said appointment; believes that they could not act impartially in any matter that Gwin and Dameron were concerned in.

No. 6.—*General Henry S. Foote.*

Witness states that it was impossible for Jones and Caldwell to do Gwin justice; speaks from an intimate acquaintance with the general character of Samuel B. Marsh, in terms of severe reprobation and detestation, which is the general opinion among the respectable members of the bar in the State; details his wanton attack on the character of Colonel Thomas G. Nixon, who was afterwards slain by said Marsh.

No. 7.—*Thomas G. Ringgold, Esq.*

Witness was a clerk in land office at Chocchuma from 9th March, 1834; was an acting magistrate in Tallahatchie county, and took down all the evidence under the pre-emption law of 19th June, 1834; speaks in terms of praise of the conduct of Samuel Gwin in deciding on claims under this law; that he was rigid in his duties, because his political opponents had placed spies around him to misrepresent all his actions; states that he was at Chocchuma during the whole time James R. Marsh (commissioner) was taking depositions, and heard many of the witnesses declare that great *partiality* was manifested by him against Samuel Gwin, and in favor of the receiver of the said office; that one witness had told him that his deposition was not read to him, "and he had no doubt much unfairness and management was carried on to ruin said Gwin;" has often heard S. B. and James R. Marsh denounce said Gwin in the grossest language; that the whole proceeding was "the sheerest mockery of justice that could possibly be exhibited;" that James R. Marsh did everything to embarrass said Gwin in his official duties, while his claim was under examination, much to the annoyance of other claimants; states positively that the public interest did not suffer in consequence of the occasional absence of said Gwin; that R. B. Sterling was disconcerted at the loss of the fees for drawing copies of the map, which was *one* cause of his giving a deposition against said Gwin; that said Gwin had, alone, unaided by the receiver, to take all the testimony under the pre-emption law, and all the responsibility, the receiver not paying the least attention to the claims or claimants, except to receive his *fee;* controverts Mr. Sterling's evidence in regard to Gwin's answers to the Messrs. Marsh as to what constituted a legal subdivision under the act of 1829; testifies as to the forbearance of Gwin toward these men when taking the evidence of their claims, although these men disregarded all those courtesies that ought to characterize gentlemen; disproves, in positive terms, that part of the report of the committee that charges "profligate scenes" in said office, "which have continued to characterize the conduct of the register, who controls the sales at private entry, up to the present time;" details the cause that led to an attack made by Colonel T. G. Nixon on Samuel B. Marsh, who had charged said Nixon as being a "perjured villain;" disproves that part of the report of the committee as implicating Colonel Nixon, whose evidence had not been correctly written down by the said Marsh, who was the *deputy commissioner* under his brother, James R. Marsh. Proves, conclusively, that numerous witnesses whose depositions had been taken, and therein named, were not legally sworn, as *falsely* represented by James R. Marsh, and so certified by him to the Senate, and as expressly required by the resolution of the Senate; gives copies of these *false* certificates of the said Marsh, which purported that the witnesses were "duly sworn," and which have tended to deceive the Senate, mislead the committee, and deceive the public; and that the said S. B. and J. R. Marsh held no judicial station authorizing either of them to administer oaths in the State of Mississippi.

No. 8.—*John S. Young, Esq.*

Witness proves that he saw an individual mark a quarter-section of land, as sold, on the maps of the Mount Salus land office, that was not sold, while Samuel Gwin had charge of said office, without the knowledge of said Gwin; has no reason to believe that Samuel Gwin was either directly or indirectly interested in the land company at Chocchuma in 1833; disproves, in toto, Edmund Row's evidence in regard to E. C. Wilkinson at said sales; speaks in favorable terms of the conduct of Samuel Gwin at said sales.

No. 9.—*John W. Coghlan.*

Witness explains a certain transaction as detailed in the deposition of Eli Garner, (see doc. 22, p. 45,) and releases Gwin of the slightest blame in said transaction; speaks in terms of commendation of Gwin and Dameron as regards their conduct in the Mount Salus office.

No. 10.—*Colonel Eli Garner.*

Explains his former deposition; (see doc. 22, p. 45;) speaks in high terms of commendation as to the official conduct of Gwin and Dameron in the Mount Salus office, and that the general sentiment was decidedly favorable to them as having no superiors; states that a large majority of the public highly disapproved of the appointment of Jones, the personal enemy of Gwin, by the chairman, as one of the commissioners; never saw anything illegal or improper in the official conduct of Gwin and Dameron.

No. 11.—*Thomas Barnard.*

Witness gives a full and specific history of the manner the Chocchuma Land Company was formed in 1833, the objects in forming it, and the benefits secured by it to the settlers on the public land. This is, perhaps, the most accurate exposé of the operations and object of the company that is contained in any of the depositions, and its perusal is recommended; saw nor heard of none of the "profligate scenes" at said sales, as detailed in the report of the committee; that the conduct of Samuel Gwin at said sales was above reproach, as far as he saw or heard, or believes; disproves the report of the committee as to the charge of monopoly," "over-awing bidders," and everything of the kind, or that the company had an office in the vicinity of the register's office for the sale of their lands; that Samuel Gwin did not "participate" in the profits of said company, nor "connive at it;" that the whole statement in the report on these subjects is destitute of foundation in truth; speaks in terms of unqualified praise as to the conduct of Samuel Gwin during the press at private entry, and of the rules he adopted for conducting them; states that there were from two to five hundred persons attending the sales at private entry, and unless the rules had been drawn up with great care, and if the register had not acted with the utmost caution and firmness, the greatest confusion would have arisen; saw no partiality in said Gwin to any one, but the reverse of it toward the members of the company; heard Samuel Gwin frequently declare that he would, on his own responsibility, suspend the sales, if the company was violating law; and witness saw said Gwin hand the Hon. John Black the acts of Congress on the subject, and heard him, Gwin, ask him for his legal opinion whether or not the company was violating the laws or not, and witness heard Judge Black inform him that the company was not violating any law of Congress, and was perfectly legal; corrects Joseph Person's testimony about turning persons out of the office, (see doc. 22, p. 98;) describes how said Gwin received the applications for private entry.

No. 12.—*James A. Girault.*

Witness was at Chocchuma sales during the four weeks in 1833, and for a week after their close: explains the benefits of the company; knows that Samuel Gwin was not either directly or indirectly interested in said company, but heard him declare that he would suspend the sales if advised they were violating law: that he condemned the formation of the company; witness disproves nearly every allegation contained in the deposition of Edmund Row, and gives copies of the sales that clearly rivets falsehood on Row. Your attention is particulary requested to this deposition, and also the deposition of Edmund Row, as taken by the chairman of the committee; speaks favorably of the official conduct of Samuel Gwin; witness resides in the neighborhood of Chocchuma, but has never seen any of the "profligate scenes" spoken of in the report of the committee as characterizing the conduct of Samuel Gwin; heard nothing of "over-awing" bidders, "monopolizing all the good lands," or "driving all competition out of the market" at said sales in 1833 by said company; the company did not establish an office in the vicinity of the register's office, as stated in the report of the committee; no one was prevented from bidding at said sales, as charged by the committee; the agents of the company did not undertake to dictate terms to the actual settlers, as also charged in said report; does not know or believe that Samuel Gwin "connived at" or participated in any "fraudulent transactions," but firmly believes to the reverse; gives an account of the death of Colonel G. T. Nixon by the hands of Samuel B. Marsh, (the same as alluded to in the report of the committee;) that Marsh had called at the house of said Nixon, and charged him, Nixon, with *perjury;* that they mutually agreed to submit it to friends; upon the day Nixon had changed his purpose, and he was resolved that Marsh should retract the charge, or he would punish him.

No. 13.—*Wiley Davis.*

Witness neither saw nor heard of any of the "profligate scenes," as charged against Samuel Gwin by the committee in their report at the Chocchuma land sales; denies that the company was guilty of "monopoly," or of "overawing bidders;" said company had no office in the vicinity of the register's office, as also charged by said committee; does not know or believe that Samuel Gwin "connived at or participated in" any of the company transactions; that said Gwin acted with the utmost impartiality at said sales; knows from Gwin's violent opposition to said company that he would have suspended the sales had he not been advised that they were not violating law; speaks of the manner that Samuel B. Marsh attempted to enter a piece of land for John Jones; that his conduct in said attempt was looked upon by all present as a low, dirty trick, that no gentleman would have been guilty of; the witness speaks generally and highly favorable of the conduct of Samuel Gwin, and disproves all the charges alleged against him by the committee as arising at Chocchuma; details the charge of *perjury* made by Samuel B. Marsh against Colonel T. G. Nixon, at the house of the witness, which led to the rencontre between Marsh and Nixon, which resulted in the death of the latter.

No. 14.—*Hon. A. R. Govan, (late of South Carolina.)*

Witness has no knowledge that Samuel Gwin was either directly or indirectly interested in the Chocchuma Land Company.

No. 15.—*R. H. Sterling.*

Witness states that, during the land sales at Chocchuma, in 1833, James R. Marsh exhibited a letter to him, purporting to be from Hon. George Poindexter, authorizing him, the said Marsh, to *draw* on him, Poindexter, for a sum of money, (amount not named,) to purchase lands at the then pending sales.

[It will be recollected that this *honorable* senator is here attempting *to pass off as cash his own drafts* in payment for the public lands, through his particular friend and agent, who was afterward his *commissioner*, appointed by *himself* to inquire into "frauds in the sale of public lands," and was particularly instructed by him to inquire if any of the officers had "*sold public lands at any time otherwise than for ready money.*" If it was a violation of law, and a *fraud* on the government, in 1834, to receive this kind of payment for the public lands, it was equally so in 1833. *He* and his *commissioner* are then both guilty of *fraud*, in fact, for the fault was not theirs that the arrangement was not carried into effect. This speaks volumes as to the *purity* of intention, and of the *patriotism* in the getter-up of this investigation. That it was not the *public good* that prompted him must be apparent to all.]

No. 16.—*Samuel F. Purvine.*

Witness proves that James R. Marsh, (the commissioner appointed to inquire into "frauds in the sale of public lands," *did pay* him, the witness, and J. Francis, the *sum of one hundred dollars*, "not to bid on the south-west quarter of section 21, township 22, range 1 west, at the public land sales in December, 1824, at Chocchuma; and that the said quarter was transferred to the said James R. Marsh, it having sold at $1 25 per acre. [Here is the individual in whom the committee of the Senate "repose entire confidence in his prudence and fidelity," guilty of *bribery* in the sale of the public lands, and in violation of a solemn act of Congress, and that in but a few months after he was moving heaven and earth to ruin others on pretended charges, not to be compared, if true, in enormity, to this. The 4th section of the act of Congress of 1830, page 43, it is enacted "that if any person or persons shall, before or at the time of the public sale of any of the lands of the United States, bargain, contract, or agree with any other person or persons, that the last-named person or persons shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or shall, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent, any person or persons from bidding upon or purchasing any tract or tracts of land so offered for sale, every such offender, his, her, or their aiders and abettors, being thereof duly convicted, shall, for every such offence, be fined not exceeding one thousand dollars, or imprisoned not exceeding two years," &c.

The original of the above deposition was in the hands of a senator in Congress during the session of 1834 and 1835, at the time the committee made their report, and must have been known to at least the chairman of the Committee on Lands, for his *political friend* had it in charge. Why it was not noticed in the report of the committee, the public may infer. The person implicated then held the commission of the chairman of the committee, was his *personal* and *political friend*, and his *agent* to purchase lands in 1833 on *drafts*; and *his* bribing an individual not to bid against him at the public sales is no offence.]

No. 17.—*John T. Hammond.*

Witness fully explains the operations of the company at Chocchuma, in 1833; states that Samuel Gwin opposed the company by all the means in his power; that he threatened to suspend the sales; refutes the statements made by Edward Row, in his deposition; states that he was called on by James R. and S. B. Marsh to give a deposition, and "believes that parts of his statements were not put down by them;" was not qualified to said statement, nor was it read to him, nor did he ever sign it; protests against its being received as his deposition; states that "the said James R. Marsh, in his examination of witnesses, was prejudiced against said Samuel Gwin," and is "personally opposed to him;" that said James R. Marsh "pretended to administer an oath to the deponent," he not being authorized to administer oaths under any law in Mississippi.

No. 18.—*Samuel McCall.*

Witness states that part of his evidence was omitted by Marsh; states in his present deposition what he then stated to Marsh, and if it is not contained in his deposition it was omitted by design; saw nothing improper or illegal in Samuel Gwin at said sales; by referring to document 22, page 50, you will discover his deposition as published, and by a comparison you will find a material difference, which was by design no doubt, as it materially affected Governor Runnels, with whom the Commissioner had a difficulty of old standing, and which was used at a late election to his injury.

No. 19.—*Thacker W. Winter.*

Witness explains the objects and conduct of the company at Chocchuma, in 1833; states that, to his knowledge, propositions were made to Samuel Gwin to become a member of the company, who refused, and declared that he would protect the interest of the United States to the utmost of his ability; never heard it suggested by any member of the company, or any other individual, that Samuel Gwin was interested in said company in any way.

No. 20.—*Nicholas Gray.*

Witness was a clerk in the land office. During the time he was there, saw nothing improper or illegal in the conduct of Samuel Gwin; that he conducted the sales with fidelity not only to the government, but to the purchasers; saw or heard nothing that led him to believe that Samuel Gwin was a member, or in any way interested in said company, but knows said Gwin did oppose the company to the utmost extent of his power; saw no partiality or favoritism in said Gwin; his rules were well adapted to put all on an equal footing.

No. 21.—*Colonel William Pratt.*

Witness disproves part of the testimony of Edmund Row; knows that said Gwin was violently opposed to the company; so violent was said Gwin to it, that he was led to believe he was opposed to the settlers getting their lands at government price; believes said Gwin conducted said sales to the best of his ability as regards the interest of the government; saw no partiality or favoritism in said Gwin to any one.

No. 22.—*William Fanning.*

Witness gives a history of the formation of the company; saw no combination to prevent by force, threats or other means, any one from bidding at said sales; that the settlers might bid or not for their lands at

their discretion, but if bid off by the company, it was transferred to the settler at cost; saw nothing in the conduct of said Gwin that induced him to believe he was in any way interested in said company, or received any profits arising from it; believes said Gwin conducted said sales to the best interest of the government, and that he was vigilant and persevering in his endeavors; learned from J. R. Marsh in June, 1834, that he was unfriendly to Samuel Gwin; saw none of the "profligate scenes" alluded to in the report of the committee; has been frequently at Chocchuma since the sales in 1833, particularly during the time of proving up pre-emptions, and believes said Gwin acted with the utmost impartiality on that trying occasion.

No. 23.—*James T. Crawford.*

Witness was at said sales; saw nothing that led him to believe Samuel Gwin was in any way interested in said company; saw no partiality or favoritism in said Gwin.

No. 24.—*Augustus L. Humphrey.*

Witness was at said sales; disproves many of the statements contained in the depositions of Edmund Row; sates that Samuel Gwin conducted said sales to the interest of the United States as far as he could; saw no partiality or favoritism in said Gwin during said sales, or at any other time.

No. 25.—*Olsimus Kendrick.*

Witness was at the sales in Chocchuma in 1833; saw or heard nothing that induced him to believe that Samuel Gwin was in any way interested in the land company at that place; saw nothing in the conduct of Gwin that tended to favoritism or partiality; but that the said Gwin acted with due vigilance in guarding the interest of the United States; saw none of the "profligate scenes," or "over-awing bidders," or the "driving off all competition," or that the settlers should not bid for so much land as they chose, as reported by the committee; nor did he ever hear it insinuated that Samuel Gwin "connived at" any fraudulent acts at said sales, or at any time, or that he participated with the company in any of their transactions; nor did he hear that the company had an office near the register's office. Speaks favorably of the course of Samuel Gwin under the pre-emption law.

No. 26.—*John Reed.*

Witness was at the sales in Chocchuma, in 1833; has no reason to believe that Samuel Gwin was in any way interested in the land company formed at said sales; that he managed the sales as far as he could to the interest of the United States.

No. 27.—*James T. Howard.*

Witness was at the sales in Chocchuma, in 1833; does not know, nor has he any reason to believe that Samuel Gwin was, either directly or indirectly, interested in said company; believes said Gwin managed said sales to the best of his ability, and to the interest of the United States.

No. 28.—*John H. McKinney.*

Witness speaks very favorably of the conduct of Samuel Gwin at the sales at Chocchuma in 1833; that he was at said sales, and saw nothing improper, illegal, or unjust, in said Gwin, or that led him to believe he was in any way interested in said land company. If there were complaints against said Gwin, it was because he was too rigid in behalf of the United States; that his rules were well calculated to put all on an equal footing; saw no partiality or favoritism in him to any one at any time; that his conduct as an officer, up to the present time, has been highly meritorious for vigilance, activity, and accommodation. Corrects his former deposition about the members of the company having access to the office, to the exclusion of others; saw no one turned out of the office; states that, if there is anything in his former deposition (see doc. 22, p. 102) in the slightest degree implicating Samuel Gwin at said sale, or at any time since, it was not so given in by him, but was written incorrectly by Mr. Marsh.

No. 29.—*Colonel Thomas Coapwood, of Alabama.*

Witness alluded to said sales; corrects several charges attempted to be proved by the Messrs. Marsh on R. J. Walker; speaks in terms of high praise of the conduct of that gentleman in behalf of the settlers; does not know nor has reason to believe that Samuel Gwin was interested in said company in any way, and believes his conduct was impartial, legal, and perfectly in accordance with his duty.

No. 30.—*Governor Hiram G. Runnels.*

Witness was at said sales at Chocchuma in 1833; details a conversation Samuel Gwin had with him as to the propriety of his, Gwin's, suspending the sales on account of the formation of the land company. Witness, as an old land officer, and conversant with all the public land sales in the State, gives it as his opinion that the company was violating none of the acts of Congress, and that said Gwin had no right to stop the sales; gives information of two individuals who had marked lands as sold, on the maps of the Mount Salus land office, that were not sold, without the knowledge of Samuel Gwin, who had charge of said office.

No. 31.—*Guilford Griffin.*

Witness was the regular appointed auctioneer at the sales in 1833, at Chocchuma; attended said sales the first two weeks, and left on account of sickness; disproves the statement of Edmund Row, that Samuel Gwin

was present and heard the speech of R. J. Walker; states of his own knowledge said Gwin was at his desk in the office during the time said speech was delivering; refutes various parts of Row's testimony about the company and Samuel Gwin; describes the local situation of said Gwin while the sales were going on, &c.; states that Samuel Gwin *was not* a member of the company, but was opposed to it. Hon. Mr. Black informed witness that he had been called on by Samuel Gwin to know if there was anything improper or illegal in the company agreement, or whether the officers could break up the company or suspend the sales, and that he, Judge Black, informed him that there was nothing illegal or improper in the company agreement, and that the officers would not be justifiable in suspending the sales; speaks in favorable terms of R. J. Walker on behalf of the settlers. Witness saw nor heard any of the "profligate scenes" alluded to in the report of the committee, and, as auctioneer, had constant and free intercourse with Samuel Gwin, and disproves every allegation contained in said report against said Gwin.

The evidence of this witness is very full and complete, and from his intimate connection, as auctioneer, with Samuel Gwin, exposes many falsehoods, not only contained in the report of the committee, but also of witnesses, and your particular attention is solicited to its perusal.

No. 32.—*Colonel Hardin D. Runnels.*

Witness was at said sales during the entire period of said sales, and heard every tract knocked off that was sold; controverts various parts of the report of the committee as well as the witnesses; heard the speech of R. J. Walker, and was a close observer of the conduct of said Walker, and speaks of it in high terms of praise; saw none of the "profligate scenes" or "great enormities," as reported by the committee; states it is not true that the company established an office in the vicinity of the register's office; states that Samuel Gwin *was not*, either directly or indirectly interested in said company, but knows he was very much opposed to it, and that he, the said Gwin, did caution the witness not to have anything to do with said company; never saw anything illegal, improper, or unjust, in said Gwin, who was a vigilant and faithful officer of the United States.

No. 33.—*Joseph A. McRaven.*

Witness heard the whole of R. J. Walker's speech at Chocchuma, in 1833, at the forming of said company; controverts various parts of Edmund Row's deposition, and the report of the committee in regard to the conduct of R. J. Walker at said sales; did not see Samuel Gwin at the delivery of that speech, nor was he a member of said company to his knowledge, nor did such an impression prevail at said sale; speaks in high terms of praise of the conduct of R. J. Walker in behalf of the settlers.

No. 34.—*George Dougherty.*

Witness was at the land sales in Chocchuma in 1833; gives a detailed history of the manner the land company was formed, and the causes that led to its formation, and the agency that R. J. Walker had in forming it. This witness gives a clear and lucid history of the whole transaction, which is highly honorable to R. J. Walker. The means of the witness's information was better than most others, as he heard the first proposition as to forming a company, and Mr. Walker's opposition to it, unless on certain conditions highly favorable to the settlers. Your attention is particularly requested to this deposition.

No. 35.—*Hiram Coffee.*

Witness was at said sales in 1833, and heard the speech of R. J. Walker; controverts various parts of the report of the committee, as also the evidence of various witnesses on the subject of the company operations; explains the company agreement, and controverts various parts of the report of the committee; states, had it not been for the exertions of R. J. Walker the settlers would have generally lost their lands; that the settlers gave said Walker a public dinner at the close of the sales as a testimony of their respect for his exertions in their behalf at the sales; does not know, nor has he any reason to believe, that Samuel Gwin was in any respect interested in said company; states that he conducted the said sales with diligence and fidelity to the government as well as to individuals.

No. 36.—*D. W. Connelly.*

Witness was generally in the land office; describes the situation of Samuel Gwin while the sales were progressing; that his whole time was engrossed in his official duties, which required his strict and undivided attention; disproves the testimony of Edmund Row in regard to Samuel Gwin, and believes said testimony to be false; has no doubt that Samuel Gwin was not a member of said company or concerned with it in any way. Witness bid against the company, and no attempts were made by it to restrain or interrupt him; recollects that members of the company did bid against the agents of the company; heard Samuel Gwin express strong opposition to the company, and heard him threaten to stop the sales if any combination was formed to depress the price of the public lands; disproves Row's testimony in regard to Wilkinson; saw nothing improper or illegal in the conduct of Samuel Gwin.

No. 37.—*John Maxwell.*

Witness speaks of the company and conduct of R. J. Walker in much the same terms as the preceding depositions, and of the conduct of Samuel Gwin. [I would also refer you to the depositions of this witness as taken by the commissioners, doc. 151, p. 74.]

No. 38.—*Hon. W. L. Sharkey, chief justice.*

Witness saw nothing illegal or improper in the company agreement, and advised a friend to join it.

No. 39.—*Colonel Joseph Persons.*

Witness described the manner of making applications at private entry, and controverts various attempts of the

Marshes to prove Samuel Gwin acted partial and improper on this occasion; saw nothing illegal or improper in the conduct of Samuel Gwin; states if there is [*and there is*] any discrepancy between his present deposition and the one taken by Marsh, the error was not in him but in Marsh. Witness was sworn to his former deposition by Marsh.

No. 40.—*David Kerr.*

Witness speaks of the company and the advantage it was to the settlers; does not know or believe said Gwin was either directly or indirectly interested in said company, and that he managed said sales to the best of his ability, and for the interest of the United States.

No. 41.—*Martin Loggins.*

Evidence pretty much the same as the last in regard to the company and its advantages to the settlers; does not know or believe that Samuel Gwin was in any respect concerned with said company, but understood he was violently opposed to it.

No. 42.—*Captain Titus Howard.*

Witness states the object of the formation of the company and its benefits. Does not know or believe Samuel Gwin was interested in any way or manner in said company, or that he showed any partiality or favoritism in conducting said sales, nor was there an opinion to the reverse of this among those present, as far as he heard or believes. Witness was sworn to his former deposition by James R. Marsh.

No. 43.—*William Pruitt.*

Witness does not know of Samuel Gwin's being a member of said company at Chocchuma, in 1833, and believes that he managed the said sales with the utmost fairness, and to the interest of the United States.

In addition to the above depositions, I would respectfully call your attention to the following depositions, taken by order of the Committee on Public Lands, and published in the documents referred to, and opposite the following list of names, making in all *seventy-seven* (77) depositions in my favor to *six* (6) opposed. This number might have been run up much higher had my official duties permitted my attention to them. It is hoped and believed that, from the respectability of the witnesses who have deposed in opposition to those who have been selected by the commissioners from personal dislike to me, it will satisfy you that the public good had but little to do in the matter.

List of depositions, taken by order of the committee, which evidence is in favor of Samuel Gwin.

Thomas L. Sumrall, register, Mount Salus Office, doc. 151, p. 53.
John Maxwell, doc. 151, p. 74.
Henry T. Irish, doc. 151, p. 76.
Doctor James P. Parker, doc. 151, p. 77.
David Slay, doc. 151, p. 79.
Stewart McRaven, doc. 151, p. 80.
Alfred Cox, doc. 22, p. 10.
Robert McKay, doc. 22, p, 12.
John A. Lane, doc. 22, p. 14.
John M. Evaux, doc. 22, p. 16.
Elisha Lott, doc. 22, p. 26.
Seneca Pratt, doc. 22, p. 32.
John S. Gooch, doc. 22, p. 39.
Patrick Sharkey, doc. 22, p. 42.
John B. Pitman, doc. 22, p. 47.
John T. Hammond, doc. 22, p. 48.
Samuel McCall, doc. 22, p. 50.
Col. Greenwood Leflore, doc. 22, p. 53.
William Metcalf, doc. 22, p. 58.
James McLaran, doc. 22, p. 62.
Thomas H. Williams, doc. 22, p. 69.
Doct. John M. McMorrough, doc. 22, p. 70.
Capt. Titus Howard, doc. 22, p. 88.
Samuel Foster, doc. 22, p. 89.
Col. John L. Irwin, doc. 22, p. 90.
Abel Beaty, doc. 22, p. 90.
Green Hastings, doc. 22, p. 95.
Kelsey H. Douglass, doc. 22, p. 96.
Col. Joseph Persons, doc. 22, p. 98.
Augustus L. Humphrey, doc. 22, p. 101.
Col. John H. McKinney, doc. 22, p. 102.
Thomas J. White, doc. 22, p. 112.
Col. Thomas G. Nixon, doc. 22, p. 113.
David O. Shattuck, doc. 22, p. 115.

For the respectability of the witnesses above named, as well as those whose depositions are contained in this defence, I refer you to the whole delegation in Congress from Mississippi.

Affidavits and statements, Nos. 44, 45, and 46, are appended, and demonstrate the efficient aid extended by Robert J. Walker to the settlers, and disprove the charge of his introducing fictitious names into the Chocchuma Land Company; on which subject the deposition of Colonel Thomas Coapwood, of Alabama, No. 29, is also referred to.

The Reply of Samuel Gwin, register of the land office for the northwestern district, Mississippi, to the charges contained in the report of the Committee on Lands in the Senate of the United States, at the second session of the twenty-third Congress, (See Senate documents No. 151 and No. 22,) with Remarks on, and an Examination of, the several Depositions impugning his official conduct while register of the Mount Salus and Chocchuma land districts; prepared and submitted to the Secretary of the Treasury.

Before I proceed to an examination of the various matters involved in the report above referred to, I think it proper to state a rule that was adopted a few days after I took charge of the Mount Salus office in 1831, upon a consultation with Mr. Crutcher, the then receiver of public moneys. I had been in the office but a short time before I sold, through mistake, one tract of land *twice*, which caused the adoption of this rule. It had been the custom of Mr. Fitz, the former register, at a time when there was but little done in the office, to place the letter "*A*," *in pencil*, on each tract, as soon as he made out an application for it, and when the receiver's duplicate receipt was received by him he then marked it with the letter "*S*," *in ink*. I found a vast number of tracts marked with the letter "*A*," *in pencil*, that had never been entered or found in the tract-books, and for the first few days I pursued the same plan, but soon found that I could not distinguish my pencil "A," from those previously made, and that I was at a loss to know what was actually sold, and what was not; and, as the receiver's health was very bad, (and, in fact, he shortly afterward died,) and could not daily furnish me with the duplicate receipts, we, upon reflection, determined to mark with *ink* the letter "*S*" on each tract, as soon as the application issued; and, to prevent fraud, and as our offices were in the same building, I handed the application to him with *my own hand*, which he was to retain; and, if the applicant did not pay the money forthwith, it was returned to me on the same day and destroyed, and the marks taken off of the maps. This rule was found necessary on another account. It frequently occurred that an individual would apply for a tract of land that had been, on the same day, and but a few hours before, applied for by another, and, finding it marked "A," in pencil, he would require a search in the receiver's office to know if the money had been paid on it, which, in the press of business, and Mr. Crutcher's feeble health, was found impracticable. The applicant would thus be compelled to go away dissatisfied, or we required to perform a service, at many times detrimental to the public interest, and all times annoying to us.

I hope this rule will be kept in mind, as it was continued after Mr. Dameron took charge of the receiver's office, in May, 1832, and up to the time when I left it, on 4th March, 1833.

I would also, for your information, state that another rule that Mr. Dameron adopted, at my suggestion, when I left the office. At the decease of Mr. Crutcher, I found much inconvenience to the public, and litigation among applicants, as to who had a preference when two applicants, at different periods, had applied to enter the same land when the office was closed. Not anticipating such a difficulty, I made out applications for all applicants that wished to deposit their money, without making any mark on the map. Many of these applicants lived out of the State, or in remote parts of it, and who, at the time they deposited their money for the land, had no idea that they would be opposed by other applicants, and their agents were not authorized to bid for them in but few, if any, instances. My own opinion then was, and it has not changed since, that the first applicant, who had made a deposit of his money, should be entitled to the land as soon as the office opened. It was not his fault that the office was not open, and he had done all that was required of him by law to complete his purchase. Others might improperly have derived a knowledge of the quality of land from his labor and researches, and might slip in, as soon as the office opened, and by bidding *one cent per acre higher* for the same land, would obtain it. This, I thought, unjust. On my leaving the office on the 4th March, 1833, I advised Mr. Dameron, during the time the office might remain closed, to pursue a different course. When an individual deposited his money with him, then to mark the letter "S" on the tract, as formerly done, and if another applied to enter it, not to give him any information as to the former application, but let him examine the books, and if, upon such examination, he was willing to risk his money on it, be it so, it should not be by betraying the first applicant. As my books were much behind, I agreed to relieve Mr. Dameron of the trouble of making out applications, so long as my business detained me in the office, although I had formally delivered over to him all the maps, books, and papers, belonging to it on the 5th March, 1833.

With these preliminary remarks, rendered necessary for a full understanding of the subject, I shall proceed now with my answer.

The committee have arranged their charges and specifications under two general heads:

1. *The Mount Salus land officers.*

"The register and receiver of this land office, Samuel Gwin and George B. Dameron, were notoriously engaged in extensive land speculations in the lands of the United States. In order to secure the most valuable tracts of land * * * * they marked every such tract with the letter S; so that if any person wishing to purchase should apply for either of the tracts thus marked, the applicant was informed that the tract was previously entered, and in this manner it remained unsold until they, or either of them, could make a suitable profit by private sale, or found it convenient to pay the minimum price, and obtain a final certificate of purchase. The same practice was likewire adopted to favor particular individuals, who were the friends or favorites of these officers, and who had not the means to make prompt payment." It appears by the evidence of Mr. Sumrall, the present register, "that, at the time he took possession of his office, there were numerous tracts of land marked on the map with the letter S, which had not been sold. * * * * The number of tracts so marked, is stated at about *two hundred*."

"2. These officers were in the constant habit of selling the public lands to applicants on a credit, exacting from the purchasers a separate note as a bonus, or interest, on the nominal amount of the purchase money, * * * and signed a receipt to the purchaser only when the money and interest were paid, and, in the mean time, the tract thus fraudulently sold was marked with the letter S, to prevent persons from making application to enter it.

"3. These officers appear, on the sale-books, to have become the purchasers of lands in their own names, contrary to the express provisions of law.

"4. They stand charged with gross partiality and favoritism between applicants for the same tract of land, and with other devices highly vexatious to individuals who might incur their displeasure, and injurious to the interest of the government."

Brief of the Report.

1. That Samuel Gwin and George B. Dameron were notoriously engaged in extensive land speculations;
That they marked as sold, vast bodies of the most valuable lands that were not sold;
That applicants for the lands thus marked were informed that said tracts were entered;
That they endeavored to sell the tracts thus marked at a "suitable profit by private sale;"
That failing to sell it, they entered it at the minimum price;
That they marked lands as sold for particular friends, who had not the means of prompt payment;
That at the time the present register took charge of the office, numerous tracts (about two hundred) were thus fraudulently marked.

2. That these officers were in the constant habit of selling the lands on a credit, receiving a separate note as a *bonus* or interest;
That at these sales final receipts were not made out until the purchase money and interest were first paid; and
That in the meantime the land was marked as sold.

3. That these officers appear on their sale-books to be purchasers of lands in their own names. And

4. That they stand charged with gross partiality and favoritism, and other devices highly vexatious to individuals.

Alexander McKay's Testimony—(Doc. 151, page 39.)

BRIEF.—That after Samuel Gwin ceased to be register of the Mount Salus office, and before Mr. Sumrall came into office, he, McKay, examined the maps with a view of entering west half of southeast quarter of section 10, township 5, range 2, west, which he found marked as sold; on examining the tract-book, found it was not sold; mentioned it to Gwin, who informed me it was not sold; that he had marked it and wanted it, but said that he, McKay, might have it; told Gwin that he had not the money, but thought he could get it of Wm. S. Jones; Gwin advised him to wait and he would get it for him; Gwin then gave him an application "for said land," which he deposited with Mr. Dameron, not signed, and told him it could lie so for one or two months, and then be saved for him. From his understanding concluded Gwin would pay for the land for him rather than he should lose it, but did not positively say so. At May election Gwin told him he had better enter the land or he might lose it. In a few days after that McKay called at the office, and was informed by Mr. Sumrall that Pitman and Gwin had entered it. Receiver informed him that the land was arranged. After the death of Mr. Dameron, and in November following, learned the land was not entered by Pitman and Gwin, and letter S had been taken off, with one other tract similarly marked; proposed an exchange of lands; Gwin referred him to Pitman, who proposed swapping him other lands in section 15, to wit: east half of northeast quarter and west half of southeast quarter; thinks these tracts were marked sold; this occurred in the summer of 1833, after the death of Mr. Dameron and before Dickson came into office; knows all these tracts were unpaid for, ("two of which Samuel Gwin promised to save for me;") after office opened he, McKay, applied for these four eighths; Pitman and Gwin also applied for the same; matter was then compromised.

REMARKS.—After I left the Mount Salus office, on the 4th March, 1833, I concluded to enter some land between Clinton and Raymond, that lay, as I supposed, on the road, and from my imperfect knowledge of the country, (not having examined the numbers,) believed the west half of southeast quarter of section 10, was the land I had seen and wanted. I took out an application for it, intending to enter it as soon as the new register should take his post. I learned from McKay that the tract I had applied for took part of Mr. Mellon's field; learning this, I was satisfied that it was not the land which I wanted, believing that the one I wanted lay west of the above eighth. I inquired of McKay as to the quality and situation, wishing to discover whether it was or was not the land I had looked at and wished to purchase. Upon McKay's expressing a wish to purchase the land that I had taken out an application for, I withdrew my application for it immediately, as I should have done anyhow, and, at his request, made out one in his name for the very same land; the office was then closed, and he deposited *his* application for the land with the receiver, but *deposited no money*. After this I have no recollection of anything that occurred in relation to this land; I had not the slightest claim to, or felt the least interest about it. I had at several times aided McKay in getting money to enter land around his mill, without charging or receiving any compensation for such services. He was at that moment owing a considerable sum of money that had been loaned him, at my request, at *only legal interest*, to enter lands around him. From these former acts of kindness he might have come to the conclusion that I would *pay* for the *lands for him*, but it must have been presuming very strong, as he knew very well that he had not met *any* of his previous promises punctually, as he was bound to do by his *word of honor*, and to *this day* he owes the money that he was most sacredly bound to pay in *four weeks*. All the subsequent transactions in relation to this land were without my knowledge or participation, as will not only appear by McKay's testimony, but by that of the present register and John B. Pitman.

But what does this prove? Not the slightest impropriety on my part. When McKay applied for the land, did I ask any *bonus?* Did I make any secret about it? Did I not tell him frankly that I had at one time "*wanted the land*," but declined taking it, as I was mistaken as to the tract, and without hesitation withdrew my application and made out one for him, not for pay, or to favor a friend? Did I, for one moment, insinuate or intimate, that the land was entered previously? No. He does not say that I attempted to dispose of it at "private sale for a profit," nor does any one else pretend that there was such an attempt. The whole affair, by his own statement, took place after I had ceased to be register, and not the slightest fraud can be imputed to me in relation to it. The moment I gave him an application for it, and withdrew mine, the letter S represented his claim and not mine, to secure the land for him, if he had paid, as he was bound in honor to do, the money for it as soon as the office opened, and not for me or Dameron. He does not say that I ever put up any claim for said land in my individual capacity. To prove that I had no design to defraud the government, or to take any advantage of McKay or any one else, and that I had no individual interest in said land, it is only necessary to examine that part of McKay's testimony where he states that, "*at the election in May, he (Gwin) told me I had better come and enter said land.*" If McKay did not, as soon as the office opened, come in good faith, and pay the money for the land, it was he that was defrauding government, and not me. It was through his default that the marks were retained on the map by the new register, and not mine. It was he that kept his application suspended in the hands of the receiver *by not paying* his money, and not me. The information that I voluntarily gave McKay, at the May election, is proof that I had not purchased an interest in the steam-mill, or had any knowledge of Pitman's putting in an application for this land; bnt it will appear by Pitman's testimony below, that at the time he *first applied* for the land, (which was after I left the office,) I had not purchased an interest

in said mill. (See document 22, page 47.) "Some time in the early part of the year 1833, (perhaps in April, May, or June,) Samuel Gwin suggested to me, I could make some arrangement with Mr. Dameron, the receiver, for some piece of land that was near a saw-mill in which I was interested. I accordingly mentioned the subject to Mr. Dameron, and he agreed to pay for some two or three eighths of land for me." He further states, "Some time while Mr. Dameron's bad health prevented him from attending to the duties of his office in person, I was informed said land was not in fact entered." I had in this time purchased a share in said mill, and as Pitman represented to me that we must enter some land for timber, he states that "Mr. Sumrall gave me (him) the applications for the land, and I handed them in to the clerk of the receiver's office, and informed him Gwin had money in deposite to pay for the land. The application was laid aside until Mr. Dameron was present, to settle with Gwin; *said land was marked sold after I took out the application.* It is further proven by this witness, that he, Pitman, failed to pay for said land, and *in his* (Pitman's) *presence* the letter S was then *scratched off* by Mr. Sumrall, the register. Mr. McKay states that in November he examined, and the letter S was *scratched off.* About the last of August I left the county for Chocchuma, and did not return until the December following. This ought to satisfy the most credulous, that I had not the slightest agency in the contention that arose between Pitman and McKay. But Mr. Sumrall states (doc. 151, page 54) that "there are two or three eighths of land lying in sections 10 and 15, T. 5, R. 2, W., near which I suppose the said steam saw-mill is situate, about which *John B. Pitman and Alexander McKay* had some contention, a part of which has since been entered by John B. Pitman and Samuel Gwin in copartnership, and a part by Alexander McKay."

But none of this difficulty *could have arisen* if McKay had, in good faith and as he was in honor bound to do, paid for the land the moment Mr. Sumrall took his post. At that time there was no other applicant for the land, and he, and he alone, is guilty of an attempt to defraud. The information that I gave him in May, at the election, satisfied him of the error in his supposing that I would enter the land for him. Why did he not then pay for the land, or inform the register of his inability to do so, and have the maps corrected?

I will now call your attention to another part of this deposition, which will establish an attempt at subornation of perjury on the part of William S. Jones and Isaac Caldwell, or of the perjury of the witness. It will appear from McKay's deposition, (doc. 151, p. 39,) that he "*examined the maps of said office with a view of entering W. half of S. W. quarter, section* 10, *T.* 5, *R.* 2, *W.*" In page 40 he states that "Samuel Gwin then gave or ordered to be given me an application *for said land,* (alluding to the above *W. half S. W. quarter,*) which was left with Mr. Dameron. Gwin then stated it could lie so one or two months, and that the land could then be saved for me. From my understanding of what he said, I thought he intended to pay for said land for me." Without any other allusion to any other promise, as made by me to save any other than the above W. half S.W. quarter, McKay, in the last two lines of his deposition on that page, (40,) states, "I examined the maps again, and found the letter "S" marked on these three eighths (*two of which Samuel Gwin promised to save for me.*") Again:

McKay admits that when he first applied to enter this W. half S. W. quarter, that it was "*after Samuel Gwin had ceased being register of the Mount Salus land office, and before Mr. Sumrall took charge of the office,*" and yet he states a little further on, that "*I told him* (Gwin) *I thought I could get the money of William S. Jones,*" to enter the said land. Now it is apparent from these two quotations, *first,* that the office was closed, and *last,* that he (McKay) *was going* to get the money of Jones to enter the land, at a time that he admits the *office to be closed,* and he could not enter it.

William S. Lindsey.—(Doc. 151, p. 41.)

BRIEF.—That on or about the 31st of December, 1832, he applied to Samuel Gwin, register of the land office at Mount Salus, to enter E. half N. E. quarter-section 20, and W. half N. W. quarter-section 21, T. 7, R. 2, E. He found both tracts marked with "S," and asked Gwin who had entered said land, and let him see the book; but Gwin stated that it was too much trouble, and would not examine the book. Some time in July, 1833, he understood said land was not entered, which Gwin had told him was; that J. Dunbar and D. Hunt entered the same, July 24, 1833.

REMARKS.—It cannot be expected that I can recollect all the conversations that may have taken place in the office while I had charge of it. When pressed with my official duties, I could not answer every idle inquiry that might be put to me, especially when such inquiry required me to consume much time in searching books, at the expense of other applicants who were waiting and pressing to be discharged.

I have an indistinct recollection of having some few words with a very troublesome *little* man named Lindsey, who wished me to examine where certain individuals had entered land, he not having any numbers of his own, but wanted me to examine the tract-book, so that he might ascertain the section, township, and range, they had entered in, when he would determine whether he would enter or not. It was not my duty to search over my books to find numbers for him to enter by. I asked him if he was then ready to enter *any land;* he informed me he was not, but would be soon. I have no recollection of his describing any land, in fact I know he did not, for he could not describe it without first knowing where some one had entered that he named, which information, from the press of business, I declined to give. If I had been at leisure, I might have gratified him, but at the expense of other applicants, who had their numbers ready, and were waiting, I would not detain them on his account. I never told him that the land above described was marked as sold, nor were they marked as such at that time, as will appear by Mr. Sumrall's answer to the 9th interrogatory, (doc. 151, page 54:) "*I know nothing of said marks,* except that I perceive by the books of the office that it was entered by J. Dunbar and D. Hunt, on the 24th July, 1833, at which time George C. Dameron attended to my office in my absence. *By whose hand the marks were made I cannot tell.*" Mr. Sumrall knew my handwriting well, and a few days past I examined these letters, and I now say, without the fear of contradiction, that I never did make them. I am fully satisfied that they were made *at the time the land was entered,* and not before, as stated by Lindsey. I will here insert Mr. Sumrall's answer to the 7th question in his deposition, hereto appended, No. 1: "I have had numerous instances to occur in which the applicant was mistaken as to the description of the tract wanted, and when there is a press of business, persons frequently go away under the belief that the tract for which they came was entered, when in fact (from their incorrect description of it) it was vacant, and perhaps subsequently entered by another, in which case the register is uniformly blamed." Lindsey never made an entry in the office while I had charge of it, without first referring to other entries previously made. He never pretended to get the numbers from the comers, but entered by other entries. When at leisure, I would gratify him and search the books, but this accommodation he construed into a right to demand of me services not embraced within my duties, which I resisted at times, as above stated, and which accounts for his appearance before the public, with others, maliciously combined to ruin me.

Jacob Williams.—(Doc. 151, page 45.)

BRIEF.—That about the 1st August, 1832, he applied to Samuel Gwin to enter some land for him. Gwin said he would see Mr. Dameron; that they were together; they agreed to enter it. Williams wanted two eighths and two forty-acre tracts; wanted *three months* to pay it in, if he sold a negro, but if he did not sell wanted longer time; offered to give *thirty dollars*, and pay in *three months*. It was agreed to. Gwin drew writings, and agreed to take *twenty-five dollars;* drew two notes equal, making in all $325, interest not included, in separate notes—notes payable to Gwin and Dameron; memorandum on each note, that if Williams did not pay as agreed upon, it would be optional with them whether he got the land or not. Mr. Dameron agreed to take beef, and credit his note, which he got several times. Williams became suspicious that the land was not entered. Wm. S. Jones had plenty of money to lend. Williams informed Gwin and Dameron that he was going to lift one of the notes; informed them W. S. Jones was going to aid him. Gwin told Williams that he had paid him nothing; stated that he did not like to give up the land till he got some interest; asked $16, to be paid that day. Williams promised to pay the next day; came to the office the same day. Gwin was absent. Dameron knew nothing about the notes. Jones and Williams, when about leaving the office, were told by Dameron to come back in the morning, and he would search for the papers. They returned next morning. Dameron found the papers, and tore up certificates for land, and Jones entered one eighth in his own name, and Williams the forty-acre tract, and transferred it to Jones. Williams again returned to the office, and paid "*them*" the $16 interest. "*Before my crop came in I handed them* over twenty dollars." "*Young Mr. Dameron paid me, not a great while since, the* $20 *I had paid his father.*" In December, 1833, the remaining land was still not entered, when Jones deposited the money on it; that this land was only marked as sold at that time.

REMARKS.—This is one of the *few cases* where George B. Dameron and myself did agree to enter lands for others, not as described in the above tale, but simply in the following manner:

Williams had importuned me at various times to enter the land on which he lived, and that he would pay me at some short time. He represented himself as being in a destitute situation, with a large and helpless family; that he had during the last war fought bravely for his country, and all that he wanted was a little time, and he would be able to pay for his home. He also stated that he had a neighbor that was attempting to drive him from the neighborhood and his home, and who was then trying *to borrow* the money to enter his place, and compel him to move away, and unless we did agree to secure his lands for him, he would be ruined. This appeal had been repeatedly made to Mr. Dameron and myself. I at last felt a deep interest in the old man's procuring his home, and named the subject to Mr. Dameron, to know whether he could or could not enter the land for him. Mr. Williams in a few days again called at the office, and made us an offer of some sum of money to enter the land for him, and wait a few months. We then informed him that we would do it, *provided* the land was *good*. We *would not agree*, under any circumstances, to enter the land until we were satisfied that it was of some value, in case he failed to pay us, which we expected. He was fully advised of this determination; and to give us time to ascertain the quality of the land, and be fully satisfied on the subject, we took his note, or notes, for a sum not now recollected, specifying in the body of the note the consideration for which it was given, and also conditioned *that if, upon examination or information, the land was not as good as we expected, or as we could get in the country* at the same price, then the note was null, and could not be collected of Williams. There was not the slightest mark put on the map indicating that this land was sold; but there was a pencil-mark placed on it, that I might know the land, should it be applied for by any one else; in which case I was confident that I could, by persuasive means, prevent its being entered. He was protected by the pre-emption law on the eighth on which he resided; but, as he represented, the most valuable land was on the other eighths. In the meantime, I took every means in my power to ascertain the quality of the land, so that we might make the entry. I soon ascertained that the land was considered of very *inferior quality*, and that Williams was entirely unable then, or as was believed, would be, at any future period, to pay for the land; that, instead of his selling a negro to pay for it, *he had none to sell.* And, in addition to this, we learned that he was a very troublesome man, and had scarcely a friend in his neighborhood. We then determined not to enter the land at all, and I sent him word by several persons to that effect. This soon brought him to Clinton, and I then informed him of at least my determination, and at the same time I handed him his note out of my own hand, and informed him that it was probable that Jones would let him have the money to enter part, and the pre-emption law would, to the 8th October, protect the eighth on which he lived. From that time to the present, I have never had or seen the note, nor has Williams at any time in his life paid me any money, nor has he ever "*paid them*" (making me one of the persons) any sum in his life, nor have I ever received any sum, through any other person as coming from him. He owed me nothing, and I have received nothing from him. If my memory serves me, he, in a few days, called at the office with William S. Jones, who entered an eighth, and Williams a forty-acre tract. At the time of this entry, I heard Williams and Mr. Dameron have a kind of settlement about beef, and, as I understood them, the amount that was due Williams for beef was paid on the forty-acre entry then made by Williams. Upon Jones and Williams closing the entry, the land for the first time was marked as sold on the maps. The tracts not entered then were not marked, nor do they now appear in my handwriting, as will be seen by Mr. Sumrall's answer to the 8th interrogatory, (doc. 151, page 54:) "The east half of southeast quarter, section 17, and the south half of east half, of southeast quarter, of section 21, T. 7, R. 3 W., *were marked sold, I think*, before I came into office; but how they came marked I know not. *I believe the mark on the east half of southeast quarter of section* 17, is in the handwriting of George B. Dameron."

This is a simple narration of all the circumstances connected with this case; in every act of mine in relation to it, there is not, there cannot be the slightest impropriety, or the least intention, *or the remotest possibility*, to defraud the government. If we had in fact agreed unconditionally to enter the land at one time, and then declined doing so, it was no more than our right, for it is admitted by all, that before Jones and Williams made the entry there were no marks on the maps indicating a sale; how the other tracts became marked off is more than I know. The one marked off by Mr. Dameron, I have no doubt was correctly done, or was through mistake for some other tract sold. It will be seen that the commissioners, in their heated, partisan, and malicious efforts to injure me, have warped this ignorant old man into an indirect contradiction of his own evidence, or perverted his language to suit their own vile purposes. He states that he paid "*them the sixteen dollars interest;*" in the former part of his evidence he states that I said "*you have paid me nothing,*" &c. * * "*you must pay me sixteen dollars to-day.*" Now, as this part of the evidence is *entirely false*, the deception is exposed a little farther on, where he states he paid "*them the sixteen dollars interest,*" using the word "*them*" when as he states the *money was coming to me.* As before remarked, Williams never did pay me any money, and if I had the power to coerce his attendance to give evidence, I could and would prove the fact by himself; he cannot nor will not say that he ever paid me any

money, or any one else for me; it is all a perversion of the truth or a wilful falsehood. Again, this deception is practised by the commissioners in another part of his evidence, where he states that he "*handed them over twenty dollars*," and he states in regard to it that "young Mr. Dameron paid me not a great while since *the twenty dollars I paid his father*." In one place he paid "*them*," (alluding to Mr. Dameron and myself,) and in the next he paid the "*father*" of young Dameron, all alluding to the same fact. I believe it is all a sheer fabrication of his paying Mr. Dameron any money; I never heard him speak of such payment; if he did, it was included in the payment made by Williams for the forty-acre tract purchased by him. It is an easy matter with certain men to bring charges against the dead; they are not here personally to meet the calumniator face to face; but these poisoned arrows fall harmless on the minds of *all who knew* Mr. Dameron, as will appear by the characters given the *accused* and the *accusers* by their neighbors, which is annexed to this defence.

Burrus Haley.—(Doc. 151, p. 45.)

BRIEF.—About the last of October or first of November, 1832, George B. Dameron and Samuel Gwin agreed to enter two eighths of land for him, and wait till 1st March, 1833, for the money; was to give them $10 for each eighth; gave his note for amount; register gave him the applications and he handed them to Mr. Dameron; applications were filed with the note for the land; refused to issue receipts; land was marked sold on the maps; wanted more land afterward; enclosed them a note for $330, due as above; not hearing about the last-named entries, he came to the office—found that all the eighths had not been marked sold; Gwin then marked the whole sold by putting letter S on each. On 28th February, 1833, called to pay the money; first applications could not be found; new ones taken out and receipts dated that day; inquired if land had been returned sold to government, and was informed by Gwin that it had not, because he was so far behind with his books that he had not come up to it.

REMARKS.—George B. Dameron and myself did agree to enter the lands described by the witness, with the following variation or omission on the part of the witness in his statement. Some time in November, 1832, Mr. Dameron received a letter from Burrus Haley, asking him to enter certain tracts of land for him therein described, (the number of tracts not now recollected,) and that he, Haley, would be down to the office in a short time and pay him for the land, and satisfy him for his trouble. I was not in the office at the moment this letter was received, and when I came in, it was handed to me to make out the applications, which I did, and enclosed them in the letter, and placed them on the receiver's table, for him to issue receipts upon at his leisure and convenience. Some short time after this, Mr. Haley called at the office, and, on examining the maps, found the land that he had applied for marked as sold. He inquired of me who had entered it, and I told him I could not tell, as my books were far behind. He then remarked that he had applied for this land by letter, and I then recollected the circumstance. It was late, and I in a few moments left the office for the evening, leaving Mr. Haley in the receiver's office. Things remained in this situation until another letter was received from him as described, enclosing his note for some amount, not now recollected, (as I never had the note in my hand to my recollection.) This letter was also placed in my hands to issue the other applications on. Not feeling satisfied on the subject, the letter was laid aside without issuing the applications. In a few days Haley came to the office, and after examining the maps, he found the land he desired was not entered for him, as he had expected, and asked me if I had seen his letter to Mr. Dameron; I replied that I had. He then informed me that he and Mr. Dameron had made an arrangement, and he was to enter it for him. I immediately spoke to Mr. Dameron upon the subject, and he remarked that he had concluded to enter the land for Haley. Upon this, I made out the applications, and marked the land on the maps. Soon after Haley left the office, Mr. Dameron informed me that he had agreed to enter the land for Haley. This must have been in the latter part of November or first of December. I told him that the entry had better be made in his name, as I could not, by the instructions, enter in mine. This was done as security, knowing that the land was valuable. The former receipts I think had been made out in Haley's name, and could not then be found conveniently, and it was deferred until he had more time to search for them. In a few days after this, I left the office on a visit, and did not return to it until about December 20. On my return the subject had entirely escaped my memory, and I was only reminded of it by the appearance of Mr. Haley to pay the money. During my absence, as Mr. Dameron afterward informed me, some person had made some inquiry about the land, which determined him again to search for the papers and make the entry, but he could find neither application, note, or letters, nor have they ever been found to my knowledge. Mr. Dameron did not recollect the land or the description of it, which, as he informed me, alone prevented him from entering the land while I was absent. It was this alone that prevented the land from being entered long before it was. I should here remark that, for some time previous to this, Mr. Dameron's health was rapidly declining, as will abundantly appear in the annexed depositions, (Nos. 2 and 3.) While I was absent the business had accumulated so fast in the office that it required all the force that we could employ to carry on the current business, and had frequently to lay by such business as could lie over, to attend to the pressing demands on the office. No doubt, had this not been the case, the subject would have occurred to us, and would as certainly have been disposed of. It was about the 20th December, (or within one or two days after my return,) that the affair of Cox took place, (which will hereafter be explained,) and from the very same causes was neglected, and has been the subject of much speculation and rejoicing among a certain set of men. Could you have seen everything connected with both of these transactions, I should not have written a line. It proves to me that the most innocent transaction of a man's life may be distorted so as to give it the appearance of guilt.

Robert Matthews.—(Doc. 151, page 49.)

BRIEF.—John Matthews applied to enter the east half of the southwest quarter, section 36, township 6, range 2 west; states that Samuel Gwin, register, refused, and would not let him enter it, but offered to bid for it, which he refused, as he only had money to pay for the eighth. Robert Matthews then came to the office and proposed to enter it; Gwin urged him to bid for the land; Matthews stated that the land lay adjoining his, and within two or three hundred yards of where he was building. Gwin still refused; at length Gwin proposed to divide the eighth, and each take a half, which was agreed to, provided Gwin would let him have the half adjoining his former entry; but Gwin refused, and he was compelled to take the other half. Understood afterward it was not entered at that time, but only the word Gwin written across it, but was entered on 10th August, 1833.

REMARKS.—As far as Mr. Matthews has gone, his statement is, in the main, correct; but a further development of the transaction will show it to be fair and blameless.

I purchased of Mr. L. Wilkinson the west half of the northeast quarter, and the east half of the northwest

quarter, of section 36, township 6, range 2 west, and had given him what was then considered a high price for the land. The Matthewses had entered previously the southeast quarter and the west half of the southwest quarter of said section; and the only way that I had left to extend my settlement, was by entering this land. Every other adjoining tract was entered. I was prevented, by the instructions from the General Land Office, from entering it in my own name, unless through the surveyor general, whose office was at Washington, *one hundred miles distant.* This eighth was highly necessary, with the land I had purchased, to make a family residence. The surveyor general, whose family resided in Clinton, was expected at that place, when I intended to enter the land. But before the surveyor general came to Clinton, Mr. Matthews applied to enter the land. I informed him that I had been waiting for Mr. Fitz to come up to Clinton, when I intended to enter this land; that it was the only vacant land that lay adjoining mine, and that I could not do without it. I showed him where he might extend his settlement without taking this, when both could have been served. He kept grumbling about it; that it lay adjoining his, and that he thought he ought to have it. I then told him that it lay adjoining mine, and the only vacant land that did, and that he should not have it without *bidding* for it, as required by the instructions, and told him that I would give $1 25, and asked him if he would give more; which he declined. As I thought then that he was a worthy man, and as I did not wish to incommode him in the least in his future views, I proposed, for good neighborhood, that we should divide the eighth, although it would, and has, seriously injured my settlement. He agreed to it; but strange to tell, he wished me to take the end that had no connection with my land, and he take the one adjoining me. I replied that I would as soon not have any as to have it detached from my other land. He seemed convinced of the unreasonableness of his request, and agreed to take the other end. All this happened, as I thought, in friendship, without the least heart-burning. As far as I could discover, he was perfectly satisfied at the compromise, and I heard nothing more about it until William S. Jones, Isaac Caldwell, and others, confederated to distort and misrepresent my transactions, with the view of gratifying their own malicious feelings, and subserving the malignant and party purposes of others behind the screen. When we agreed to divide it, I was not bound then to enter it. We had agreed on a certain line between us, beyond which neither was to go. Matthews knew very well that Mr. Fitz, the surveyor general, was the person through whom I was to enter, and he knew very well that he was then at Washington, and that I could not immediately enter the land. In honor he could not at any time after the compromise enter it. The land lay in this situation until after 4th March, 1833. The surveyor general did not visit his family at Clinton, from the above period until after I went out of office, when it was not necessary for me to enter it through him. I then took out an application, and took the oath necessary to enter a forty-acre tract, and handed them to the receiver to issue a receipt upon as soon as the new register should arrive. At the time I took out the application, and took the oath, I marked my name across the tract, first in pencil, and then in red ink. My application for this land, and several others, were laid aside for the above reason. When Mr. Sumrall came in there was such a press on the office by persons from a distance, that all that could wait were required to do so. The receiver's health was very bad; and with all the force he was able to employ (without committing errors) was not sufficient to keep up the current business. Not dreaming that Matthews was anything else but satisfied, or that any one else could or would be injured, and as I was not pressing, I did not take out the receipts until just before I left Clinton and Chocchuma, and then I had to transact my business with Mr. Dameron, at his own house, as he was unable to go to the office from weakness.

If there is anything wrong, improper, or illegal, in this whole transaction, those who discover it must have keener optics than mine; I had as much right to this land as Matthews had, or any one else; my refusing to let him have it without bidding for it was in strict conformity with the law, and this, of course, the committee cannot object to; I violated no trust, deceived no one, and as reckless as my persecutors are, they dare not say that I have attempted to sell it for a "*bonus;*" Matthews in honor could not enter it, and no one else would have it. This whole farce is the spurious offspring of a few desperate men, who are ever ready, and have, in fact, stopped at nothing to consummate their black designs.

In this, as well as in nearly every other of the depositions taken by the Senate's commissioners, their personal hatred and heated partisan zeal have had a tendency to make them blind to their duty; to distort and misrepresent truth, and in their wanton course to prostrate justice and character. Matthews, in his deposition, is made to say, in regard to dividing the eighth, that he would agree to give "if he (Gwin) would let me have the *half joining my former entry,* which he refused, but told me I could take *the other half;*" meaning, of course, the half that did not join his entry. For the entire falsity of this statement I will refer you to deposition No. 1, and the last answer in it. From the diagram laid down by the register at the office, it will appear that this half that Matthews represents under oath as not joining his former entry, does in fact, join both his former entries on the east and on the west.

Joseph D. Peebles.—(Doc. 151, p. 46.)

BRIEF.—Knows that five eighths of land on Mississippi river were marked as sold on the register's maps, when they were not; that Samuel Gwin marked said land off under circumstances that he knew it was not sold, they being entered for his (Peebles's) use, but were subsequently entered by William M. Gwin in the name of Harry Hill; thinks the land was entered in March, 1833; thinks Samuel Gwin was partial to his brother; Peebles applied to Dameron to borrow the money to pay for this land; Dameron at first agreed to lend the money, but afterward declined, and told him to take out applications and deposite them in his strong box; went to New Orleans, and when he returned Dameron told him William M. Gwin had entered the land; also, told him William M. Gwin had applications out for thirty-odd eighths, but that he had $4,500 on deposite *to pay for it;* Peebles deposited $1,200; and shortly afterward applied to S. Gwin for twenty lots, which his brother had taken out applications for, which were marked sold but not paid for; Peebles at length *made* Samuel Gwin give him the applications; same occurred to other lands; Samuel Gwin at last "told me (P.) if I would not enter these lands he would burn the receipts for the *five lots,*" which he (P.) agreed to take the *three lower lots;* Gwin then took out the receipts for these and burned them, and P. entered the land.

REMARKS.—It is with much difficulty that I can restrain my feeling in replying to this witness, and keep within the bounds of that decorum that is due you. Words are used to convey ideas, and if I were to use suitable words to convey my ideas on this case, they would be probably, and perhaps properly, objected to by you. As disagreeable as it is to come in contact with a being so infamous, so corrupt, and so depraved as I *know* Joseph D. Peebles to be, yet it is my duty to you, to myself, and to the public, to expose his base acts. This, to me, is the more disagreeable from the fact that he has an amiable family and respectable connections. The fault lies not at my door.

This man was well aware that I knew how disgracefully he had acted in regard to this matter, therefore, he

flings himself into the arms of Jones and Caldwell to prevent the exposure of his conduct. From the annexed testimony of men of the highest character for veracity and honor, it will be seen that *he himself falsely marked this land* on the maps. He knows very well that he and myself had a quarrel about it, and but for delicate and restraining circumstances I should have prosecuted him for *forgery* in falsely marking the official maps. I will give a brief history of the whole transaction.

Peebles and William M. Gwin had been examining land on the river, and each had purchased out some settlers on it, and contemplated the extension of their settlements. In my presence, and to prevent future difficulties between themselves, they mutually fixed a certain section line as the boundary of their future purchases, beyond which neither party was to go. In December, 1832, Peebles again visited the country, and, on his return, he, in a joking way, asked me if I could not mark off some lands for him, and let it remain so until he could get the returns for his cotton from below. Whether serious or not, he soon found my feelings on a proposition of such a nature, and he turned it off as a joke. He did not name the lands he wished me thus to mark. He lived in my house, in the yard of which the office stood, and had been in the habit of having free access to it at all times, and permitted to examine the maps for hours, without the least suspicion on my part. Some time after his visit to the river, I discovered several marks on the maps, indicating sales that I had no knowledge of, and the letter S was in a strange handwriting. I called on Mr. Dameron to know if he had made them, and, upon examination, told me that he had not. Peebles, learning that I was making inquiry as to these marks, came into the office one evening when I was alone, and began to speak about it. He informed me that he had himself made these marks. I became highly incensed at such conduct, and threatened to have him prosecuted. He appeared very sorry at what he had done, and protested that he meant nothing improper in so doing; that he had discovered some men in town, and perhaps in the office, some time before, who, he believed, intended to enter this land—to prevent which, and give him time to procure funds, he did mark it as sold, intending to apprize me of the fact, and would have done so sooner, but that he had been at his plantation for some time. He then went into the receiver's office, and, after some conversation, returned again to my room, and again apologized for what he had done, and informed me that he had gotten the money of Mr. Dameron to enter the land. I informed him that he could not enter it; that I should report the case to the Commissioner of the General Land Office for his action. He then retired to his dwelling-house, and, after remaining there some time, again returned to the office, still expressing great sorrow at any difficulty that might arise between us on this subject, and declaring that he had marked the land as sold himself. After reflecting on the subject some time, and reviewing my domestic situation, I concluded to drop the subject. I then inquired of Mr. Dameron if he was going to advance the money for Peebles, and I understood him to say that he was. In making the applications, I discovered that Peebles was violating his original agreement with Dr. Gwin, and asked him if he was not. He replied that the doctor had consented for him to enter the land he was then applying for on his side of the line, and upon this I gave him the applications. Dr. Gwin was not at that time in the country, and Peebles left immediately for New Orleans. The doctor soon returned, and inquired who had entered the land, (pointing out the land Peebles had, as I thought, entered, on his side of the line,) and, upon my informing him who had, he became very much excited, and abused Peebles for violating their contract. Mr. Dameron, hearing the conversation, came into my office, and informed Dr. Gwin that he had not in fact loaned him the money, and that the land was then subject to entry; that he would not loan Peebles the money under these circumstances. Upon this, Dr. Gwin demanded applications on the same land. I remonstrated with him, knowing that it would create a suspicion of my being partial to my brother; but he persisted, and I gave him the applications, and he paid the money on them, and took out receipts for the same.

On Peebles's return, Mr. Dameron informed him of what had happened, and, without saying anything on the subject, he went off and *got drunk*, and in the course of the evening returned to my office and began *to cry*, alleging that the loss of this land would ruin him—that he had looked upon my brother as his best friend—that he was his family physician, and that he would and had trusted his life, and the life of his family, in his hands. After whining for some time, I told him that I had done all that I could to prevent the entry; and I also told him to go to bed and *get sober*. Dr. Gwin was then absent, and did not expect to return for some time, and an appeal to him could not be made. It was in my presence that this line was fixed upon as the boundary, and Peebles, in bad faith, as is the nature of the man, had first violated this agreement by taking two eighths that he should not, and when Dr. Gwin found the treachery of Peebles, he felt himself absolved from it, and took three that lay on Peebles's side of the line. Peebles came into the office next morning, and took out some eight or ten applications for lands that lay adjoining his, but not, as he *falsely swears*, for lands that Dr. Gwin had previously entered. After he had taken out his receipts, he again stepped into my room, and asked me if I could assist him in arranging the difficulty with my brother. He acknowledged that he had done wrong, and that the land that he had applied for on Dr. Gwin's side of the line, he intended to have let him have at what it cost him, and begged me to assist him in getting the three eighths that lay on his own side. After reflecting on the subject, I went and consulted with Mr. Dameron, and stated my awkward situation, and the liability I was in of being charged with partiality. Mr. Dameron concurred with me, that, situated as our families were, I might, with safety, confine the parties to their original agreement, and that Dr. Gwin could not, under all the circumstances, object to such a course. I did this from the purest motives, for the harmony of the two families, and believed that I could convince Dr. Gwin that it was an act of justice, and in accordance with their original compact.

Every word of Peebles's statement of his applying for lands then entered by Hill and my brother, is false, and destitute of even the shadow of truth. According to his own evidence, the land was in fact and in truth entered; for he states that Mr. Dameron informed him that Dr. Gwin had "thirty-odd" applications in his hands, and he also had "forty-five hundred dollars on deposit, in his strong box, to pay for it." The reasons why receipts had not in fact issued, are fully given in Mr. Pratt's 8th, 9th, and 10th answers to interrogatories, hereto annexed, (No. 3.) I look upon his remark that he "*made*" me give him the applications, more in mirth than anger. Joseph D. Peebles *make* me do a thing that I did not wish!!!—a man that carries the *scars* on his own person, of his cowardly degradation, in a conflict about some of his other *swindling land transactions*—a man that stood and took his chastisement without making the slightest resistance; for such a man to say, and that on oath, that he "*made*" me! He knew it was much easier to swear this than to attempt to enforce it. Instead of menacing, he was in the *crying* humor.

I will, in conclusion, here extract several answers to interrogatories propounded to some of his neighbors, who know him equally as well as the convenient character-certifiers, Isaac Caldwell, Wm. S. Jones, H. G. Johnson, and J. B. Morgan.

James McLaran states, "I do believe that when J. D. Peebles is intoxicated that he is very desperate and abusive, much more so than common men, and that in that state of derangement he can be, on the slightest causes,

excited to almost phrensy; and, at the time, reckless of consequences, of which when sober he would have no recollection, nor retain a single participant feeling of." It has been suggested that Jones and Caldwell watched their opportunity, and caught him when intoxicated, to take his deposition. Of this I know nothing; I am informed that he is almost continually in this state when from home, and that it would be a hard matter to find him sober.

That he falsely marked the maps in the above case, will appear apparent from his own confession. Mr. Sumrall, the present register, states that "Joseph D. Peebles did tell me that he (Peebles) marked the maps falsely, while S. Gwin was register, but whether or not it was by Gwin's consent, I do not recollect." John J. McCaughan states, "I have heard that Joseph D. Peebles did mark maps in said office, and has since boasted of it in his drunken mood." Seneca Pratt states, "I did hear Joseph D. Peebles say that he had marked on the maps of the office lands as sold that were not, *without the knowledge of the register*, but recollect no particulars, except that he wanted the land and had not the money, at that time, to pay for it."

Rufus K. Powr.—(Doc. 151, p. 46.)

BRIEF.—Applied to Dameron to enter him two forty-acre tracts; Dameron agreed to enter them for $140, payable in six months; took out applications and handed them to Dameron. Gwin, he thinks, wrote the note, payable to Gwin and Dameron. Shortly after note fell due, paid $100 of it, and "told Dameron I would pay him the balance in a few weeks;" never saw Dameron afterward; understood land was only marked as entered when Dickson came into office; he then entered it.

REMARKS.—I am not able to say anything on this case, as I never, to my knowledge, saw Powr in my life, and have not the remotest recollection of any of his statements.

The following answer of Mr. Sumrall to the 6th interrogatory (doc. 151, p. 54) may fling some light on the subject: "The E. half of S. E. quarter and W. half of N. E. quarter, section 12, T. 7, R. 3 W., was marked on the map as sold, when I took charge of said office. The reason why I permitted said land to be entered without waiting to have instructions from the General Land Office is, that G. B. Dameron indicated to me that he had marked it for R. B. Powr, who he expected would enter it, and the said mark on the map does appear to be in the handwriting of G. B. Dameron." Again, David Slay, in 18th and 27th answers, (doc. 151, p. 79,) states, "Geo. B. Dameron, late receiver at Clinton, or Mount Salus, refused to permit me to enter a piece of land, and *pointed out a few small dots or spots*, made apparently by a pen, and which Mr. Dameron admitted he had made; and further, that said land was not entered at that time, but was entered some few months afterward by a neighbor of mine." "Very shortly after the passage of an act of Congress authorizing individuals to enter tracts of land in forty-acre tracts, I applied for the entry of N. half of W. half of N. E. quarter, section 12, T. 7, R. 3 W.; and Geo B. Dameron, the then receiver of public moneys at Mount Salus (and at whose office the entry was to be made), peremptorily refused to allow me to do so, and said land was afterward entered as stated in the above answer. Further, Mr. Gwin, the register of said office, insisted on giving me an application for said land, and in the presence of Mr. Dameron; but Mr. Dameron still persisting in not letting me enter it, I did not take out an application." Powr states that he "applied to Mr. Dameron to enter me two forty-acre tracts, to wit: N. half of E. half of S. E. quarter, section 12, and S. half of W. half of N. E. quarter of same section, T. 7, R. 3 W." Mr. Slay states that he "applied for the entry of the S. half of W. half of N. E. quarter, section 12, T. 7, R. 3 W., and Geo. B. Dameron peremptorily refused to allow me to do so." Powr states that when he afterward entered both eighths, they were "twice marked on each with the letter S." Mr. Slay states that Mr. Dameron "pointed out a few small dots or spots" as the only marks on said land. This was while I had charge of the office, and, as appears from Mr. Slay's evidence, these "dots or spots" were not considered by me as indications of the sale of the land, for I offered and insisted on Mr. Slay's taking it. Now, if Powr applied to enter only two forty-acre pieces, how came the two eighths marked off? One thing appears plain, that the land was not marked off as sold when I had charge of the office, for Mr. Slay states that it was entered a few months after he applied, and Mr. Sumrall states it was in fact entered on 22d November, 1833, and I left the office on 4th March, 1833, more than eight months before. I will not say that Powr did himself mark this land as sold on the map, for I am informed that he is so ignorant that he would not have sense enough to do such an act; but I do say that I firmly believe that some one of those men (Jones, Caldwell, and others) who have been so active in this matter, did so mark the map. They found him ignorant and liable to be imposed on, and could be used to answer their purposes. The discrepancies between his evidence and Mr. Sumrall's and Slay's may not be the result of corrupt intention on his part, but is the cunning design, the wicked artifice of such men as Jones and Caldwell, and a few others. I would call your attention to another fact in this deposition, that goes to prove that this ignorant witness has been tampered with by the above men. He states that in September, 1832, he applied to Mr. Dameron to enter this land, and gave his note for the money, due in six months; that a few days after this note fell due, he paid $100 of it; that he thought the land was entered until Mr. Sumrall came into office; that when S. W. Dickson took charge of the receiver's office, he again applied for the two eighths. Taking the middle of September, 1832, as the probable time the note was given, it fell due on 15th March, 1833, a few days after which time he paid, as he alleges, the $100; that he then thought the land was entered, until after Mr. Sumrall took charge of the office, who informed him that it was not. Now, Mr. Sumrall commenced business, I think, about the middle of April, 1833, and Mr. Dameron died the last of September. Powr was informed by the register, soon after he came into office, that it was vacant, and yet he did not inquire into it, or what had become of his $100, or apply to enter the land, until after Dickson was receiver, in November of that year. This shows a wanton indifference to his interest, that no man would be guilty of, if he was in his right mind, or it shows that his evidence does not detail the facts, the whole facts of the case. That he should be advised of these things for *six months*, while Mr. Dameron was living and in the same county, and *never inquire into them*, or say a word about them, until after he *was dead*, will be, to the inquirer after truth, a matter of astonishment and doubt. As before remarked, I know nothing of the case from personal recollection or knowledge; and, as I published to the world, in December, 1833, as far as I was concerned, the whole statement of Powr to be false, and, I now repeat, *it is false.*

Avery Nolen.—(Doc. 151, p. 37.)

BRIEF.—Some time in November or December, 1832, he applied to Mr. Dameron to enter him some land; Dameron could not decide until he saw Gwin; they conversed together; Dameron asked Gwin the amount, was informed that land came to $150, and interest on it, in all, to $225. Gwin told Nolen, "You can pay it on 1st

March;" complained of interest; interest was to be curtailed, if sooner paid. Dameron wrote note; applications were folded with note. Short time before Gwin left here, Nolen called upon him "*about the land scrape;*" Gwin appeared obstinate, and seemed not to know him; was informed that Dameron wanted to close his business. Nolen replied as quick as possible; soon after found land was not entered.

REMARKS.—This, like the last, I have not the slightest recollection of. I never saw Nolen, to my knowledge, in my life; and I am sure that this tale, when first heard of by me, was entirely new in all its details. I had published, in the State-Rights Banner, of Jackson, a notice in December, 1833, that the whole statement was false; that I never saw the man to my knowledge, nor did I ever see or hold a note of his in my life.

To show you how these contemptible men, Jones and Caldwell, have managed to deceive the public, I will here quote the answer of Mr. McLaren to the 20th question, hereto appended, (No. 2:) "A few days after the offensive publication alluded to appeared, I did have a conversation with A. Nolen and his brother John, on the subject, when he denied *having any hand in wording, or in any manner authorizing the offensive part alluded to,* but stated it *was not mentioned while he was with Jones, and that it was made up and added after he left Jones' office, without his knowledge or approbation,* and that could he *have written* it would not have occurred."

I will leave you, and all honorable men, to judge of a man so hardened in iniquity, so callous to moral principle, as to impose upon an ignorant man, *unable to write,* or to read writing; draw up a statement for him to sign, replete with falsehood, *change it after he left his shaving-shop,* and palm it off on the public, and on the Senate of the United States, as the free act of this subservient man. This case gives you a glimpse of the means adopted to ruin me, by men proceeding *ex parte,* under a commission of the United States Senate. The same *changes in matter* might have been made in other of the numerous false depositions that have been scattered to the four winds of heaven, for purposes too plain to be misunderstood, which all honorable men must deprecate, but which none but its victims can feel.

Ramsey M. Cox.—(Doc. 151, p. 49.)

BRIEF.—Was informed by a gentleman that Dameron and Gwin owned some valuable land near Mr. Harper, and that they had requested him, Harper, to sell it for them. Cox examined the land, and came on to purchase it; asked them if they owned southeast quarter, section 27, and northeast quarter 34, township 10, range 4, east; this was about 15th December, 1832; they told him that they owned the land; asked $700 for it, $150 down, the balance, one half in three, and the remainder in six months. Cox agreed to it, paid them $150 down, took no notes, but gave their joint bonds, signed by both, for a title, with the condition when last payment was made. Cox then told them he wanted to enter a forty-acre tract adjoining, made his affidavit, and asked for his certificate; was informed that it made no difference, and included it in the bond. Cox then paid "them in cash 50 dollars," the government price of said half-eighth. "I (Cox) did not examine the maps, and did not know whether said half-section above described was marked sold upon the maps of the office or not." Cox did not meet the first payment, and when the last was about due sent his note, with endorsers, to be discounted in bank, and received a receipt, signed George C. Dameron. Saw Samuel Gwin, some time afterward, on his way to Chocchuma, who informed him the note was not discounted, and also that George C. Dameron attended to his father's business, with whom he could arrange it. Cox saw George C. Dameron 20th February, 1834, and informed him that he was ready to pay for the land. He (Cox) was then informed that Gwin and Dameron had not, themselves, entered the land, but that he (George C.) had, and was ready to make title, if he, Cox, was ready to pay the money, but that he would have nothing to do with the forty-acre tract; they then examined, and Dameron told him that Thomas Griffin had entered the forty-acre tract. George C. Dameron then deducted $50, and Cox paid the balance. States that the forty-acre tract, represented by George C. Dameron as being entered by Griffin, was only marked sold, and Griffin only deposited the money on it in April, 1834. States that said land did not belong to Dameron and Gwin, when they sold it to him, for George C. Dameron entered said land on the 11th September, 1833.

REMARKS.—The history of this case is, during the year 1832, a Mr. Warren, of Madison county, had received some acts of kindness from me, for which he felt disposed to give me information of good land in his section of the country, which was then but thinly settled, and but little known. It was a hard day's ride for him to reach the office in one day; and, to enable him to return the next, he usually had to do his business after night, so as to be able to start early the next day. As it was my invariable rule never to detain, unnecessarily, any person on expenses when I could, either in the day time or at night, despatch him, I had frequently in this way relieved Mr. Warren from detention. With these feelings Mr. Warren informed me that he knew of a half-section of good land that I could enter, if I wished. Upon examining the maps, he was not satisfied of the situation of the land, as it appeared on the maps, as there was, at that time, no entries within several miles of it. He remarked that *he believed* two certain quarters, pointed out by him, was the body of land alluded to by him; and he further remarked, that on his return home he would more particularly examine corners, and let me know. He would not, with his limited knowledge of the corners, advise me then to enter it, and that I might know it thereafter, I made a slight pencil mark on the quarters. I did this that I might, from other persons, learn something more of the quality of the land, as well as the corners. Mr. Warren informed me that if these were the correct numbers of the land he had examined, he could sell it, *on a credit,* at a fine profit for me. I assured him that I would have it entered as soon as he was fully satisfied as to the corners, and that he might so state to any person wishing to purchase; but, that I would not till I first heard from him, as it was very difficult to have an entry changed after it was made, through the Secretary of the Treasury. Mr. Warren shortly afterward returned to the office and informed me that the numbers first given were correct; that he had informed several persons that it was a good tract of land, and had been or would be entered by me, and that he would sell it for me on a credit. Before he left the office, and I think in his presence, I remarked to Mr. Dameron, that, if he wished, we could enter it in partnership. After learning all the particulars as detailed by Mr. Warren, he was apprehensive that the quality was not as good as represented, and he wished further time to inquire as to it. It rested in this situation until some time about the last of November, when Mr. Warren was again at the office, and inquired of me if such a person had called to buy my land. I informed him they had not, nor had I yet entered it; that Mr. Dameron felt a little apprehension on the subject, but that if he was still unwilling to go in with me, that I would enter it myself, in the name of some other friend, and, if I mistake not, told Warren that I would enter it in his name, if the other was still unwilling, explaining to him that I could not enter it in my own without going to the surveyor general. In the presence of Warren I made out the two applications in the name of Mr. Dameron, with a little memorandum for Mr. Dameron to sign, stating that I had paid for half of the land, and that I was equally interested with him in it. I also drew a due-bill for half of the entrance money, and handed the whole to Mr. Dameron, and told him if he was willing to go in,

he then might, if not, I would enter it myself. He remarked to Mr. Warren, "*There is no mistake in the matter?*" and was informed there was not, and he then said, "I will go in with you," signed the memorandum, and folded the due-bill and applications up and laid them by. I would here remark that I kept no account with the receiver, each quarter showing the amount of salary and commissions due me, which I left in his charge, and when I wanted money I gave him my due-bill, which, in fact, only showed that I had received that much of what was due me from him. In one or two days after this I left the office on a visit, and did not return until about 20th December, and, I think, the very next day after my return Cox applied to purchase the land. He offered $700—pay down $200 of it. We asked $800. At the time Cox was there the office was greatly crowded, and I had but little, in fact no time, from my official duties, to consult with Mr. Dameron on the subject, and I referred Cox to him entirely, and I would be willing to anything they might do. Mr. Dameron agreed to take the $700, *two hundred* of which was to be paid down, and the balance at some future time. He drew up an instrument, which I signed, binding us, as I was informed, to make a title when the last payment was made. I would here remark, that at no previous period, since my connection with the office, had there been, by *one third*, the business done in the office in any one month as in December, 1832. It will appear from the returns to the General Land Office that there were 772 entries made in that month, averaging nearly thirty a day. I had been absent from the office for better than half the month, and on my return found the receiver's health rapidly declining, my own business greatly behind and in much confusion, and the press increasing, as will appear by the monthly returns for January, February, and up to the 4th March, 1833.

After the sale to Cox I neither heard nor thought of the subject, in consequence of the press above detailed, *and believed that the land was entered* until after I left the office. For the want of blanks, our monthly returns had not been made for several months past, and as I could employ no competent clerk, and in consequence of my own absence, none of my books were up, nor had I time even to look over the applications on hand.

Some short time after the 4th of March, 1833, and while the receiver was so very low that he was barely able to get to the office, he asked me to aid him in arranging a mass of papers that had been flung loosely into his money-chest. Among them we found this application, with my due-bill, which he had entirely overlooked in the hurry of business. I remarked to him, with surprise, that I feared this omission would put us to much trouble, and proposed even then to close the entry and place it to the returns of March, which we had not yet made out. He made some objection, and remarked that the office would be closed but for a short time, when he would issue a receipt for the land. It was then laid aside in his money-drawer, so that it would attract his attention every time he opened it; but as the office was closed much longer than either of us had anticipated, and as I was generally absent during this time, and the great press on the officers when it did open, which completely prostrated the receiver, so that he was compelled to remain most of the time in his room, the case was lost sight of on the opening of the office.

That you may have a full view of all the circumstances that have led to the accidental omission on the part of the receiver in this case, and also in the case of B. Haley, already explained in part, I will here extract several of the answers of witnesses on this point. Mr. Pratt, in his answer to the sixth interrogatory, states that, "during the latter part of the year 1832, his (Dameron's) health was delicate, and during this time he was often confined for days; I do not recollect whether he was for weeks; but I do know that he was many times in the office when he should have been in his bed, and that from this time he continued to decline until his death; and I have no doubt that his confinement to the office, and his exertions to perform the duties of said office, were the cause of his death." Again he states, "I have often known him leave the office in debility and depression from fatigue in attending to the duties of the office so that he would not be able to return to the office for several days." Again, "I should at no time feel myself authorized to take up any unfinished business of his (Dameron's) unless by his particular direction or knowing all the circumstances attending it, and the person for whom the business was to be transacted was present." To an inquiry whether it had not to his knowledge occurred, that where applicants were not pressing for their receipts, that he (Dameron) would receive the money, fold it up with the application, and lay it by, until the press was so great, he answers, "Often has it happened that letters were sent to the receiver containing money to enter land. If, in such cases, there was much business doing in the office, the letters were opened, the application made out, the land, as I believe, marked as sold. The application then, with the letter and money, was placed in the strong box, and have many times remained there for days or weeks, owing to the indisposition of Mr. Dameron. And I believe it has often happened that persons have deposited money on lands, and have not at the time required the receipts, for the purpose of indulging Mr. Dameron on account of his ill health." To an inquiry to the same witness, whether from his feebleness after these attacks, on his return to the office, he would not and did not forget the papers thus laid aside for weeks or months, until the subject was called to mind by the applicant, or upon finding the papers in his money-box, he answers, that "I am well aware of the truth of the specifications as contained in this question to be true, and have, I believe, often called the attention of Mr. Dameron to these papers. I did not consider myself authorized to act on them without his particular instructions."

Mr. Pratt, who is a highly respectable and worthy gentleman, and a merchant in Clinton, was a member of Mr. Dameron's family, and was, during a part of the time, acting as his clerk in the office, (up to December, 1832, and occasionally afterward,) and his evidence on this point is conclusive as to the want of criminality, in this accidental omission. No man who knew Mr. Dameron would, for one moment, indulge such a belief, and the chairman of the committee on lands in the Senate knew the falsity of the declaration when it was made. In addition to the above, I will here insert the answers of James McLaran to the *fifth*, *sixth*, *seventh*, *eighth* and *ninth* interrogatories (No. 2) on the same subject. "I do know that Mr. Dameron was for a long time sick and confined to his house, and much of his time at the office, when it was evident to all he was in a serious decline, of which he finally died on his way to the seashore in hopes of bettering his health; and also believe that it was attributable to his constant confinement to his duties in the office, that fastened on him the decline that terminated his existence; for he came to our country apparently healthy." He further states, "I have known him leave the office of an evening with little or no complaint, and be confined for a considerable time, *perhaps weeks*, without returning, owing to sickness." Again, "when Mr. Dameron left business unfinished of any consequence, it was not customary for any one of the assistants to undertake to finish the business so left. This has occurred frequently with myself, when I had to wait his return." Again, "I have frequently known of several applications, and of money being folded up and put by for the time, owing to the extreme press of business in the office, and frequently owing to Mr. Dameron's bad health, which he would promise to return and complete at another time." I would particularly call your attention to Mr. McLaran's *ninth* answer, as showing more conclusively than any other, of the state of Mr. Dameron's mind while thus weighed down with disease: "I do believe that it did occur that unfinished business lay sometimes overlooked by him on his return to the office after attacks of illness; and that after his death there were found papers and money in his office that, no doubt, had been by him, from

debility, overlooked, and that unless it was a plain, simple case, his assistants would not have undertaken the management of business so left; and in one instance, while I was at Columbus, Mississippi, money was sent back to his executors by me, after his death, where the parties had got *eighty* instead of *forty acres, paying only for forty*. This occurred with two gentlemen living near Columbus, who sent the money and papers to Mr. Dameron, and after some time got more land than they wanted, but afterward was satisfied, and paid the money over to Major William Dowsing, who sent it by me. And these two cases, no doubt, were of those pressed out of place by debility or business, until memory failed Mr. Dameron in the matter."

After Mr. Sumrall was appointed register, but before he took charge of the office, or visited Clinton, or we had received any news from him when he would be on, I expected to be absent from the county for some time. In a conversation with Mr. Dameron, I told him that I believed that I would give him all the profits in the Cox case, as I was going away and was not certain that I would return before the office opened. This was the only case in which we ever were interested in any land, and the only one that I had expected to be interested in, or receive any pecuniary consideration for; and as I was then appointed to another office, I wished to leave no business unclosed at the Mount Salus land office. He then hunted up my due-bill, handed it to me, and remarked that, as I had been so liberal to him, he would not be outdone, and gave it to his son George, and I made out new applications in his name and handed them to him. From that moment to the present I have not had one particle of interest, either directly or indirectly, in the claim; and when Cox named the subject to me near Livingston, I then told him that I had no interest in it, and that Mr. Dameron had given his interest to his son, who would make him a title when he paid the money. The last time I ever was with Mr. Dameron at his own house, and when he was able to sit up but for a few moments, he asked me to assist his son to arrange some old papers preparatory to his leaving the country for the seashore, and in the examination we found these applications yet unattended to; and his mind was so enfeebled by disease, that he had forgotten all about it, until I explained the circumstances, and urged him immediately to close the entry by all means, and he then directed his son to make out the receipts without delay, which he did, either that day or within a few days thereafter, as I understood.

Cox did not apply to enter a forty-acre tract, nor was it named in my presence then nor at any other time, to my recollection, nor did I ever hear of such an entry or application until a few months past, when it was communicated to me by the Secretary of the Treasury. I never bound myself to enter it for him, or agreed to do it, or had any knowledge of his wanting it; nor was any part of the $200 paid for the land we sold, Cox paid us for the purpose of entering the forty-acre tract. All this stuff is an afterthought of Cox, and originated with him or the commissioners, without the shadow of truth to sustain it.

This is an unvarnished statement of the circumstances in this case, as they occurred. Is the *chairman* of the Senate's committee borne out by this deposition in his broad and bold charges of fraud? I am satisfied that every *impartial man* will say he is not. If error was committed, it did not carry on its face design or intention, but was one of those accidental errors that all mankind are liable to, especially when enfeebled by disease, to which may be attributed most, if not all, the imaginary irregularities that are blazoned forth to the public. The land never was marked as sold until I had paid my half of the entrance money, and that it was not at that instant entered, is fully explained in the preceding pages and depositions.

Herren Walker.—(Doc. 22, p. 35.)

BRIEF.—States that he, sometime early in the year 1833, applied to enter an eighth of land, but told Samuel Gwin that he had not the money. Gwin told him if he would agree to take a partner in the entry of said land he could get it. Gwin told him he would enter it in their joint names; that, on the 10th of June, 1834, he examined, and finds Gwin did not enter said land, but it was entered in the the name of a Mr. Greer.

REMARKS.—I might have jestingly made the proposition to Mr. Walker, as above stated; but it must be apparent to all that it was not, nor could have been, anything more than a jest. I could have entered the whole in my own name with the same ease and facility that I am represented as offering to enter it in our joint names, as, in either case, it appears, I had all the money to pay. It is possible that I adopted this method to get clear of Mr. Walker's importunities, to enter it for him, or furnish him with the money. I should have been at no loss to find persons ready, on the same terms, to have swallowed up the capital of the mammoth Bank of the United States. There is one thing at least creditable to Mr. Walker: he would not permit Jones and Caldwell to make out a case for him to swear to; or else he certainly would have had it that the land was marked off on the map.

Eli Garner.—(Doc. 22, p. 45.)

BRIEF.—Knows nothing of lands being marked as sold and not sold in said office. Samuel Gwin once told him that he had entered a certain eighth of land, and he, Garner, was going to buy it of him; finds that Gwin did not enter said land, but John W. Coglan did; does not know whether it was marked sold or not.

REMARKS.—I will here extract a part of Colonel Garner's deposition, No. 10, hereto annexed: "I have lived about two miles from said office about five years, which embraced the entire period that Samuel Gwin and George B. Dameron had charge of said office, and I have had a good opportunity to hear what public sentiment was in regard to them; and I have no hesitation in saying that, for accommodation and punctual attendance to the duties of their offices, they have never had their superiors in said office, and this has been the general opinion of the whole community, as far as I have heard." And to an inquiry whether he had ever known anything illegal or improper in the official conduct of Samuel Gwin or George B. Dameron, he answers, "I have not, to my knowledge." John W. Coglan, who subsequently purchased this land, states, in his deposition, No. 9, that he had got about 2,000 boards on this land, when rumor informed him that I had entered it, and before he removed the boards, he called on me about it, and he states that "I told him frankly that I had not entered the land." "In some short time afterward I called at the office, and inquired of a young man, who attended to the business, if this land was entered; and, after an examination, he informed me it was not, and I then entered it. At the time that I entered said land, and at no other time, to my knowledge, was there any mark on this land indicating that it was entered; and at no time did Samuel Gwin represent to me that it was; and at no time did he ask, or did I give him, any compensation other than the government price for said land."

I think it unnecessary to make any remarks on the evidence of John B. Pitman, John S. Gooch, Elisha Lott, or any of the other witnesses who have deposed in relation to my official conduct at the Mount Salus office, as they are either directly in my favor or say not a word against me.

I have now gotten through the evidence collected by the committee implicating my official conduct while I

had charge of Mount Salus land office, and I speak with a confidence, that conscious innocence inspires, that the explanations I have made, and the evidence that I have introduced, will convince every unprejudiced mind that I have been basely treated; that the committee have been misled by the wickedness and bitterness of *one man;* that he, by his misrepresentations and EXPARTE proceedings, as the prime mover of an unprincipled faction, bent on the destruction of an individual that they dare not meet single-handed; that they have sanctioned or committed an outrage on individual rights that is derogatory to American statesmen, and calculated, if continued to be practised, to bring discredit upon the highest tribunal of our country. These are solemn truths that must be apparent to all who have read the report of the committee, the evidence collected by them, and the defence and evidence above detailed. These attempts of the highest legislative body of our country, to lessen and destroy the character and standing of its officers, must, ultimately, have a tendency of driving every honorable man from her employ; even the warworn soldier, who has shed his blood and perilled his life in defence of her eagles, in her greatest need, will be compelled, from self-respect, to retire and look out for other means of support.

The evidence "on the files of the Senate" does not sustain the report of the committee, "that Samuel Gwin and George B. Dameron were notoriously engaged in extensive land speculations; that they marked as sold vast bodies of the most valuable lands that were not sold; that applicants for the lands thus marked were informed that said tracts were entered; that they endeavored to sell the tracts thus marked, at a suitable profit, by private sale; that, failing to sell it, they entered it at the minimum price; that they marked lands as sold for particular friends who had not the means of prompt payment; that at the time the present register took charge of the office, numerous tracts (*about two hundred*) were thus fraudulently marked." The first six clauses under the above head are fully disproved by the evidence of Seneca Pratt, who was, a great part of the time, clerk in the receiver's office. See his answers to the 11th, 12th, 13th, 14th, 15th, 16th, and 17th interrogatories, hereto appended, No. 3. Also, the answer of James McLaran to the 10th, 11th, 12th, 13th, 14th, 15th, and 16th interrogatories, hereto appended, No. 2. Also, see depositions Nos. 4, 5, 9, 10, and 30, all more or less touching on this part of the subject.

As to the last clause under the above head, the committee have no "depositions on the files of the Senate" to authorize them to fix upon the number "two hundred" as the number of tracts "fraudulently marked." No such number is given by any witness; and it is an arbitrary and an unwarranted assumption on the part of the committee, not sustained by a particle of evidence that has been published. Mr. Sumrall, in his first answer, (see doc. 151, p. 53,) states that he has discovered "about one hundred and thirty-six," and states that these marks appear to be in the handwriting of Samuel Gwin, George B. Dameron, Gideon Fitz, and S. D. Hays. No blame is attached to either of the former registers, but all of their errors are attributed to me as frauds; and, not content with thus attributing the errors of others to me, contrary to the evidence before them, they have voluntarily added to this list "about" *fifty-six* that no person has ever heard of before the appearance of this report. But Mr. Sumrall, in his deposition, No. 1, sets this matter in a different light to what the committee have. In his third answer, he states that "about" *fifty* of these marks appear in the handwriting of Samuel Gwin, and many of these he had discovered as correctly marked, but, by mistake, not tracted. This part of his deposition was given in 1834, and was in the hands of a senator at the moment the above report was made out. Mr. Sumrall, in answer to further interrogatories to him, answers, on 12th August last, that fifteen or twenty tracts that were marked off in my handwriting, but which could not be found on any of the other books of the office, were *correctly and legally sold;* thus reducing the whole number to less than *thirty*, out of about *eight thousand* tracts that were entered in said office while I had charge of it. I profess not to be more correct than other men in business; but I am willing to risk my reputation that, in the end, there will not be found *five* tracts that were incorrectly marked by me.

The committee, under their second head, allege "that these officers were in the constant habit of selling the lands on a credit, receiving a separate *note* as a bonus or interest;" "that at these sales final receipts were not made out until the purchase-money and interest were first paid;" and "that in the meantime the land was marked as sold."

The committee are equally unfortunate in sustaining these charges by the "depositions on the files of the Senate," as in the preceding case. See Pratt's answer to 18th interrogatory, No. 3, and McLaran's answer to the 17th, No. 2, and other portions of their depositions. Not a witness, whose deposition has been taken by the committee and published, has stated that they gave "a separate note as a bonus or interest;" but, on the contrary, many have deposed that they did not. As to the general charge of selling land on a credit, with the exception of the cases of Williams, Haley, and Cox, there is not a shadow of truth or evidence to sustain it; and in the above cases the explanations I have given, I am convinced, will satisfy every unprejudiced man that there was not the slightest intention of wrong on our part, but that they arose alone by a combination of circumstances that few men could anticipate, and all are liable to.

Under the third head, the committee state "that these officers appear, on their sale-books, to be purchasers of lands in their own names."

It is hard to account for a statement so reckless as the above. It is not only not sustained by a single witness whose evidence is published, but is false in fact, as will appear by the very "sale-books" that the committee has referred to to sustain it. This extraordinary statement is the more astonishing and less excusable, from the fact that the committee had it in their power to be correctly advised from the official records of the General Land Office. Can it be possible that it was an intentional, a preconcerted design to mislead the public to the injury of an individual, without one shadow of evidence? Or was it inserted merely to make other portions of the same report more probable? Where the committee could have gotten the idea is more than I can imagine; for not one of the numerous witnesses has spoken on the subject at all. Mr. Sumrall, the present register of the office, and who has charge of the very "sale-books" alluded to, states, in his deposition, No. 1, that I made but one entry in the Mount Salus office during the entire period that I had charge of it; and that was jointly with a Mr. Green, of a single eighth.

As to the fourth charge, of partiality, I will refer you to the accompanying depositions, from No. 1 to No. 40.

In consequence of the absence of the most of my witnesses from the State, I have been compelled reluctantly to submit this defence in an incomplete state to what I wished, as regards the Mount Salus office. Not armed with the compulsory power that my enemies have been, nor having the contingent funds of the Senate to reimburse the heavy expenses that I have been subjected to, I have been compelled, remote from the residence of the witnesses that are in the country, single-handed and alone, to meet this array of evidence, backed as it is by the authority of the Senate of the United States. Feeble as it is, compared to what it might have been, I submit it to you, with a confidence that you will award to me that justice that you may deem meet.

2. *The Chocchuma District.*

Report of the committee.—"Samuel Gwin was transferred to this office as register, from Mount Salus. The committee will not enter into the detail of the profligate scenes which took place in this district at the sales which opened in October, 1833, and which has continued to characterize the conduct of the register, who controls the sales at private, up to the present time. The evidence portrays greater enormities in this office than are believed to have occurred at any time in any land district of the United States. * * *

"It appears that three or more extensive companies of speculators met at these sales, who, in a very short time after the sales opened, united for the purpose of *monopolizing all the good land then offered at public sale, of overawing bidders, and driving all competition out of the market.* * * *

"It further appears that the company established an office in the vicinity of the register's office, at which they opened on each day a regular sale of the lands purchased by them at public sale, and at this company sale, all were permitted to bid who thought proper, but at *the public sales the company claimed and actually enforced a complete monopoly.*"

In the paragraph just preceding this, it alleges that "the agents of the company undertook to dictate terms to the actual settlers, and claim to themselves great credit for having *permitted* each occupant to purchase, or to purchase themselves for him on certain conditions, a tract not exceeding one quarter-section, at the minimum price of the government, to include his improvements, "*provided each settler should not bid at public sale for any other land.* * * * All this was done in open day and could not be unknown to the officers of the government who superintended the sales, and *who either connived at or participated in these fraudulent transactions.* For a specification of particular cases of *violation of law*, or *manifest partiality* on the part of the officers charged with the solemn duty of *guarding and protecting the interest of the United States*, the committee refer to the depositions on the files of the Senate."

The committee have very prudently declined giving the specifications upon which they have founded the above broad and bold charges of "*violation of law, profligate scenes, great enormities, monopolizing all the good lands, driving all competition out of market, overawing bidders, laws set at defiance, dictation, speculating on the government, granting pre-emptions, indignant feelings of the people, officers partial, participated in or connived at frauds, did not guard the interest of the United States;*" and last though not least with the committee, "Samuel Gwin was transferred to this office as register from Mount Salus." They have referred to the depositions on the files of the Senate for the specifications.

That I may be better able to meet this fanfaronade of declamation, vituperation, and *sound*, chimerical as it is, originating as it did in the disordered imagination, I will not say of a maniac or fool, but an *enthusiast*, I shall for my own convenience, and to meet every point and every allegation, divide this general charge, so as to apply the evidence more directly.

1st. They state that they will not "enter into the details of the profligate scenes which took place in this district at the sales which opened in October, 1833."

2d. That these profligate scenes "have continued to characterize the *conduct of the register*, who controls the sales at private entry, up to the present time." (This report was made 3d March, 1835.)

3d. "The evidence portrays *greater enormities at this office* than is believed to have occurred at any time in any land district of the United States."

4th. "That three or more extensive companies of speculators met at these sales," who "united for the purpose of monopolizing all the good lands then offered at public sale, of overawing bidders, and driving all competition out of the market."

5th. That these agents undertook to dictate terms to the actual settlers, and "claim to themselves great credit for having *permitted* each occupant to purchase on certain conditions, a tract not exceeding one quarter-section at the minimum price, *provided each settler should not bid at public sale for any other land.*"

6th. "That the laws were set at defiance, and a body of men combined for the avowed purpose of speculating on the government."

7th. That "the officers superintending these sales" permitted this "body of men" to "dictate terms to the bidders."

8th. That "the company established an *office in the vicinity of the register's office*, at which they opened each day a regular sale of the lands purchased by them at public sale."

9th. That "at the public sales the company claimed and actually enforced a complete monopoly."

10th. That the officers "*either connived at or participated in these fraudulent transactions.*"

11th. Charges them with "*violation of law, or manifest partiality.*"

In the examination of the evidence portraying these great violations of law, &c., I think it proper to state all the law that I have been able to find, bearing on the subject of frauds at public sales. If the committee have any other code of laws on the subject, not known to the public, I hope, at least, that I may not be held amenable to them.

In 4th sec., act Congress for 1830, page 43, it is enacted, "That if any person or persons shall, before or at the time of the public sale of any of the lands of the United States, bargain, contract, or agree, or shall attempt to bargain, contract, or agree, with any other person or persons that the last-named person or persons shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or shall, by intimidation, combination, or unfair management, hinder or prevent, or attempt to hinder or prevent, any person or persons from bidding upon or purchasing any tract or tracts of land so offered for sale, every such offender, his, her, or their aiders and abetters, being thereof duly convicted, shall, for every such offence, be fined not exceeding one thousand dollars, or imprisoned not exceeding two years, or both, in the discretion of the court."

I propose to examine the evidence procured by the committee, and "now on the files of the Senate" *with this law;* and also the "*profligate scenes* which took place in this district," (Chocchuma,) at the land sales in October, 1833; and which, as the committee reports, "have continued to characterize the conduct of the register up to the present time." If in this examination it is found that the evidence does not bear out the committee in their report, then of course the report is founded in *fiction* and not in truth. But before I proceed upon this examination, and that you may be in possession of all my official actings on this occasion, I will here insert the rules adopted in conducting the *public sales*, as published for ten days before the sales commenced; and also those for conducting the private entries.

"*Rules for conducting the land sales at Chocchuma, Mississippi, at public auction.*

"1. The lands in each township will be offered, taking the townships in the order proclaimed by the President in his proclamation, and will commence in the lowest number of the township, and continue on to the highest in said range.

"2. The crier will proclaim section one for sale by *half-quarters*, and will ask if any one wishes a *division* of it; if no one cries out '*divide*,' then it will be knocked off as '*no bid*;' but should a division be desired, he will cry the east half, northeast quarter, section one, west half, northeast quarter, section one, and so on, until he gets through the section, not dwelling more than *one minute* on each half-quarter.

"3. The crier will report the name of the bidder and the price of land to the register forthwith.

"4. Should any one bid off a tract of land, and fail to pay for it on the *same day, or when required by the receiver*, he will be proclaimed at the opening of the next day's sale as not entitled to a bid during the present sales, and the land thus forfeited will be again offered.

"5. The highest bidder in all cases will be the purchaser.

"6. The office will open, and the sales commence on each day, at such hour as may be designated the previous day, and will continue until all the townships contemplated for that day's sale shall be disposed of.

"SAMUEL GWIN, *Register*.
"R. H. STERLING, *Receiver*"

The following rules were adopted, after mature deliberation, and were posted on the office door for more than a week previous to the close of the public sales, for conducting the sales at *private entry* at Chocchuma, but were objected to, a few days before the day, by John B. Peyton, and in their place *others were adopted*, as will appear below, No. 2, at his, Peyton's suggestion, but which *were abandoned* on the Thursday following, and the following, No. 1, adopted, and was continued until the close of the press at private entry:

"1. That each applicant for the purchase of a tract or tracts of land at private entry, shall, from Monday, 18th November, to the Friday following, make out their applications, and file them with the register, who will not read them himself, or permit any one else to read them, and who will secure them under lock; that the register and receiver will, on Saturday morning, commence to canvass the said applications, and class the same, and where there are two or more applicants for the same tract of land, the register will put the same up to the highest bidder, *among those who have filed their applications for it allowing no other to bid.*

"2. That no one who is an applicant will be permitted to remain in the office, or in any other way to examine them.

"3. That from Saturday morning no applications will be received by the register until all those on hand are disposed of.

"4. That applications in all the townships offered will be received at the same time.

"SAMUEL GWIN, *Register*.
"R. H. STERLING, *Receiver*."

When objections were made to the above rules (before the private entries had commenced) by Mr. Peyton, and perhaps a few others, and to prevent every semblance of "partiality" or "favoritism," and to put *all* on the same footing as far as we could, the following rules were adopted upon the above being abandoned, and were posted upon the office door on the Saturday previous to the Monday when the private entries were to commence. They were abandoned on the Thursday night following, and the above substituted, only varying as to the time to receive applications. It was to this change of rule that Colonel Thomas C. Nixon alludes in his answer to the 7th interrogatory, (p. 14, doc. 22.)

"1. The register will prepare a box, and will receive applications for the entry of lands in the following manner: He will proclaim at the window that he will receive applications for *fifteen minutes* for all lands desired in such a township, naming it, and all others in the same numerical order as proclaimed by the President: that when the *fifteen minutes* is out, no more applications in said township will be received until all those received are disposed of. When there are two or more applicants for the same tract of land, they will be invited into the office, and the land put up to the highest bidder; those applying only being permitted to bid. When there are no conflictions, the applications will pass forthwith.

"2. No person will be permitted to examine any application until the fifteen minutes has expired, and not then except as the register is canvassing them, which will be done in public.

"3. All applications that pass, the land must be paid for forthwith.

"4. The register will pursue the above numerical order until he gets through all the townships.

"SAMUEL GWIN, *Register*.
"R. H. STERLING, *Receiver*."

NOTE.—The reason that the above regulations were abandoned on the Thursday night following, after the private entries commenced on Monday, and those first framed re-established, was, that I had discovered a disposition on the part of a few individuals to put in applications on every tract of land in the country, not only in their own names, but in many instances in the names of numerous distant friends. I had sometimes *twenty* applications on a single eighth, and when I put it up to the highest bidder, I would scarcely ever *get a bid* on the land. At length *all* the applicants, except *one*, would *withdraw* their applications, which I was requested to hand to them, and the land, as would appear to the public, was entered by *one*. On the day that the above rule was abandoned, it was for the *first time* discovered by me that these various applicants would retire with their applications that they had thus withdrawn, and the person who had entered the land, and put up the same land among themselves. As soon as I discovered their plans, and when I could get *no bid on the land*, instead of returning the applications to the applicants, *I tore them up*, by which means I in a measure destroyed their plan, for they could not recollect the various persons who had thus applied. Being highly incensed at conduct that I considered outrageous, I destroyed the then rules, and adopted those first made out, and the whole of Friday (next day) was given to make out their applications and file them. Both sets of regulations were literally and strictly adhered to while in force, with one exception, and that was where I considered the receiver as having violated them himself, by issuing his receipts for land that had never been sold, and which he had heard me declare that I would not sell, it being in violation of law, and our rules, that had placed all on an equal footing. I shall, under another head, treat this subject and the conduct of Samuel B. Marsh as they deserve.

I would also remark that this low, dirty juggling in fictitious applications was confined to a very few persons, as I afterward learned. No man of standing would put in an application for land that he did not want, with the sole view of extorting a few cents from one that did want it, or whose land it joined.

With these preliminary remarks, I shall proceed to examine the second count in the committee's report.

Alfred Cox.—(Doc. 22, page 10.)

BRIEF.—Heard register and receiver frequently speak of the company; neither of them, to his knowledge, used any means to suppress the company or prevent its effects against the government. In a note to his deposition, he states that he heard the register say that "he had applied to Judge Black to examine the articles of agreement of the company, and gave him (the register) his opinion on the subject; and that Judge Black, after examining the articles of agreement, gave it as his opinion that it was not the duty of the register or receiver to take any steps to counteract the effects of the company." (The other portions of Mr. Cox's evidence relating to Martin, with the evidence of all the other witnesses on that subject, will be taken up under the head of "Martin and Gold's case.")

REMARKS.—These were the first public land sales that I had ever conducted, and, as might be presumed, many questions arose that required quick action, that were entirely new to me. There were from three to six hundred persons on the ground daily, and the sales very heavy. I had not a moment's time to spare from my desk. I knew but few of the purchaser's names as they were reported to me by the crier, having seen R. J. Walker but once before, and had never seen Ellis, Jemison, or Gilchrist, to know them, before their names became familiar to me by their purchases at the stand. The greatest secrecy was observed by all the members of the company toward me in regard to it. I had understood, on the first or second day's sale, that an attempt had been made among the bidders on the ground to form a company, but that it had entirely failed; and having this failure impressed upon my mind, I did not expect to hear of the formation of a company. My suspicions of the existence of a company were first excited, I think, on the third day's sales, from the fact of there being but few bidders save the above four individuals. I then used every means in my power to ascertain the fact, and did so, I think, on the first Friday or Saturday of the sales. Governor Runnels and myself were walking out and speaking of the quantity of lands sold, and, from our knowledge of the quality of much of those lands, we both concluded that the government was reaping the fruits of heavy sales of inferior lands. It was from him that I learned, positively, that there was a company in operation then. (See deposition No. 30.) As he had been a land officer, and had attended, perhaps, every public land sale that had been held in the State previously, I particularly inquired of him what course I ought to pursue in regard to said company, to break it up. I think he informed that, as he understood the articles of the said company, they were not in violation of the laws of the United States, and informed me that I could do nothing to prevent it, and gave it as his opinion that the company, if they went on as they had begun, would be of advantage to the United States. He remarked that he had been applied to to become a member of the company, but declined, and stated he would have nothing to do with it, but not because he considered it a violation of law. After this conversation, I was fully satisfied that there was a company, and I examined the law to see if there was any power given us to suspend the sales, or in any other way to counteract the operations of the company. I took the advice of all that I supposed had any knowledge or experience on the subject, particularly if there was any instance where the land officers had suspended the public sales for any cause at any other land office, and I could learn of but one such circumstance, and that in Alabama; in which case, one of the officers, if not both, had been removed from office for so doing. Among others, and perhaps the first, I took the legal advice of the Hon. John Black, and gave him the laws of the United States, and referred him particularly to the fourth section, hereinbefore inserted, to compare it and the laws with the articles of the company, and I informed him that I would risk the responsibility, and stop the sales, if the company were acting in violation of law. He did examine the subject fully, and informed me that the company was violating no law of the United States, and that if I stopped the sales it would be a heavy responsibility; and as the receiver would not join me in such a step, he advised me not to attempt it, and let the sales go on. Upon reflection, I was of the same opinion myself.

If the company have violated any law on the subject, they are liable to its fines and penalties. All that I conceived it my duty to do, was to report the existence of the company and their conduct to the proper department, which I have already done.

There was but one method by which I could, for a moment, arrest the progress of the company, and that was to suspend the sales. The extent of the company I could not ascertain, but it appeared to me that nearly every one on the ground belonged to the company; and wherever I could find an opposition bidder, I encouraged it with all my power. The settlers were, without (to my then knowledge) a single exception, either members of the company, or were in favor of it. Mr. Cox has stated, correctly, that he heard me speak of it frequently; and, if I mistake not, in a conversation with him, I told him that I had no power to arrest it, but by stopping the sales, which he did not advise.

Robert McCay.—(Doc. 22, p. 12.)

My remarks on Mr. Cox's testimony will equally apply to Mr. McCay's testimony.

John A. Lane.—(Doc. 22, p. 14.)

BRIEF.—States that "transfers were made generally by assignment of certificate, done before the register." "In some few instances the original name was not known."

REMARKS.—There was, to my recollection, only one case where the name of the original purchaser was stricken out and another inserted on the original abstract, and never on the tract-book; and this was the case of James R. Marsh, (the committee's own commissioner,) who was *very drunk*, and bid off, I think, three tracts of land while in this state, which he pretended to know nothing about when sober, and he was permitted to abandon them, and the name of another inserted on the original abstract, who paid for the lands bid off by Marsh, and took the receipts for the same.

Patrick Sharkey.—(Doc. 22, p. 42.)

BRIEF.—Does "not think the sales were managed in the best manner for the good of the government. I think they were managed for the interest of such of the settlers as were interested in said company. I cannot say the sales were managed according to the strictest dictates of justice," and instances the case of "Martin and Gold."

REMARKS.—Mr. Sharkey's entire misapprehension of the facts in the case of "Gold and Martin," (which will appear under that head,) and which are sustained by the records and by the testimony of all the witnesses, entirely removes the insinuation contained in the above. No sales, I will venture to say, in the United States, were ever better conducted, which is fully proved by the accompanying documents.

R. H. Sterling.—(Doc. 22, p. 115.)

BRIEF.—States that "Rather was one of the criers, and *was appointed by Colonel Gwin.*" He, Sterling, "made no objection." Griffin, of Clinton, first applied to witness to be crier, "and I felt myself inclined to appoint him." Did not know that Samuel Gwin was a member of the company. (Doc. 22, p. 51.) Witness gives the different periods when Samuel Gwin was absent from the office. To an inquiry by Marsh what he, Gwin, understood by a "legal subdivision," under "the act of 29th May, 1830," Gwin's reply "amounted to a refusal to give any explanation as to what constituted a legal subdivision." He states that he does not "know the motives," (alluding to the length of the testimony taken in the cases of the Marshes' pre-emptions,) "but the testimony in the Marshes' applications is more lengthy, and will show for themselves." To an inquiry of Samuel B. Marsh, whether we would reserve the land he had applied for under the pre-emption law, until a final decision could be had from the Treasury Department, Sterling answers that "Samuel B. Marsh did make such a request to myself and Colonel Gwin. Gwin said he would sell the land when the public sales came on, and all lands on which pre-emptions were not previously allowed. I [R. H. Sterling] differed with him, and *promised*, on my part, to reserve this and all similar claims, till an answer could be had."

NOTE.—That part of Mr. Sterling's evidence that relates to "John Jones's case" will be examined under that head.

REMARKS.—It is with reluctance that I enter upon the examination of the receiver's evidence, but it is a duty I owe to my government and myself, in defending my character from imputations tried to be cast upon it, by any witnesses, to expose the whole train, the whole combination against me.

I had been charged by a witness in a committee-room of the Senate of the United States, under an examination by the members of that committee, distinguished for legal knowledge and high standing, as being a member of the "Chocchuma Land Company," formed at that place in October, 1833. This charge had been printed and reprinted in almost every opposition paper in the United States, with such comments as each might think proper. My name had been introduced in grave debate by honorable senators in the Senate of the nation as connected with black frauds. To cap the climax, a commission has been raised, inquisitorial in its powers, and composed of men personally hostile to me, and from the malicious bias of their minds, unqualified to do me justice. The known and avowed object of creating this commission, thus composed, was not intended to do me justice, but injustice; not to expose frauds, but to gratify personal hatred and subserve party and factional purposes, to carry on their fiendish designs.

Mr. Sterling states that "*Rather was one of the criers, and was appointed by Colonel Gwin.*" Now, sir, what must you and the public think when I state and *prove conclusively* that this whole statement is, in every sense of the word, erroneous. Mr. Sterling had the evidence in his own hands that it was erroneous; you have the evidence on file in your own department that it is erroneous. By an examination in your office of our quarterly returns for the quarter ending on 31st December, 1833, you will there find the account of "Stephen Holt," made out in the handwriting of Mr. Sterling himself, and a receipt signed by Holt at the bottom for one hundred and twenty dollars for crying the sales at Chocchuma for four weeks in 1833. These are facts in which there can be no mistake, and upon which his memory should not have been so deficient. The truth is, Guilford Griffin was the regular auctioneer, appointed by Mr. Sterling and myself, long before the sales came on, but was taken sick a day or two before the sales came on with a violent cold, and on the morning of the sales he called on Mr. Sterling and myself and stated that he was too unwell to cry that day, but expected to be able the next, and asked us if we had any objection to Captain Rather's crying for him that day, as he was an old experienced hand. We both readily assented, but required him, Griffin, to remain in the room and by the side of Rather, to report the names of the bidders and price of land. He was still too hoarse to cry for the next two days, and on each day he made known the facts to us both, and whom he had gotten to cry for him. I will here extract a part of Mr. Griffin's testimony on this subject, No. 31. Mr. Griffin states, "I was the regularly appointed auctioneer for the first two weeks at said sales, and was appointed by *R. H. Sterling* and Samuel Gwin, and I attended at said sales from the first day of it to the second Saturday of said sales, just before the sales for that day closed, it being the last day of the first two weeks' sales." To an inquiry of Mr. Griffin that Mr. Sterling had stated in his deposition given the Marshes that "Rather was one of the criers, and was appointed by Colonel Gwin," whether this statement was true or not, Mr. Griffin answers, "*They are not true*, I arrived at said sales very unwell, so much so that I felt unable to cry the first day. Expecting to recover, or be able to cry the next day, I did employ such persons as I could rely on to cry for me. The first day I got Colonel Rather to cry for me, as he was an old experienced hand, with the full knowledge and approbation of R. H. Sterling, as not only I, but the officers also, were inexperienced in land sales, and he, at my request, assisted me each day that I did not cry myself, but one, when Mr. McLaran, at my request, cried. Mr. Sterling could not have been mistaken as to who was the regular crier, for he himself, several months before the sales came on, promised me the appointment, and having procured Colonel Gwin's, I attended the sales for that express purpose, and made known to him and Colonel Gwin that I was sick, and they both advised me to procure some one else from day to day to cry for me, expecting my recovery." Now, this is a true statement of the facts in the case, of which Mr. Sterling should not have forgotten when he gave his deposition. At the time Rather cried for Griffin there was no company formed that I knew of; after I understood there was a company formed I do not think Rather cried, but then I did not know him as one of the company. Mr. Griffin, at the close of the first two weeks' sales, found himself getting worse, and there remaining no probability of his being able to cry, Sterling and myself appointed Stephen Holt in his place, and the account was made out in Holt's name for the entire time, because Griffin had returned home and could not sign the receipts, but he received the pay for the first two weeks and Holt the last two.

As to my refusing to go into an argument with the Marshes about what I considered a "legal subdivision" under the law of the "29th May, 1830," I did so refuse, because there was no other less legal subdivisions under that law than *half-quarter* sections, or lots containing, as near as may be, 80 *acres*. He attempted to claim the location of his pre-emption *by lots* under the law of 1832, authorizing, under peculiar circumstances, a division of *half-quarters into quarter-quarter* sections, which law was not in existence in 1830, when the pre-emption law passed, which was re-enacted or revived on the 19th June, 1834. Marsh wished to spin out his claim up and

down the Tallahatchie river for *one mile* in forty-acre tracts, and not take it by the legal subdivisions of 1830. This I resisted, and would do again. I had given the law of 1830 to Marsh as my answer to his question. He now wishes to prove, by Mr. Stirling, that he, Marsh, was ignorant of what constituted a legal subdivision under the law of 1830, as construed by me. Nothing is further from the truth than this. I had repeatedly explained this law to Marsh, and referred him to various acts of Congress on the subject, that made it so plain that any one could have seen but he that would not. To show that Mr. Sterling's evidence is erroneous, where he states that my reply amounted to a refusal "to give any explanation as to what constituted a legal subdivision," I will here give Mr. Ringgold's answer to the 13th interrogatory: "I recollect that James R. Marsh inquired of Samuel Gwin, the register, what constituted a legal subdivision under the pre-emption law of the 29th May, 1830. The reply was, as well as my memory serves at this distant period, that the law and instructions in reference to forty-acre tracts or subdivisions, created by the act of 1832, could not be considered as having reference or any pertinent bearing to the act of 1829. The register frequently referred to and commented upon the law and instructions of the government to satisfy himself and the Messrs. Marsh of the correctness of his decisions touching their pre-emption claims. I am positively certain that R. H. Sterling, in every instance, fully coincided and sanctioned the opinions of the register, and I cannot but express my surprise that said Sterling could have so far forgotten himself as to give the testimony referred to in the above question."

Mr. Sterling next goes on to state, that "the testimony in the Marshes' applications is more lengthy than others, *but does not know the motives.*" Whether they are longer than those admitted I know not, as the originals have been all forwarded, but I believe they are shorter than other claims that have been rejected. These men had put up fraudulent claims, and were determined to force them through, in opposition to reason, justice, and law. I was either to sacrifice the interest of the government to these fraudulent men, or to undergo the present ordeal. I preferred honor with persecution, before disgrace with their smiles.

He next alludes to my refusing to reserve these lands from sale, at the public land sales, until the opinion of the Secretary of the Treasury was obtained. This I was bound to do. Copies had been forwarded to Washington on the 27th August, 1834, and I was satisfied that an answer could be received before the 1st December from the department, if our decision was disapproved of. But I *knew* the claims would never be allowed by the department. It now appears that my colleague did agree with these men to reserve this land form sale; for he states, "I differed with him [me] *and promised, on my part, to reserve this and all similar claims till an answer could be had.*" This shows the embarrassed situation that I was placed in. These men had *gotten the promise of my colleague* to disregard the proclamation of the President, and, without one shadow of law, to suspend from sale lands that were orderered to be sold.

For your information, I herewith insert a copy of the official opinion of the receiver and myself in the above case:

"*Opinion of the register and receiver on the claim of Samuel B. Marsh, under the pre-emption law of* 1834, *delivered on the* 27*th August*, 1834.

"We, the undersigned, have given the above case a careful consideration, and have come to the following opinion, subject, in all cases, to the revision of the Commissioner of the General Land Office, under the order of the Secretary of the Treasury.

"1st. Said claim, as presented, claims land on three different quarter-sections. *Supposing* the claimant entitled to a claim somewhere, it is not for us to say where it should be located; therefore we reject it.

"2d. The admissions of the claimant, in his application, and the evidence, go conclusively to show that Samuel B. Marsh and James R. Marsh cultivated the land claimed, in 1833, *in common;* and, of course, if there is any relief for the claimant, under the pre-emption law, (which we do not doubt,) it must be in common with his brother, James R. Marsh, and not individually; therefore we cannot admit it.

"3d. That the mere remaining of the claimant (not on the land claimed, but on an adjoining tract) for a space of time, as he admits, of less than a month, and as is on proof *but ten days*, in May, 1833, and as he admits that part of his hands were removed, in November, 1833, to another plantation, and the remainder in February, 1834, and giving the furthest time, as named by one of the witnesses, when the entire removal of the hands took place, in March, 1834, and the vagueness of the consideration to be paid by Mr. Wilds, as tenant in 1834, in our opinion destroys the possession (if any could, in justice, be set up) on the 19th of June, 1834.

"Entertaining these views, we cannot admit the claim in any shape. There are other points in the above claim that might be brought to bear, which we may, at some future period, lay before the Treasury Department; but as we both fully concur in the above, it will show the claimant some of our reasons.

"That we may not be misunderstood, in regard to similar claims, it is our unalterable determination to adhere strictly to our instructions in regard to *cultivation in* 1833, *and possession on* 19*th June*, 1834. By cultivation, we will take the common and universal acceptation of the term, and of the idea it conveys when used in common parlance, which is liberally defined in our instructions.

"As to possession, the claimant must satisfy us that he considers the place claimed his home, the source from which he derives his support; and although a temporary removal for health or water may occur at particular seasons, yet he must look to the former as his permanent abode for the time being. The possession by an agent will be but seldom admitted. There are cases where it would be proper, in our estimation, but they must be accompanied by other circumstances of explanation.

"SAMUEL GWIN, *Register.*
"R. H. STERLING, *Receiver.*"

As I have been subjected to all the abuse that could be possibly heaped upon a man, about the above claim, and as it has been the lever to deceive the Senate of the United States, and to cause one of its committees to spread before the public of this nation a report replete with misrepresentation, I herewith enclose you (Exhibit E) a correct diagram from the original surveys, as on file in my office, and also a copy of Marsh's application, designating the lots he applied for, to wit: "Lots of land Nos. 1, 2, 7, and 8, in section 5, T. 21, R. 1 W.; and lot 12, in section 4, T. 21, R. 1 W.; and lot 9, in section 5, T. 21, R. 1 W." By examining this diagram, and the above application, you will at once see the presumption of these men. Where, in the name of common sense, can Mr. Sterling find any authority, from the above opinion, and this diagram and copy, to warrant him in his determination to suspend the sale of this land?

In regard to my occasional absence from the office in 1834, and to show you that the public interest did not, for one moment, suffer, which Mr. Sterling well knew, Mr. Ringgold states, in his 9th answer, "I am certain that during the whole period of the occasional absence of said Gwin, that the public interest did not suffer, nor did individuals suffer that I ever heard of."

John Jones.—(Doc. 22, p. 65.)

BRIEF.—Does not know that Samuel Gwin was a member of the company, but was told by "Mumford Jones that Colonel Gwin had put in a thousand dollars in the name of his son or for his son's use."

REMARKS.—Upon Jones giving this testimony, the commissioners addressed a communication to Mr. Jones, (as he informed me voluntarily by letter,) as I suppose, for his deposition. In his letter to me he remarked that he had never told John Jones any such thing, nor had he ever heard of such a circumstance. During the last session of Congress I sent this letter, with various other depositions, to an honorable senator, which have by some means been *lost*, as I am advised. I unfortunately retained no copy, and Mr. Jones is now, and has been for several months past, in the State of Virginia.

James Sims.—(Doc. 22, p. 110.)

BRIEF.—"Thacker Winter informed me that Colonel Gwin applied for leave to put stock in the company, but applied about fifteen minutes too late."

REMARKS.—This same Mr. Winter, in his deposition hereto annexed, (No. 19,) states that, "to the knowledge of this deponent, propositions, at several times, were made to S. Gwin for him to become a member of said company, and in a conversation between this deponent and the said Samuel Gwin, he remarked that it was improper for him to be in any way connected with the company, and that he would have nothing to do with it." Mr. Sims, like Mr. John Jones, must try some other tack; why not have selected some one that was *dead* and could not answer?

Having gotten through the examination of the testimony of the witnesses in detail, I will next take up the

Case of Martin and Gold.

BRIEF.—Mr. Cox, in his thirteenth answer, recollects one instance where register and receiver refused to take the bid of any person, unless the money should be put up at the time of bidding, and prior to the striking off of the land; that a gentleman, as he understood, not belonging to the company, bid against Mr. Martin, and at the request of Martin he was required to put up the money at the time of bidding. Mr. Lane states, (p. 16,) there were several bids refused, on the ground of a deposit being demanded by the opposing bidder and not made; states that Mr. Marsh, who, I think, did not belong to the company, as one instance, and in another instance A. S. Campbell, who, if not then, was afterward a member of the company. Mr. Sharkey states, (p. 42,) that a Mr. Gold was required to put up the money for land as soon as it was knocked off, which he refused to do; that when Gold refused to pay for said land, contrary to the known rules of the sale, his name was cried out immediately and he was not allowed to bid any more, and the land bid off by Mr. Gold was put up again immediately, without waiting till the next day. The same land was again forfeited, and on the opening of the sales on next day, the name of the person that had forfeited it was not cried out so that the bidders could hear it, nor was the land called "forfeited" by the crier. Abel Beaty states, (p. 93,) that Martin, and Gold, the clerk of Campbell, were bidding in opposition to each other, and after the land had been run to more than $10 per acre, a deposit was demanded of Gold; Sterling, the receiver, put his head out of the window and held some conversation with Martin, and immediately a deposit was demanded of Gold, but does not recollect by whom. John H. McKennie states, (p. 106,) that Martin and Gold were bidding, and the land was run to $16, when the receiver required Mr. Gold to make a deposit before his bid could be taken; without another bid, the land was knocked off to Gold; next day it was announced that the land was forfeited; it was again set up and sold. Mr. Gold had previously bid off a number of eighths, one as high as $8 per acre, which were then not paid for; the bids were said to be for Campbell; there was a deposit of about $4,000 in the receiver's chest from the mercantile house of Campbell, deposited by Gold, but the receipt was given in the name of Hunly, another of Campbell's clerks.

REMARKS.—On the 24th October, (the fourth day after the sales commenced at Chocchuma,) and before I had any certain knowledge of the formation of a company, Mr. Gold, a *new bidder*, appeared, and bid off, at *very high prices*, a number of tracts of inferior land, amounting to something like $4,000. The receiver came to me and remarked that he understood that Gold intended to forfeit the land, or that it was so believed. This conversation occurred while he was then bidding. In a few moments, Gold and Colonel Martin began to bid on a tract that I knew was inferior land, and while they were bidding I discovered that there was an intense interest manifested among the bidders that appeared likely to break out in violence. When the land was run up to about $16 per acre, we became satisfied that Gold did not, in fact, intend to pay for any of his purchases, and the fact of his depositing the money and taking a receipt in the name of Hunly, confirmed us in the above conclusion, and satisfied us that there was a concerted plan to break up the sales, or to annoy us exceedingly, by a few persons bidding off each day, at high prices, large bodies of land and forfeiting it, and from day to day the same scenes be over and over again repeated. It was then determined on between us to demand a deposite of Gold, *in his own name*, not only on the land he was then bidding for, but also on all that he had that day purchased. While it was crying at $16 per acre, the receiver, as several witnesses have correctly stated, demanded *immediate payment* of Mr. Gold for all he had purchased, and informed him that his *receipts were ready*, and he was invited into the office to pay the money. The land was knocked off to Gold; he did not make the deposite or pay the money, as required by the receiver, but stated that he would that night, and the sales then went on as usual. In the evening he presented the receipt given to Hunly, and drew out all their funds, and refused to pay for any of the land he had purchased that day, and it was forfeited, and offered for sale again on the next day, and part *only sold*, and Mr. Gold cried out. No part of the lands bid off by Mr. Gold was again offered on that day, as stated by some of the witnesses. Mr. Sharkey is entirely mistaken in his statement, and so is most of the other witnesses, except Colonel John H. McKennie, whose statement is correct.

I violated no law nor our rules in this transaction; I had no knowledge of a company, much less that Colonel Martin was a member of it. Our rules stated, "should any one bid off a tract of land and fail to pay for it on the same day, *or when required by the receiver*," &c.; nor was there, or could there have been, the slightest partiality shown in the whole transaction, but, on the reverse, a strict regard was plainly manifested to the public interest. To prove that my conduct was not viewed by the parties concerned in the light of partiality, Mr. Campbell and myself have ever since our first acquaintance been on the most friendly terms, which would not have been the case had he seriously considered my conduct illegal, improper, or partial.

John Jones's case.—(Doc. 22, p. 55.)

BRIEF.—R. H. Sterling, p. 116, states that S. B. Marsh "presented to me, (Sterling) *very early on the morning of November* 22, *three applications for John Jones for* 321.19 *acres, and asked Col. Gwin to sign them;* he refused, and said he must put them in and take their chance among the rest." Marsh insisted, but Gwin still refused; wanted Gwin to acknowledge that he had applied; after a short recess, Marsh went to his (Sterling's) desk, with the applications, and tendered him the money for the land, and asked for a receipt; "*I was about to give it, but discovered that the quantity of acres was not stated.*" Gol. Gwin had stepped out, and William M. Gwin at this moment stepped in and said, "I will answer you, Mr. Marsh," and did fill in the area in each application; the receipts were immediately finished, signed, and handed to Marsh. Colonel Gwin returned, and some warm language passed between him and Marsh. "William M. Gwin added, he should not have had the area if he had known his (Marsh's) object." Samuel Gwin declared he never would sign the applications, and never send the papers on, because it was a violation of the then rules. Marsh threatened him with legal proceedings, to compel him; during the day the parties "settled the difficulty." John Jones, p. 55, states, "the officers would not sign applications when presented, but required them to be handed in until a certain hour, and then announce the applications that were made for the same land;" parties would then retire to a shed, some ten or twelve steps from the land office, "and bid among themselves and divide the profit." Witness then went to Samuel B. Marsh, who, the next day, came to the office; complained of the speculators; Gwin told him if he thought the law would justify him, he would lock up and go off until the speculators dispersed; Marsh appeared glad at this, and said to Gwin, "Come with me behind the counter, and I will show you how to prevent these abuses effectually." Marsh pulled out Jones's applications, and said, "Now, sir, sign these applications, and do it in every instance as soon as presented, and you will stop these disgraceful speculations." Gwin would not sign them, but said, "You must put them in, and let them take their chance among the rest." Marsh said, "this would put a stop to the speculations." Gwin said, "he had written rules on the door, and he would not depart from them." Marsh insisted that he should destroy these rules, which were only designed to effect the frauds complained of; Gwin still refused. Marsh noted the time of day, several persons being present, and "then tendered my applications to Colonel Gwin, who refused to sign them." Marsh then turned to Sterling to tender him the money, who stated the number of acres was not put down in the applications. Marsh asked Gwin to give him the area; Gwin would not do so, and William M. Gwin at this time stepped in, and remarked he would answer for his brother. Marsh informed him what he wanted, and he (William M. Gwin) examined the maps and marked the area on the applications. Marsh then handed the money to Sterling, who made out the receipts for the land. Marsh and Burnet had some harsh words. Colonel Gwin returned to the office much excited, and said Marsh had acted improperly. William M. Gwin spoke with marks of passion, and justified the practice then going on. *Marsh said, "Are you a marshal of the State, and do you give and receive hush-money?"* Samuel Gwin said he would never sign my application, nor would they go to Washington. "Marsh said he should resign, or he would have him imprisoned until he did." McCaughan put in new applications for Jones afterward.

REMARKS.—There is in the above case a base and ungentlemanly attempt, on the part of Marsh and Jones, to impute partiality or favoritism to me, by stating a small portion of truth and much *falsehood.*

It will be kept in mind that, from the moment the public sales closed, there was never less than one hundred individuals at the office, wishing to make entries, and generally as high as *five hundred;* that many of these persons wanted the same land, and all had their application made out, ready to hand me the *instant I opened the office for private entry.* Each applicant claimed, and had a right to demand, that his interest should be attended to as soon as any other person. I knew that all eyes were turned on me, and many were ready and anxious to cry out partiality if I failed to keep them *all* on the same footing precisely. The maps were subject to the inspection of all, but I acted openly in every instance; there was nothing *secret or unfair* on the occasion; I knew that no application *was valid* until I had signed it, either in law, by our instructions, or our rules, as published. From Monday to Thursday night I stood behind the counter, and made proclamation that "I was ready to receive all applications in the several townships, ranges, and that I would receive said applications for the space of fifteen minutes;" I held a cigar-box in my hand, and as the applications were handed in, I placed them in it, with the *face down; I read none of them myself, nor did a human being read one of them,* save the applicant who put it in; at the expiration of the *fifteen* minutes, I made it known that the time was out, and no more applications would be received for lands in that township until all those on hand were disposed of. I then carefully placed each application for each section together, beginning at section *one,* and so on to *thirty-six;* after they were thus assorted, I took all the applications for each section and compared them, and if any two or more were on the same tract the applicants had to bid, but where there were no conflictions I immediately handed the application to my clerk, who made out the area from the maps and marked the land, which was handed to the receiver to issue his receipt upon. Generally, where there was competition, the parties refused to bid, nor could I compel them; they would withdraw their applications all but one *by consent.* I disposed of the townships in this way, in the numerical order proclaimed by the President, and as offered at public sale. Finding, as before stated, that a few individuals were putting in applications on lands that did not join any owned by them, but adjacent to lands owned by others, and who were applicants for the same, in order to extort a small pittance to buy them off, and that this was the cause of so many applications for the same tract, I urged the applicants by all the means in my power, to drop such little dirty business, and to stand up and bid for the land they wanted, but to no effect. It was not till late on Thursday evening that I learned this plan was in operation, and to break it up, at the close of that evening, I changed the rules as the only method that I could devise to stop this proceeding. New rules, No. 1, were then stuck up on the office door, giving applicants all the next day to make out their applications, and as soon as handed in I locked them up, not reading them myself, or permitting any one else to read them. The operation of these rules only extended to those townships that had not been acted on under the former rules. At sunset that evening the applications were exposed and arranged in the presence of six or seven gentlemen of different politics, whom I had invited to be present on this occasion. As there are no complaints involving my conduct after this, I shall stop here in detailing the close of the sales under this rule. It was while this rule was in force that the farce of the John Jones case was played, in which Samuel B. Marsh is represented as playing the *hero.*

I will here give Mr. Barnard's sixth answer (No. 11)—"At the close of the public sales, there were, I would suppose, from *two* to five hundred persons on the ground, who had made purchases at the public sales, and wished, at private entry, to extend or add to their former purchases, so as to complete their settlements. All, or most of those persons had their applications made out, and it was only necessary for the register to examine his maps, and put the area in the applications and sign it; but it was known that there would be conflictions on

some of these applications—he could attend to but one at a time, and if he had permitted them to come in this way, all would have applied at the same instant, and it is highly probable that while he was filling up the area, and signing one application, other applications might be in his possession for the same land, equally entitled to it as the one he was then filling up, or persons would have been continually harassing him to take their applications. I am fully satisfied, from the anxiety felt by the crowd on this occasion, that it would have been impossible for the register to have gone on in this way, and he might have been justly chargeable with partiality had he attempted it. He could not attend to all in the same moment, and to have made a distinction would have justly created great excitement. I am therefore clearly of opinion that his rules were as well calculated to avoid this dilemma as they could possibly have been; and, in fact, I do not see how he could have got along at all without them, or others like them."

Early on Thursday morning, as Jones states, "when they were putting on their clothes," Sam. B. Marsh walked into the office, the very image of guilt and meanness, and after blustering some time, and abusing the speculators, he told me that he wanted to examine the maps. I readily stepped behind the counter to the desk with him, not knowing his business. He asked to examine such a township map, (one that had not been acted on under the first set of rules;) I showed him the map. He then asked if such lands were vacant? I informed him they were. He then asked me to sign three applications for this land. I told him I should not; that he must hand them in in the course of that day, and at sun-set I should cease taking in applications till all on hand were disposed of; and, if there was no confliction, I would then sign the application. Upon this he wished me to make my objections in writing. Understanding him now, I refused unconditionally. By this time a crowd had entered the office. He called on them to note the time of day. I replied, that he might note anything he pleased. I then went to breakfast; and as soon as I was gone, my brother stepped in, not knowing of anything that had transpired. Marsh, with his ghostly smile, asked him the area of such and such sections. Not knowing his object, my brother gave them to him; and although Mr. Sterling, as he admits by his own deposition, was present, and saw and heard all that had occurred, yet he gave *Marsh receipts for the land* that was not sold, and which he knew was against his own published rules, and had heard me positively refuse selling in this manner, or on any other conditions than were pointed out by our published rules. But now, it appears, that there was an understanding between Stirling and Marsh, for the former, in his deposition, states that, "*on the morning of 22d November, S. B. Marsh came into the office very early*"—"*he presented to me three applications for John Jones for* 321.19, and asked Colonel Gwin to sign them." Mr. Marsh, after a short recess, came to my desk, with these applications, and tendered me the money for the land, and asked for my receipt. I was about to give it, *but discovered that the quantity of acres was not stated.* Now, Jones states that Marsh said to Gwin, "Come with me behind the counter, and I will show you how to prevent these abuses effectually." "Marsh turned to Colonel Sterling's desk to tender my money to him, and get receipts, when Sterling observed that the number of acres was not put down in the applications. Now, it is plain, from Sterling's testimony, that Marsh and Sterling had a perfect understanding on the subject, and that the applications, by Sterling's own testimony, were, in the first instance, handed to him. There is one circumstance attending this part of Mr. Sterling's testimony that will show the commissioner has grossly misstated his testimony, or that he, Sterling, has been mistaken in his own testimony. He states that, "on the morning of the 22d November, Sam. B. Marsh presented to me three applications for John Jones, for 321.19." In the *fifth* line below this, in the same answer, he states that "Marsh came to my desk with the applications, and tendered me the money for the land, and asked for my receipt; I was about to give it, but *discovered that the quantity of acres was not stated.*" It will be hard for him to reconcile this palpable discrepancy in his own testimony, except, as above suggested, it was misrepresented by James R. Marsh. Jones further states, that Marsh called at the office the *next day after* Chowder's entry, and remained there during the whole day, and "until very late at night," to see Gwin and Sterling alone, but, failing in this, he called again early the next morning, before they had put on their clothes, when the conversation took place. Chowder's was the last entry made under the first set of rules, and was made on the 21st November, and that was "*Thursday;*" Sterling states that Marsh called on him on the 22d, early in the morning, which was Friday. Every man knows, who was on the ground, that there was not a single entry made on Friday, but all the applications were to be filed on that day under the new rules, and on Saturday they were acted on, as will appear, for there were upward of *two hundred entries* made on that day. Here, it is clear, that Jones had omitted to swear the truth. I only advert to this fact to prove how little reliance is to be placed in an *ignorant, malicious* man's evidence, when in the hands, and under the control, of such a corrupt man as Samuel B. Marsh.

Jones is made to say that Marsh told me that I should resign, or "he would have him [me] imprisoned until he did" sign the applications. There is not one word of truth in this statement. What! Samuel Marsh threaten to imprison me!!! Sooner would he have butted his brains out against a tree than make such a threat. I did say that I would resign my office before I would sanction such a low, secret, ungentlemanly transaction. I did repeatedly declare that I never would send the papers on to Washington as they then stood; that I did not sell the land, nor was the entry a legal one; and that if other persons put in applications for this land that day, I would put it up to the highest bidder on the next day, paying not the least regard to this pettifogging trick.

It is rather unfortunate for this noble pair, Jones and Marsh, that no other person who was present on the above occasion heard anything of Marsh's threats to "*imprison,*" and his inquiry of Dr. Gwin, as marshal of the State. Mr. McLaran, who was present on that occasion, and of whom it was inquired whether he heard Marsh say to Dr. Gwin, "Are you marshal of the State, and do you give and receive hush-money, and partake in the profits of these speculations?" he answers, "I did not hear any such remarks from Marsh, and cannot doubt for a moment that no such remarks were made, else it would have been heard of; and such a venture on Mr. Marsh's part was too much for him to make; it would have been the throwing of a fire-brand in a magazine for Marsh, that he would not have ventured to have done. * * * If such conversation had occurred, I think I would, or any one there, that was in the crowd, would have heard it, and yet did not hear any such talk." Again, the same witness answers to an inquiry, if he heard Marsh make use of any such language as this to Samuel Gwin, that he "should resign, or he would have him imprisoned until he did sign such applications," as follows: "I heard much of the conversation between Marsh and Gwin, as well as in the multitude, on that occasion, but never any such language as that." To an inquiry, "Was not the conduct of S. B. Marsh, in this transaction, looked upon by all honorable men with contempt?" he answers, "It was, and so frequently and publicly expressed." This *honest* commissioner—this conservator of the land laws, with his brother James R., appears highly indignant at the idea of giving or receiving "*hush-money*" in other persons. How does it apply to themselves we will let Mr. Purvine answer, (No. 16:) "Joseph Francis and myself did receive *one hundred dollars* of James R. Marsh, (by an order on R. H. Sterling for the money,) which he agreed to give us *not to bid* on the said S. W. half section 21, T. 22, R. 1 W." Now, this shows the purity of these men's morals, and the *foresight and*

knowledge of the committee in "reposing entire confidence in your prudence and fidelity." "Their fidelity" must have been to keep all violations of law by *themselves and their friends* dark, but *make* something against those with whom you are at variance.

James Crowder's case.

As several of the witnesses have alluded to this case, I will here detail the facts as they occurred. James Crowder, among others, late in the evening of Thursday, November 21, put in an application for a tract of land. He had been waiting all day impatiently for me to get to the township that he wished to enter in, so that he would make his entry and leave for Natchez. I had despatched as many claims as I could, to reach his township, and the receiver was far behind me in making out his receipts. There were several other applicants for the same tract, and when I had collected them all in a body, and before I had completed calling over all the names of the applicants, he remarked, in an audible voice, "I will give $2 per acre for the land." As soon as I got through calling the names, I asked him if he bid $2 per acre on the land. A number of voices said "No, no—we withdraw;" upon which, irritated myself, I instantly tore up all the other applications but Crowder's, and he entered it. He afterward informed me that he gave a set of fellows whom he expected had applied for this land, and wanted a little money to pay their bills, *fifty dollars*, and told them to go to hell with it. I did not understand him as bidding, nor did he intend it as a bid, as he has since informed me. He is now and has been for several months absent from the State, or I would procure his deposition to the above facts, as we have frequently since spoken on the subject.

I have now, sir, examined the imputations that have been made against my official conduct; referred to, and remarked upon, the evidence adduced in support of them; given an explanation of the several transactions on which those charges are predicated, and offered you such evidence in refutation of them, as was at this time in my power to obtain without the aid of compulsory process, and in the limited time of a public officer whose duties demand almost every moment of his time and every faculty of his mind. I have endeavored to give a full history of each of the transactions referred to by the witnesses, charging me with improper conduct. That you may have the whole subject before you, touching the famous "land company," and my conduct at the land sales in Chocchuma in 1833, I have, in addition to the evidence of numerous witnesses, copied the address of Robert J. Walker, (see Exhibit A,) explaining the whole subject, and also a copy of the company agreement (see Exhibit B) of the "Chocchuma Land Company."

Exhibits C and D are memorials addressed by me to the Senate of the United States. Exhibit E is a diagram of the lands claimed by the Messrs. Marsh under the pre-emption law of 1834, which we rejected, and about which they endeavored to get up a new batch of evidence against me to gratify their personal pique.

I have reason to complain of the selection made by the chairman of the Committee on Public Lands, of commissioners to carry on this investigation. It *was known to him* that they were my personal and vindictive enemies—men with whom I had not been on speaking terms for more than a year previous to their appointment. Even before I had entered upon the duties of my office at Mount Salus, they had formed and expressed their decided hostility to me, and sought every opportunity to misrepresent my official conduct and do me an injury. Their character for vindictiveness was well known to the chairman of the committee. Could it be supposed that this was their only recommendation for the appointment? He held an unbounded influence over them, and could command them even to the exposing of *their lives*, as I have but recently experienced.

Had I been guilty of the charges preferred against me, and it was my country that demanded an investigation, would it not have been more decorous, more in unison with our free institutions, that men of standing for integrity, without a shadow of bias on their minds, (who would have reported the evidence as it was given in,) would have been selected to carry on the inquiry? Had men of this character been appointed, you would never have heard a word of complaint from me; in fact, I have courted such an investigation, as will appear from the two memorials addressed by me to the Senate of the United States, both of which were received in time for the action of the committee before they made their report, (see Exhibits C and D,) and I would have been willing to have risked my reputation on such an issue.

From the course that has been pursued toward me, I have been constrained to view the whole proceeding, not intended as a public good, but to gratify the *personal hostility* of one individual at the immolation of my character.

To that country that I have feebly but honestly attempted to serve, her officers and representatives, do I appeal from the unjust aspersions attempted to be cast on me, not only by the witnesses, but by one of her committees; and to them do I submit this defence, with no other motives, or solicitude for the result, than that regard for the character of my country, so far as it can be affected by my conduct as one of its officers, and that concern for my own reputation which should actuate every good citizen and honest man. If, in defending myself against those foul and groundless charges, I have used any harsh expression, or manifested any intemperance of feeling, I must rely for my apology, on the nature of man, the murderous attempt that has been made upon my reputation, and your liberality.

SAMUEL GWIN, *Register of Northwest district, Mississippi.*

March, 1836.

P. S.—This defence was nearly complete and ready to be forwarded in December last, but before it was completed, an unfortunate difficulty arose between myself and another individual, the result of which was that I was confined to my bed, and unable to write or transact any business, until the first of the present month, and even now not without great bodily pain. This has delayed its presentation until the present time.

EXHIBIT A.

Address of Robert J. Walker, Esq., to the people of the United States, on the subject of the alleged frauds in the sales of the public lands at Chocchuma, Mississippi.

FELLOW-CITIZENS: It is my duty to appear before you with a vindication of my character from the unfounded aspersions cast upon it in the exparte affidavit of Edward Row, in relation to the late land sales at

Chocchuma, Mississippi. Being neither the incumbent of, nor a candidate for any office, a public controversy could be anything else than desirable to me, but I am consoled by the reflection of the rectitude of my conduct, and that the utter falsehood of the charges preferred against me is susceptible of the clearest proof. The attitude assumed by me before you at present is defensive: to party feelings I scorn to appeal in a matter affecting my private character. My appeal is to a just and enlightened community—to the honorable men of all parties—desiring that all political prejudices may be discarded, and an impartial judgment pronounced on the facts and the testimony.

Let me call your attention to the consideration of the probable truth of Row's statement, and the opposing proof. That part of Row's affidavit chiefly affecting my character is contained in what he calls my public address to the people. He describes me as asserting in that address that each settler was to have a quarter-section at government price; provided, however, that said settler would sign a paper obliging himself not to bid for any other lands thus offered at the sale of public lands of the United States. Now, had I been disposed thus to violate the laws of my country, by imposing these disgraceful and illegal restrictions upon the settlers of the State, can it be credited that I would proclaim this open violation of the laws, this shameless outrage upon the rights of so many citizens, in a public address to the people? A tale so improbable and extraordinary carries with it its own refutation. Yet it is this tale which is introduced with such a solemn pomp by George Poindexter into the Senate of the United States, made there the subject of grave debate, and of still graver charges, published at his instance, and spread before the people in the journals of the day, to gratify, by the immolation of private character, the insatiate fury of malignant partisans, who, having in their own career violated every principle of honor, and every law, human and divine, outcasts from social intercourse, with the brand of infamy upon them, would desire to clothe others with their own vile mantle of disgrace and shame.

Let us now examine the proof opposed to Row's statement; and first, I present the original company agreement, with the original signatures upon it; which agreement hundreds will testify was read by me, and made the basis of my speech at Chocchuma, to which Row refers. The clause in relation to settlers is in the third article, which, by the sixth article, is made unalterable.

Company Agreement.

"ARTICLE 3. It is expressly understood that, if any and should be bid in by said commissioners on which an actual settler is now residing, that he is to have the eighth or quarter-section, including his residence and improvement, at cost, upon the condition precedent that said settler, at any time during the day that said sale of the land so occupied by him takes place, actually pays in cash to said commissioners the amount so paid by them at said public sales as aforesaid, otherwise this clause will be considered as not inserted; *but none are precluded from bidding for any land.*"

Row's affidavit, and version of R. J. Walker's speech.

"I arrived at Chocchuma on the 23d of October, two days after the commencement of the sales, and on that day there was a public address made to the people by a gentleman, who said that they, the companies of speculators, had united to shield the actual settlers from being imposed upon by individual speculators, and that his company was willing that any actual settler should buy one quarter-section of land wherever he pleased, and as low as he could get it, if it were at the government price; or that his company would purchase it for him as low as they could get it, and let him have it for what they gave; *provided, however, that said settler would sign a paper obliging himself not to bid for any other lands thus offered at that sale of public lands of the United States.*"

The remarkable passages are italicized, in order to place in striking contrast the difference between the company agreement as it exists, and was read by me in my speech, and Row's version of it. The entire agreement is published; it is a record that cannot lie; it was always open to public inspection at Chocchuma, as it is now to that of any individual who chooses to examine it. It is the original that is offered, with the original signatures; and it will be perceived that the very clause in relation to settlers declares that none are precluded from bidding for any land, whereas Row falsely swears the very reverse.

The opposing testimony does not stop here. I have accidentally met with several individuals, of the highest respectability, since the publication of Row's affidavit, and all of whom concur in the most clear and emphatic contradiction of Row's statement. The testimony of a host of witnesses will be taken, but I could not delay this publication for that purpose, and permit Row's statement to circulate uncontradicted throughout the Union, exultingly sustained in the speeches of Henry Clay and George Poindexter. Indeed, the number of affidavits which I have been enabled to take during the few days which have elapsed since I first saw Row's statement, has been diminished by my necessary attendance as counsel at the highest courts in the State, and also by severe indisposition during part of this period. Yet I have, in this short interval, been enabled to procure, and now present to the public, a mass of testimony directly contradictory of Row's statement, and establishing the propriety and legality of my conduct throughout the sales.

I now publish the affidavits of Hiram Coffee, J. A. McRaven, John Maxwell, George Dougherty, Guilford Griffin, D. W. Connelly, and the statement of W. L. Sharkey, chief justice of the high court of errors and appeals of this State—gentlemen, I believe without an exception, opposed to me in politics, and the political supporters of my accusers on the floor of the Senate; witnesses whose veracity is undoubted, and many of whom have heretofore held, or are now holding, high and responsible offices from the people of this State. Armed with the power of no senatorial committee, unable to compel the attendance of a single individual to depose in my behalf—these depositions of my political opponents are the generous results of the deepest convictions in the minds of those who gave them, of the utter falsehood of the charges alleged against me—a conviction derived from a personal knowledge of the facts. The following is an extract from the deposition of Hiram Coffee:

"Hiram Coffee, being sworn, saith that he was present when Robert J. Walker made his speech to the people at the land sales at Chocchuma, on the 23d of October last, and the deponent *heard the entire speech, and listened to it all attentively*, and said Walker did not assert that the condition upon which the settler was to have a quarter-section at government cost was, that said settler would sign a paper obliging himself not to bid for any other lands thus offered at that sale of the lands of the United States; nor did he use any words to that effect; nor did he state that any pledge, verbal or written, should be required from any settler not to bid for any lands in addition to a quarter-section; but it was my clear understanding that any settler was at perfect liberty, in addition to the quarter-section that might be secured to him through the company, to bid for any other lands whatever."

The deposition of J. A. McRaven, sheriff of Hinds county, one of the most respectable citizens of this or any other State, and an ardent opponent of this administration, is to the same effect as that of Mr. Coffee. The depositions of both these gentlemen are in direct opposition to Row's version of my speech. They not only contradict the assertions which Row attributes to me in that speech, but state the very reverse. Who is to be believed?—these gentlemen, whose depositions are in accordance with the company agreement, or Row, whose statement contradicts it? Row says that each settler who obtained a quarter-section through the company, was to "*sign a paper* obliging himself not to bid for any other lands thus offered at that sale of the public lands of the United States." As there were hundreds of settlers who obtained their quarter-section through the company at the government price, if such a paper ever existed, it can be produced, or some one who saw or signed it, or was asked to sign it; but this never can or will be done, because such paper never existed.

Row's statement is further disproved by the deposition of Guilford Griffin, a justice of peace, of the town of Clinton. Mr. Griffin says, "The company exacted no pledges from any one not to bid against the company; and deponent heard members of the company bidding against the company without any objection; and deponent *also heard settlers who had obtained their quarter-section through the company at the minimum price, bid against the company for other lands in addition.*" This latter part of the extract is italicized, because it demonstrates that the practice of the company was in accordance with their agreement.

The deposition of John Maxwell also establishes the fact, that the company agreement restricted none from bidding for any land; and the statement of W. L. Sharkey, Esq., chief justice of the high court of errors and appeals of this State, who is of the same political party as George Poindexter, is to the same effect.

I also present an extract from the deposition of George Dougherty, Esq., one of the most respectable citizens of this State, and late representative in the legislature from the county of Adams. I have appended the certificate of John A. Quitman, chancellor of this State, as regards the character of Mr. Dougherty. It was not necessary in this State, but might be of importance elsewhere. Chancellor Quitman and Mr. Dougherty have always been opposed to me in politics.

"The undersigned, George Dougherty, being duly sworn, deposes and says, he was present at Chocchuma at the commencement of the late land sales, and attended the same occasionally for several days. The deponent was present about the commencement of the sales, when a committee of speculators from Alabama called upon Robert J. Walker, at his room, and proposed to said Walker to unite with them in the purchase of public lands; and that, in the course of conversation, Robert J. Walker proposed to them to respect the claims of settlers, in the same manner and to the same extent as if a pre-emption law had actually passed—which was strenuously resisted by the Alabama committee at first, but was insisted upon by said Walker, and finally acceded to by the Alabama committee. After this the Alabama committee proposed that the settlers should agree not to bid for any adjacent lands; which proposition was warmly opposed by Mr. Walker. He stated that such conditions were unjust and illegal, and that he never would assent to them, nor would he join any company by which the settlers would be restricted from bidding on any lands they thought proper, in addition to those on which they had settled, without any qualification or condition whatever; and that not one cent, in any form or shape, should be exacted or received from any settler in compensation for any act of the company whatever, and that if these conditions were not fully agreed to, that he, R. J. Walker, would oppose the Alabama company from that time to the close of the sales, to the whole extent of his money and information. This was not agreed to by the Alabama committee at that time, but, upon further consultation with their company, was finally acceded to."

Here is the proof of the conference, which resulted in the company agreement, and which establishes my firm, unwavering, and successful opposition to the exaction of any compensation from settlers, or the imposing any conditions upon them. Here, also, it is clearly shown that my object in joining any company was not a profit or a speculation for myself, but the protection of the settlers; that I refused to unite with any company that had not this for its object, and the witnesses all unite in declaring that I exerted myself faithfully to secure the lands to the settlers without any compensation to me or restrictions upon them, and that my conduct, in the language of Judge Sharkey, was perfectly fair, legal, and liberal. The depositions further established the fact that, by joining the company, I was "enabled to protect the settlers against the speculators, who had taken the numbers of the improved lands, but thereby realized a much smaller profit than I otherwise might have done by not joining the company." Let me also call the attention of the public, not in the spirit of self-eulogy, but as a part of this vindication, to the following extract from Mr. Coffee's deposition, which is in accordance with the rest of the testimony.

"Deponent attended the sales every day, observed the conduct of Robert J. Walker attentively, and states from his own knowledge, and also from the statement of settlers made to him, that said Walker exerted himself faithfully, by all fair and honorable means, to secure the lands to the settlers at the minimum price, without any reward or compensation whatever; and deponent believes, and such was the opinion of the settlers, that, but for the exertions of said Walker, the settlers would either have lost their lands, or exactions of money would have been required from them; and the settlers expressed themselves in the highest terms of the conduct of said Walker throughout the sales; and deponent heard them say, that the public dinner which was given by the settlers to the company, at the close of the sales, was given to Robert J. Walker, as a mark of approbation of his conduct at the sales, but that the company should all attend the dinner. The deponent did not hear of or observe any conduct of Robert J. Walker at the sales, illegal, improper, or illiberal, but highly approved of his conduct throughout, and believes said approval was universal."

The dinner to which Mr. Coffee alludes was attended by a vast concourse of settlers, at whose request their thanks were returned to the company in a public address, delivered by one of their representatives in Congress from this State. Fellow-citizens, can it be credited, that if, as Row has stated, I had imposed these illegal and degrading restrictions upon the settlers, of the country—depriving them of a privilege common to every American citizen—that these identical settlers, whose feelings had been thus outraged and rights abused, should, at the close of the sale, when every inducement but that of gratitude must have ceased to exist, thus honor with a public dinner the very man who had violated their rights and the laws of his country? The fact is also proved that, when the company had expired (for it is shown not to have extended to the purchase of lands on the Mississippi river,) I pursued precisely the same course, in relation to the settlers on the river, that I had done toward the other settlers when the company was in operation, and that, in the language of the testimony, these settlers on the river declared, "that Robert J. Walker had been most active and zealous in securing their lands at the minimum price, and that without any reward or compensation whatever, and these settlers expressed the strongest feeling of gratitude toward Mr. Walker for his timely and efficient interference in their favor." It is further established, in proof, that the agent who attended the sales at Columbus to purchase lands for Robert J. Walker and Thomas Barnard, "*was instructed by them not to bid on any man's improvement.*" And here it is proper to add, that Mr. Barnard most cordially co-operated with me in preventing illegal restrictions being imposed upon settlers. As the name of

Thomas G. Ellis, my colleague, *from Mississippi*, as one of the agents of this company, has also been dragged into this controversy, it is due to truth and justice that I should state that, but for his zealous and uniform co-operation and support, my efforts to protect the settlers would, I fear, have proved unavailing. Mr. Ellis united with myself and Mr. Barnard in publicly declaring that he would join no company that had not for its object the protection of the settlers. We consulted in regard to the terms upon which we could or would agree to join any company, and fixed upon those detailed in Mr. Dougherty's deposition as our ultimatum. The disinterested views of Mr. Ellis are more fully detailed in the following extract from Mr. Griffin's depositions: "Deponent was present after the company had purchased all their lands at public sales, and heard Thomas G. Ellis move, that such lands as had been purchased by the company adjacent to any settler, that such settler should be permitted to buy them from the company at government cost, which motion was seconded by Robert J. Walker." There is one remaining statement of Row, in relation to myself, too palpably false to pass by unnoticed. Row says, "in bidding for the land which I (Row) had selected before the sale, I found it run on me, and knocked off to myself and son at *between four and five dollars per acre*, whereas I observed that the company generally obtained their lands at one dollar and twenty-five cents per acre, and, with but very few exceptions, no person bid against them. I was, therefore, induced to forfeit the lands thus charged to myself and son, to be resold. It was then purchased by the agent of the company of speculators, at a price not exceeding one dollar and twenty-seven cents—who immediately sold it to me at one dollar advance per acre, which he had previously agreed to do." I have before me a transcript from the records of the land office of all the lands sold at the public sale at Chocchuma, made out for me by Mr. Ives, a justice of the peace at Chocchuma, at the close of the sales, which establishes the following facts incontrovertibly. That the only land bought by Row and his son was on the 25th October, as follows: By Ed. Row, E. half of S. E. quarter, section 11, township 24, range 3, east, at three dollars per acre; Ed. Row, W. half of S. W. quarter, section 12, same township and range, *at three dollars and fifty cents* per acre; Ed. Row, E. half of N. E. quarter, section 13, same township and range, *two dollars and fifty cents* per acre; Ab. V. Row, W. half of N. E. quarter, section 13, same township and range, at *four dollars per acre*. These were all the purchases made by any of the Rows. Instead of any land being "knocked off" to Ed. Row "*at between four and five dollars per acre*," the highest price at which any tract was "knocked off" to him was three dollars fifty cents per acre; and the highest price at which any tract was bid off to his son, was one tract at *four dollars* per acre, and not one single tract to either of them *at between four and five dollars per acre, as he deliberately has sworn* the whole was.

Now, instead of this land being bid in by an agent of the company, and at a price not exceeding one dollar and twenty-seven cents per acre, the first forfeited tract of Edward Row, viz. E. half of S. E. quarter, section 11, township 24, range 3, east, was resold, on the 26th October, 1833, and purchased, as the record shows, *at two dollars and sixty cents per acre*, by A. I. Humphrey, who was not an agent or member of the company, or in any manner concerned therein. The remaining tracts were purchased by the company, but without the slightest inducement ever being held out at any time to Row to forfeit them. Row remained at Chocchuma, as he says, three days after forfeiture, and after the purchase by the company; and it is true that, during this period, the company did agree to sell this land to Roe, but this agreement to sell was not made until after the land had been purchased by the company, and the sale was then made to Row with great reluctance, and at his pressing solicitation; and the sole inducement to sell to him, at the price he offered, was Row's representation that he was a very poor man, and that he desired to settle upon the land.

This transaction, then, as it occurred, is perfectly fair, legal, and creditable to the company, and has been basely perverted and distorted, either by Row himself or the person who wrote out Row's affidavit. If Row means to say that the company sold him this land upon an agreement made with him previously to the purchase by the company, it is a base falsehood; but if he intends to say that the land was actually sold and transferred to him upon an agreement previous to the transfer, but subsequent to the purchase by the company, it is true to the extent which I have stated. On this subject Row's statement wears the aspect of intentional ambiguity; for the sole causes which he alleges as having induced him to forfeit the land were, its being knocked off to himself and son at between four and five dollars per acre, and that the company, as he says, generally obtained their lands at $1 25 per acre, and that few persons bid against them; but he does not pretend to say that he was induced to forfeit the lands by any agreement with any agent of the company to purchase the land and sell it to him at a certain advance; which agreement, if it had existed, would certainly have been a strong inducement for the forfeiture. Nor is it true, as stated by Row, that "he observed that the company generally obtained their lands at $1 25 per acre, and, with but very few exceptions, no person bid against them," and that this could induce to the forfeiture; for during the whole of this period, a reference to the records and the proof will show that the average price of the actual company purchases for themselves is nearly the same as that paid by individual purchasers, that the company were opposed in a majority of their bids. But as Row purchased no lands, except on the 25th October, and in township 24, range 3 east, the sale of which immediately preceded his forfeitures, at the opening of the sales on the morning of the 26th, as he was only interested in those sales, he must "have observed" the bids on that day, and in that township, more narrowly than any other sales; yet the records demonstrate that three fourths of the company purchases made on that day, and in that township, were at a price greatly exceeding $1 25 per acre, instead of the "very few exceptions" sworn to by Row.

It will be observed, on reference to the records, that a vast portion of all the lands purchased by the company at $1 25 per acre was purchased by me. The reason is, that immediately on receiving the President's proclamation, Mr. Barnard and myself employed one of the most skilful and competent surveyors of the State, heretofore residing in the country about to be sold, to explore the same, and take numbers of all the valuable unimproved land in the eastern ranges, which embraced the company's transactions, and these numbers were handed to us at Chocchuma, and much the larger portion of them were possessed by no other individuals, and without a company these lands would have been bought at the minimum price by us individually, whereas they were all given up to the company, and the sales of these very lands by the company constituted a very large portion of their profit, which might have been realized by us individually, whereas the entire profit realized by either of us from the company operations, or that ever can be realized, as the company has sold and received the money for every acre of its lands, was three hundred dollars.

Hence the absolute certainty of the fact, and it must have been perfectly obvious to me before joining the company, "as proven," that, by giving up this information to the company, and uniting with them, he was enabled to protect the settlers against the speculators, who had taken the numbers of most of the improved lands, but thereby realized a much smaller profit than he might have done by not joining the company. But, it may be asked, why was any company formed? It is answered, that a company, as established by the proof, was already organized, composed of strangers to the soil and aliens to the interests of Mississippi; a company based upon the principle of purchasing the lands of settlers at the minimum price, and disposing of the same lands at an advance

to such of the settlers as were able to pay, retaining the balance in the hands of the company; a principle by which many of the poor settlers would have been expelled from their homes, others greatly injured by the advance exacted from them by the company, and no greater price realized by the government for its lands, as is clearly proven by the fact, long since communicated by the joint letter of R. T. Archer and George Dougherty to Washington city, that such a company did go into operation at Columbus; that it extended no pre-emption to settlers, but exacted advances from them: and yet, as I am informed by a gentleman who has compared the lists, the government obtained a larger average price for the lands sold at Chocchuma than for those sold at Columbus. I am also informed, and have no doubt of the fact, that the government obtained a higher average price for its land sold at Chocchuma than at any previous land sale in this State, since the cash system was established. The government, then, lost nothing by the organization of this company. It was another company of speculators, who desired to purchase lands of settlers at the minimum price, and make illegal exactions from them, that sustained the loss, and the difference was realized by the settlers themselves. The choice presented was between the attempting to break up the sales, and thereby disappointing the views of the government and the wishes of the settlers, or to see an unlawful combination progress, realizing illegal advances from settlers; or to save and protect the settlers by the organization of a company such as was formed at Chocchuma, upon a basis perfectly consistent with the principles of law and justice; a copartnership to purchase lands, vacant and unoccupied lands; precluding no one, either in or out of this company, from bidding for any lands whatever, and providing that if the company purchased any lands of an actual settler, they would sell them to him, as they had a right to do, at government cost. I adopted the last and only alternative as the best, under all the circumstances, the only one that would save the settlers; and so far from regretting the act, it is and ever will be to me a source of inexpressible gratification that I was thereby enabled to procure a pre-emption for so vast a number of the citizens of Mississippi. And who complains, or has any right to complain, that an individual or a number of individuals, as a partnership, acted as if a pre-emption law had passed? that they acted in consonance with the settled policy of the government, manifested by the passage of pre-emption laws from year to year, and again at their last session, and as undoubtedly Congress would have acted in relation to this new country, had not their attention been entirely absorbed at the preceding session by the Carolina question? Who is it that assails the agent of the settlers; that denounces this proceeding as a fraud upon the government; that would annul the titles of the settlers, and subject them to the experiment of the second sale of their lands, now rendered so valuable by the improvements which they have made, and hold up these improved farms to be resold at an exorbitant advance, extorted from an oppressed community? Is it a senator, misrepresenting the generous and confiding people of this State, who would dare to pursue this course? Is it he who exultingly produced upon the floor of the Senate, and bolsters by certificates, the affidavit of Row, when, if that affidavit be true, the title of every settler is no better than a piece of blank paper? Can it be that a senator from this State would thus sweep from their homes that people whom it should be his pride and glory to protect; those hardy pioneers who have entered the forest of Mississippi, and made the wilderness to bloom and blossom as the rose? If he has the heart to attempt these things, let the settlers know that he has not the power to accomplish his object. He may strike; but, like the viper with his fangs extracted, no poison will accompany the wound. Let those settlers know that they are surrounded by a brave and generous people, who will protect them, even at the hazard of their fortunes and their lives, in the possession of their homes and firesides, of which they are the lawful proprietors; but let them know, what is still better, that they are surrounded by the impregnable barriers of the law and of the constitution. Yes; that the constitutions of the Union and of the State stand before their little Edens like the flaming two-edged sword of the archangel upon the borders of Paradise, debarring the approach of sin and death.

There is the company's agreement, and I challenge the production of any law, human or divine, with which it conflicts in the slightest degree. There is no law prohibiting copartnerships, for the purchasing of public lands, and if the copartners can purchase in their own names, they can purchase in the name of any agent, as a trustee for them. Whatever it is lawful for copartners to do in their own name, they may do in the name of their agent. Patents have issued to copartnership purchasers at the public sales, or to their agents or trustees, and will continue to issue, so long as there are any public lands to sell, or this is a free government that sells them; and it will only be when this free government shall have rocked from its foundation and settled in the dead sea of despotism, that it will dare to prevent copartnership purchases of the public domain.

If two may purchase public lands by themselves or agents in copartnership, so may two hundred; they may agree *among themselves* to purchase only improved lands, or totally vacant and unimproved lands, which would be the same thing as if they agreed among themselves not to purchase the lands occupied by settlers. They may *agree among themselves*, before they purchase, to sell their vacant and unoccupied lands, or their improved lands, at a price previously established by themselves, they may designate the security which they will take, and the class of purchasers to whom they will sell, and they may therefore agree *among themselves*, as did the Chocchuma land company, that they will sell the vacant and unoccupied lands that they might purchase at a general sale, and the improved land they might purchase they will sell to settlers at government cost. Nor are they compelled to keep their association secret. Whatever it is lawful for them to agree in private among themselves to do, they may announce to the public. These would appear to be the plain and self-evident axioms of the law; but there is nothing too clear to escape the attacks of the fangless vipers who have assailed this contract, nor any absurdity too great to be swallowed by the all-devouring spirit of party. Had the company's agreement restricted any one from bidding for any land, the government might have had some cause to complain; but when the agreement provides that "none are precluded from bidding for any lands," and when it is conclusively proven that even members of the company were at perfect liberty to bid against the company, or against each other, and did so; that all, whether settlers or not, were at perfect liberty to bid against the company, and did so, and that even settlers who had obtained their quarter-sections through the company, were at perfect liberty to bid against the company for any other lands in addition, and did so—who has any right to complain? The privilege of bidding was entirely unrestricted, and none could complain, unless, indeed, an individual or copartnership, by instructions to their agent, may not voluntarily abstain from bidding for the lands of settlers, and if they may may not so abstain, must they bid against every settler, and how much must they bid, or can they ever be permitted to cease bidding? If such absurdities could be recognised as law, dangerous, indeed, would it be to attend a land sale. This contract requires no support, but, if it wanted any, it is sustained by the highest authorities; its legality and propriety are supported by the opinions of W. L. Sharkey, chief justice of the high court of errors and appeals of this State, and of Judge Black, a senator in Congress from this State, both of whom attended the land sales, but were not members of the company. It is also sanctioned by the opinions of John Bell, the present speaker of the House of Representatives of the Congress of the United States, a most worthy and highly talented gentleman, who has few equals as a lawyer or a statesman; and of Mr. Dickinson, another member of Congress, of highly promising talents, and a truly amiable and virtuous man—both of whom attended the land

sales, but neither of them was a member of the company. This company agreement was also greatly eulogized as perfectly legal and laudable, by a representative in Congress from this State, in a public address at Chocchuma; and the Hon. A. R. Govan, late representative in Congress from the State of South Carolina, a gentleman of the purest principles, and possessing a high order of intelligence, and that punctilious sense of honor for which the Carolina character is so justly distinguished, gave the company the sanction of his name. Could all these gentlemen have been deceived, as regards the propriety and legality of this contract? The company itself comprises great moral worth and intelligence, and, as General Jackson is held responsible for the acts of this company, as, in the madness of party he soon may be for storms on the ocean or the land, it may not be irrelevant to remark, that a majority of the Mississippians composing this company are opposed to the administration. The partisan editor of the Port Gibson Correspondent, in the reckless attack which he has made upon me on this subject, has thought proper to designate me as occupying "a conspicuous station in the Jackson ranks." This unfolds the true secret of the attack upon my private character by George Poindexter and his supporters here. But a short time has elapsed since one, assuming to speak by authority of George Poindexter, proposed, through the public press, that the *honorable* senator would discuss the propriety of his political course before the people of this State. I then accepted the challenge through the journals of the day. But the honorable senator fled the field, and though he could, in my absence, and when I was far distant, gratify his revengeful feelings by assailing my private character, yet he dared not then, nor dare he now, to discuss with me, face to face, the propriety of his political conduct before the people of Mississippi, whom he has so long misrepresented, insulted, and betrayed.

I might confine this vindication to myself; but, as I fear no responsibility where truth and justice require that I should defend the innocent, I take this occasion to say, that the whole statement of Row, so far as it purports to implicate the register and receiver at Chocchuma, in any illegal practices, is an entire mass of falsehood, without one redeeming ray of truth. It is conclusively proved, by the testimony I present, that "the register and receiver were not members of the company, or interested therein in any way;" that they were not present when my speech was made, but were, during the whole of that period, at their office, transacting the public business; that the observation imputed by Row to the register never was made; and that the whole transaction stated in the deposition of Row, in regard to Mr. Wilkinson, is entirely untrue.

I have heretofore proved that my motive in joining the company was not to realize a profit to myself, but to secure a pre-emption for settlers of the State; and my conduct upon that occasion was in accordance with the settled principles of my life, long previously and repeatedly avowed. On this subject I might make numerous references, but I will content myself with an extract from my public address, delivered on the 10th October, 1830, at a public dinner given in honor of the Chickasaw and Choctaw treaties, which speech was published immediately after its delivery. Speaking in regard to this then newly-acquired country, I declared, "Next in order, and perhaps of superior importance, would it be, to secure a pre-emption of one section to the enterprising settlers of this new country. The hardy pioneer of settlements, the Daniel Boon of the forest, deserves the aid of a paternal government. Would it not be most unjust that, when the emigrant had fixed his new abode in the wilderness, erected his cabins, and commenced his improvements, he should be driven from the home he hoped to secure to himself and children, by the overbidding of the heartless speculator? It is such men as this emigrant, who push the bayonet in time of war, upon whose affection the country must repose in the hour of danger, who, though poor, is rich in patriotism, and whose heart is bounding with the life-blood which circulates through the veins of an honest man."

My confidence in these principles was greatly strengthened by my visit to this new country. I passed through it shortly before the land sales. I saw the hardy pioneers who had entered and were subduing the forest, and had selected a home which they had hoped to secure by pre-emption from a paternal government. But their reasonable expectations had been disappointed. I saw them in a period of distress and difficulty. Speculators had taken the numbers of their lands, and fixed upon them a price, in many instances far beyond their ability to pay—a price enhanced by the grounds they had cleared, the improvements they had made, and the houses they had erected. I found the emigrant surrounded by wife and children, who, with him, looked forward to the public sales as the probable period which was to expel them from the little spot which they had selected and improved, and throw them forth again into the wilderness, without a roof to shelter or a home to protect them. Their embarrassments and difficulties were explained to me, and my feelings were warmly enlisted in their behalf. I found many of them had been volunteers in the last war, who, in the hour of gloom and danger, had rallied to the rescue of our common country, and moistened with their blood the soil of Mississippi—that soil which they had so gallantly defended, and from which they were now so soon about to be expelled. Yes, when Mississippi was an infant Territory—when the savage tomahawk at Fort Mimms had so recently spilled the blood of the aged and of the young, of fathers, husbands, mothers, wives and children, in one indiscriminate and unsparing massacre—when, unsatiated with blood, the exulting savage bounded forward through the scattered and defenceless settlements of eastern Mississippi—when consternation and alarm pervaded this Territory, and forts were erected upon the very margin of the father of waters—full many of these very settlers, whom it is now deemed fraudulent to have protected, came forward and gave Mississippi peace and repose. Not a few of their gallant comrades left their bones bleaching upon our battle-fields, and should the survivors be denied a home within that Territory, and by that people, whose families and firesides they had so gallantly aided to defend? If there be any who desire their exclusion from the State, that a few more dollars might be gathered into the national Treasury, I envy them neither the weakness of their judgments nor the malignity of their hearts. Let the citizens of the older settled counties of Mississippi reflect how many of themselves, or their ancestors, obtained their fortunes by gratuitous grants of large bodies of land from the British or Spanish government, or by pre-emptions or donation grants of an entire section from Congress, and they can never complain that the settlers of this new country obtained a quarter-section of land at the minimum price, or, if they do so complain, they must be an avaricious and unfeeling aristocracy, and I prefer their censure to their applause. The land sales at Chocchuma were the first and only sales at which I ever attended. It is true that I did purchase or enter there a considerable body of land, thereby identifying my fortunes and interest with the future growth and prosperity of Mississippi; it is true that these lands have advanced and are advancing in value; but I have yet to learn that it is criminal in me to exercise a privilege that is common to every other citizen, that of purchasing a portion of the soil of that country for whose freedom my father toiled, through fatigue and danger, as one of the volunteer soldiers of liberty in the war of the Revolution.

From those editors throughout this State and Union who have published Row's affidavit involving my character, by charges which are so clearly disproved, have I not a right to demand, as an act of justice, that they should publish this vindication? They have published a libel upon my character, which is far dearer to me than life or fortune—a libel upon the character of a private citizen whose reputation previously had never been

assailed; and they must be dead to every manly feeling, and deaf to the call of truth and honor, if they will deny me a full and fair hearing before the readers of their gazettes, and thereby refuse now to send the antidote where they have heretofore instilled the poison. And to such editors as have not published Row's statement, I appeal, as the guardians of the reputation of an American citizen unjustly assailed through this wide-extended republic, and request that, as they themselves, if ever basely traduced, would desire the privilege of being heard before the public in their defence, that, governed by the same just and holy principle, they will publish this vindication.

ROBERT J. WALKER.

August 4, 1834.

EXHIBIT B.

Company Agreement.

It is agreed between the persons who subscribe this instrument, as follows:

1. That Malcolm Gilchrist, Robert Jamison, jr., Thomas G. Ellis, and Robert J. Walker, be and the same are hereby constituted by the undersigned, commissioners, with full power to bid for any lands at the public sales which commenced on the 21st of October, 1833, at Chocchuma, and to continue for and during two weeks, from said 21st of October, 1833.

2. The lands bid in by said persons are to be held by said commissioners for the benefit of the persons who subscribe this contract, upon the following terms; that is to say: each individual subscriber of this contract furnishes the sum of one thousand dollars each, which constitutes a joint stock, and is to be applied by said commissioners in the purchase of said lands at said sales, equally, share and share alike, each individual subscriber of said sum of one thousand dollars being entitled to one equal portion of said land so purchased; and when said sum so subscribed is exhausted, each subscriber furnishing one thousand dollars, and so on, from day to day during said sales of two weeks, as aforesaid, is entitled to his equal share of said lands, as aforesaid, it being understood that no call will be made for more money until the sum held by the commissioners, as aforesaid, is exhausted; and, in case of any difference of opinion as to the proceedings under this contract among said commissioners, said difference is to be decided by lot.

3. It is expressly understood that, if any lands should be bid in by said commissioners, on which an actual settler is now residing, that he is to have the eighth or quarter-section, including his residence and improvement, at cost, upon the condition precedent that said settler, at any time during the "day" that said sale of the land so occupied by him takes place, actually pays in cash to said commissioners the amount so paid by them at said public sales as aforesaid, otherwise this clause will be considered as not inserted; *but none are precluded from bidding for any land.*

4. The lands bid in by said commissioners at the public sales this day are included in this arrangement.

5. It is expressly understood that no individual subscriber shall, at any one subscription, put in said stock more than $1,000, nor less than $100; and it is expressly understood that each individual subscriber is to hold a share of said land in proportion to the money so put in by him into said joint stock. This agreement is subscribed this 22d day of October, 1833; the word "week" being erased, and the word "day" inserted in lieu thereof before subscribing the same.

6. Said commissioners are invested with full power to make such further regulations in the premises as may, in their opinion, be most conducive to the best interest of the subscribers, but not to affect, in any manner, the privilege granted by this instrument to the settlers; and said four commissioners are authorized, at any time before next Saturday week, to sell at a profit for the benefit of the subscribers, in proportion to the money invested as aforesaid, any lands embraced in this arrangement; and upon next Saturday week, at Chocchuma, for actual cash only, said commissioners are to expose said lands embraced within this arrangement, then remaining unsold, confining the bids to the subscribers of this arrangement, except that each actual settler who has taken the benefit of his contract may bid at said second sales, or any person else whatever.

CHOCCHUMA, *October* 22, 1833.

EXHIBIT C.

To the Honorable the Senate of the United States:

The undersigned memorialist most respectfully represents to your honorable body, that, feeling a natural desire to maintain, protect, and transmit to his posterity, a name heretofore unsullied, as the most valuable inheritance which he could secure to them; and feeling that his reputation has been assailed by the adduction of charges equally unjust and ungenerous; and that the mode selected of sustaining and giving weight and momentary plausibility to them, is such as must be preclusive of his just rights, and subject him at least to temporary condemnation in the estimation of his countrymen, however undeservedly the language of reproach may be, if a fair opportunity were presented him of counteracting the misrepresentations afloat in regard to his public conduct, begs leave to submit to the consideration of your honorable body the following statements of facts, relying with a strong hope upon the willingness of your honorable body to do him full and speedy justice in the premises.

Having been preferred, some years since, to an official station, the duties appertaining to which were necessarily to be performed in a land of strangers, my first wish was to perform them honestly and faithfully to the government under whose authority I had been called to act, and with a proper regard to the interest of those who might from time to time be concerned in the transaction of business connected with my station. With these duties I was not at first familiar; but I labored most strenuously and unremittingly to compensate for all deficiency on this point, by superior industry and vigilance. I flattered myself that I was not unsuccessful in the attainment of the objects contemplated; and that not only have my official labors resulted in the promotion of the ends of the government, but that they have been likewise rewarded with the approbation of all unprejudiced men who have enjoyed an opportunity of surveying my public actions. Hardly had I assumed the discharge of my functions as register of the land office at Mount Salus, before some indications presented themselves of a disposition on the part of a few illiberal individuals to raise an opposition to me that was deemed unmerited and unjust. Although the sly machinations of these men did not at first seem personal, yet they soon assumed that aspect, by the grossest and most unauthorized misrepresentations of my public acts. So artful and so secret in their malicious designs were those who had thus arrayed themselves against me, without provocation on my part, that it escaped my observation and the observation of my friends, except in their moments of inebriation, or under the influence

of suddenly renewed excitement. Knowing that there existed no just cause for the rancor enkindled against me in a few bosoms, and aware, too, that the individuals who had thought proper to assume the attitude of hostility in relation to me were not entitled to and did not actually possess a large share of influence in the community of which I was a member, I relied on that humble share of reputation for honor and probity which I had previously acquired, and an unvarying course of faithful and upright conduct in future, for protection against all the arrows of ungenerous calumny. I was not without a hope, too, that even my persecutors might somewhat relent in their rancor, when they beheld the continual evidences of a determination on my part to perform my duties zealously, fearlessly, and energetically. In this hope, though, I was doomed to experience a disappointment; for the activity of my enemies in the work of defamation seemed constantly to increase in proportion to my efforts to allay it by this course of quiet counteraction.

During the last summer, after I had ceased to act as register of the land office at Mount Salus, an entry was made of a particular section of land by a relation of mine, jointly with one of the most highly respected and truly respectable gentlemen in this State; which transaction was seized upon by my enemies, in my absence, as a pretext for the continuance of their hostility. There was nothing in the transaction referred to not altogether fair and proper in itself; but even if there had been, I had not even the remotest connection with it. Upon being publicly accused of improper conduct in the matter, I deemed it expedient to publish a positive disclaimer, which I accordingly did. The individual with whom this imputation originated was not content to relinquish a controversy in which he had so heartlessly involved me, who had never done him the slightest injury, but he still kept up a disgusting war of personalities against me in the newspapers. To consummate the nefarious design of despoiling me of reputation, rumors were industriously circulated that I had been uncreditably concerned with what were termed the "land speculators" last fall, at the Chocchuma land sales. A member of the legislature of this State introduced a resolution in that body, proposing an investigation of the circumstances connected with the land sales at Chocchuma, just as I arrived in the neighborhood of the seat of government. Receiving information of what was going on, I immediately addressed a communication to the Speaker of the House of Representatives, disclaiming positively all connection with the transactions referred to, and earnestly courting a scrutiny of my conduct. The investigation desired did not take place, and I did really believe, at that time, that the voice of calumny was for ever stifled; but I was mistaken. In a few days, a most slanderous handbill was published, over the signature of "William S. Jones." Inasmuch as the legislature had adjourned without awarding the investigation called for, I was constrained to recognise this reiteration of the charges against me as personal, and accordingly this individual received a public chastisement, not more severe than deserved. His few friends urged him forward to demand honorable satisfaction of my brother, who had been equally implicated with myself in his calumnious imputations, and who had been his punisher. Base and depraved as this man was universally considered, his demand of satisfaction was acceded to. In the sequel he declined the contest, and stood self-confessed and universally recognised as a man totally regardless of honorable standing. Being no longer permitted with impunity to carry on the work of defamation, he commenced, in conjunction with some two or three other individuals in this State, (whom I solemnly pledge myself to prove, at a proper time, entirely destitute of all substantial claim to respectful consideration, either in your honorable body or elsewhere,) the transmission of secret misrepresentations to Washington city. The precise character of the communications thus forwarded by Jones and his confederates is not known to me; but I presume, from certain proceedings lately authorized by your honorable body, that they must have been of the most malevolent cast.

Your memorialist is just informed that a commission has been forwarded to the said William S. Jones and Isaac Caldwell, authorizing them to investigate the charges against his character, and the commission, as your memorialist is informed, expressly excludes him from the privilege of confronting his accusers, and offering exculpatory testimony.

I cannot but believe that your honorable body is inclined to do justice to me and every citizen; but it must be manifest now that the true facts of the case are submitted to your consideration, that your memorialist has no right to expect justice to be awarded to him by such a proceeding as this. The first of these individuals, as already stated, is my personal enemy; the last, also, is my rancorous foe, having been originally concerned in the fabrications of charges against me, and having been their industrious propagator constantly since. The said Isaac Caldwell has been, some months ago, given the "*lie direct*" in a public journal, in relation to one of the most prominent allegations which have been preferred against me, without the slightest manifestation of resentment on his part, or attempted to relieve himself from the discredit of uttering a manifest falsehood. To evince to your honorable body the zeal which has been felt and practised for my overthrow, and the undue efforts made for the fabrication of inculpatory testimony, it is only necessary to extract an article from a publication made by said William S. Jones, dated 23d August, 1833. After comparing your memorialist to a "Botany-bay convict" and "Algerine pirate," he goes on to advertise for *informers*, as follows:

"I hope, if any person knows any official misdemeanor of the aforesaid Samuel Gwin, he will immediately inform me of it;" and also says: "I will arraign you at every tribunal before which the cases are actionable, and you shall be prosecuted to the fullest extent."

Isaac Caldwell has, on various public occasions, used language equally strong. After making known these facts to your honorable body, all of which I am prepared to establish, and which I am totally unwilling to believe that your honorable body was before this advised of, I would solemnly appeal to you, whether the individuals selected as commissioners are such men as, in the estimation of your honorable body, are proper to be selected for the purpose of carrying on the investigation ordered? Would honorable men accept as such a commission, under such circumstances? Is it right and proper that this investigation should be altogether *ex parte* in its character, and conducted too by my most bitter enemies? Should not your memorialist be permitted to introduce testimony exculpatory of his reputation, from the unfounded charges gotten up by his enemies? Should he not be permitted to confront his accusers? Should he not be permitted to be present when an investigation so important to him is going on? Should he be robbed of his reputation by charges which he is able to disprove, but which he has no opportunity of meeting with that promptitude which is essential to a successful defence of himself?

Your memorialist cannot believe that these essential ingredients to a fair and just hearing have been withheld from him by your honorable body with a full knowledge of the circumstances above detailed, as such a supposition would carry with it an inference of intentional injustice, in which I should most unwillingly indulge.

Your memorialist would further show to your honorable body, that, in the prosecution of this inquisitorial proceeding, the commissioners have violated the resolutions of your honorable body, under which they claim the right of acting.

The resolutions above alluded to purport to institute a general inquiry into all the land offices, and into the conduct of all the land officers. But, to reach your memorialist, they have instituted and pressed the whole of their inquiries, in regard to him, at an office where he is no longer in commission, and have omitted or refused

to institute it at the office where he is, and the place where the recent public land sales were held, and where the speculations complained of were committed, which appears to have been the cause of action by your honorable body. But, to show that your memorialist was the sole object, in fact, of this investigation, the commissioners have refused to receive or take notice of charges against the present land officers at Mount Salus, *alleging that they were not their object;* they have refused to commit to writing part of the evidence of a witness who complained of one of the officers at the Chocchuma land sales, although, as your memorialist is informed, the witness had deposed to the facts. They have refused to travel further back into the concerns of the Mount Salus office than the induction of your memorialist into office, because, by so doing, charges of an equally heinous nature, and equally true, as those preferred against him, would be established upon his predecessors. Explanatory testimony is sought after and taken, when one of their favorite officers is implicated, but no such liberty is allowed to your memorialist. The contingent fund of your honorable body is spent in profusion, more to gratify the enmity or the friendship of these men, than the public good; thus presenting the unprecedented facts of persons appointed by one of the highest branches of our government, to perform certain specific and defined duties, yielding themselves to the gratification of one of the worst passions of the human heart, and using that brief authority in abusing the most sacred rights of a citizen, to gratify their deep personal hostility. From this exposition of facts, your honorable body cannot but perceive that this prosecution is carried on, not for the public good, not to detect frauds on the government, but to gratify the personal hostility of a few individuals. Mr. Commissioner Jones requested one of the witnesses not to answer a particular query that was in the list of interrogatories, because of the act complained of, and which could have been proven by this answer wrong. He, the said Jones, was equally criminal with the officer. Mr. Commissioner Caldwell was indirectly, if not directly, concerned with those who are termed land speculators, at the Chocchuma office, through his agent; and he, the said Caldwell, did purchase lands at what was termed the second sales, that is, when the company put up its lands to the highest bidder among those composing the company.

Your memorialist would further complain of the manner of administering the oath to the witnesses. Had the usual form of qualifying them to speak the *truth*, the *whole truth*, and *nothing but the truth*, been pursued, he would have been saved the necessity of troubling your honorable body with this communication. But, instead of this mode, they are sworn to answer certain interrogatories, by which they are excluded from detailing the whole transaction, but only such parts as go to inculpate your memorialist. Your honorable body is too well versed in the rules of evidence, not to know that, by this mode of deposing, the most innocent transaction of a man's life may be tortured into guilt; and your memorialist pledges himself to remove every imputation cast upon his character, provided he is permitted to cross-examine the witnesses, and extract from them the whole transaction as it really occurred. To a fair and honorable investigation of his public conduct, your memorialist is not opposed; on the contrary, he most earnestly desires it; he feels that he has the right even to *demand* it at the hands of his country. He cannot help believing that your honorable body will yet award it to him; he cannot believe that the Senate of the United States is prepared to do him deliberate injustice. As the evidence thus improperly procured against your memorialist, it is presumed, will be published to the world, without his having in any other way an opportunity *now* to meet it, he hopes, until a different investigation is ordered him, that this memorial may accompany the said evidence, it constituting the only means left him, at this late period of the session of Congress, to meet the said charges.

Your memorialist, in conclusion, most solemnly beseeches your honorable body to order, as soon as possible, such a scrutiny of his official doings as may disclose the whole truth of the case; satisfied that, although he may sometimes have committed indiscretions, he has never performed an act prejudicial to the government or to any man on earth.

SAMUEL GWIN, *Register N. W. Land District, Mississippi.*

EXHIBIT D.

To the Honorable the Senate of the United States:

The memorial of Samuel Gwin, register of the northwest land district of Mississippi, shows to your honorable body that, about June the 15th, 1834, he addressed a memorial to your honorable body, setting forth certain grievances that he had been subjected to in the examination of witnesess, touching his official conduct while register of the land office at Mount Salus, Mississippi, and in relation to the appointment of certain individuals, by the honorable chairman of the Committee on Lands, to act as judges, and to determine what evidence they would take, and the manner it was to be taken, to the prejudice of your memorialist. At the time this memorial was prepared and forwarded to your honorable body, all the principal facts of the case then within his knowledge were adverted to; not knowing that commissions had issued to other individuals to investigate his conduct for some time after the adjournment of your honorable body, he therefore has no other alternative left him but to present to your honorable body the said memorial, and request that this may be considered a part thereof, with the accompanying affidavits and other statements, to sustain him, and others that he will in a few days forward to the same effect.

It is with extreme regret that your memorialist feels it his bounden duty to animadvert upon the acts of any individuals who have, even remotely, received the sanction of your honorable body; but such has been the glaring injustice toward your memorialist by these commissioners, that he feels it his imperious duty to appeal to you, whence this power emanated, and to ask at your hands an honorable trial. It is unfortunate for him that every individual selected was not only his *political* but his *personal enemy;* that, to gratify their private animosities, under the false garb of public good, the sluices of defamation and falsehood have opened, and that without the remotest possibility of his being heard in his own defence—a proceeding unknown to constitutional liberty or law.

Soon after the memorial hereinbefore alluded to was forwarded, your memorialist learned that James R. Marsh had also accepted of the appointment, and was proceeding to take depositions at Chocchuma, at the same time that William S. Jones and Isaac Caldwell were at Clinton. Knowing the rancorous hostility of this individual, and his disposition to misrepresent everything touching your memorialist, and believing that Samuel B. Marsh, a brother of the above individual, had misrepresented the acts of your memorialist to certain members of your honorable body, and induced them to allude to him in their debates during the last session of Congress in no favorable point of view, and from the known dispositions of these individuals to do him injury, and that their maxim was, "the end justifies the means," your memorialist has taken the deposition of every individual that he could who had attended the sales at Chocchuma. By a reference to these depositions, it will appear that James R. Marsh, aided by his brother, Samuel B. Marsh, acted partially in taking their testimony; and if your memorialist is permitted by your honorable body to go into a full investigation of his actings, he has no hesitation

in saying that he can prove, by the witnesses themselves, that such parts only as went to implicate your memorialist, were written down by these men, and other parts, explaining, were omitted, and that they refused to examine witnesses who had been summoned by them to attend, upon learning from the witnesses that their evidence would be favorable to your memorialist, and would be in direct opposition to what they were attempting to prove. John T. Hammond states in his deposition that he "believes parts of his statement were not put down by them, the Marshes;" that "he was not qualified to said statement, nor was it ever read to him after it was completed, nor did he ever sign it." He also states, that he "does believe that the said James R. Marsh, in his examination of witnesses, was prejudiced against said Samuel Gwin, and that he is not only politically but personally opposed to him." He further states that, "before the said James R. Marsh took his testimony, that he, said Marsh, pretended to administer an oath to the deponent, but that the testimony taken down by said Marsh was not read to me at any time." William Fanning testifies that he "was in company with James R. Marsh about the 1st of June last; that previous to that time this deponent believed that said Marsh and Gwin were friendly; but, at the time just named, the deponent learned from said James R. Marsh that he was unfriendly to said Gwin, and he told him, deponent, that he then had a commission to examine into the conduct of said Gwin as register at Chocchuma."

In answer to an interrogatory, James A. Girault states that he "knows that they (James R. and Samuel B. Marsh) are political opponents of Colonel S. Gwin, and have heard and believe that they are personal enemies of said Colonel S. Gwin." To a question asked Thomas G. Ringgold, esq., whether he was at Chocchuma during the whole time James R. Marsh was taking the depositions against your memorialist, he answers, "I was at Chocchuma during the whole period of the examination of witnesses, under a commission intrusted to James R. Marsh, esq., and although not present at the examination of witnesses, I heard it said that much unfairness and personal dislike was evinced against the register, and a partiality evinced toward the receiver, in scrutinizing the official conduct of them both." To this interrogatory, "Have not the said Marshes, in all their examinations, shown a wanton bitterness, and party and personal prejudice against said Gwin?" the same individual answers, that "an exparte commissioner was exercising, under the authority of the Senate of the United States, a most dangerous privilege against the birthright and most sacred honor of an American citizen, who was deprived measurably of responding to infamous charges made against him by designing and artful political opponents." He further states, that "they (the Marshes) both exhibited feelings entirely hostile, and so notorious was it in Chocchuma as to draw forth the most deserved censure of all classes and parties." And he further states, that "he has frequently heard them denounce you in the grossest language, and they are both personally and politically opposed to you."

Samuel McCall states, that he informed Mr. Marsh that "he was employed by Governor H. G. Runnels, John C. McLemore, and Wiley Davis, to search for good lands for them to purchase at said sales; that Governor Runnels instructed him, when he found good lands, and persons living on said lands, who were prepared to purchase the same, not to molest them in their possessions, and he was directed to say to such, that he would not bid against them; but, if such individuals were not prepared to purchase the land, and were willing, he would buy it, and pay them for their improvements made on said land, and if they could not agree as to their value, that he was willing to leave it to any two persons to say what it was worth, and he would pay it. In pursuance of these instructions, he did select some numbers, but in no instance did he select lands improved by persons living on them. The above evidence was given in to J. R. Marsh as part of his evidence then given to him, and which, he believes, was written down by said Marsh in said deposition."

Thacker W. Winter states and "believes, that most of the charges that have been circulated against Samuel Gwin, originated with individuals inimical to him, and were partly engendered before the sales commenced. So convinced was this deponent of these facts, that some time before the sales commenced, he cautioned the said Gwin frequently, and during the sales, to be on his guard, that attempts would be made to implicate him in the sales coming on by the persons above alluded to." From these affidavits of individuals, whose veracity no man can or will doubt, it must appear to your honorable body that your memorialist could not expect justice from such men, and the indelicacy of one of them in accepting such an appointment, must be manifest to all reflecting men. That the public good was not their object appears clear by certain claims one of them has put up under the late pre-emption law; and the solemn sense of duty imposed on your memorialist, compelled him to reject said claim, and refer it to the Secretary of the Treasury. Not satisfied to await the decision of this officer, these individuals have denounced your memorialist in the most angry and abusive terms in their public harangues and in their private circles, and when the decision of your memorialist was made known to them, a new batch of depositions were immediately gotten up, to gratify their private resentment at their defeat; thus presenting your memorialist in a singular attitude, of not guarding the public interest, and guarding it too much. Your memorialist would also name another circumstance, which may throw some light on the subject. During the first or second day's sale at Chocchuma, in October, 1833, one of these men applied to one of the land officers, and wished him to receive, in payment of lands he might purchase, certain drafts which he alleged he was authorized to draw on the honorable *chairman of the Committee on Lands in your body, and which was refused.*

As to the conduct of your memorialist at the public sales at Chocchuma, in 1833, and to counteract any misrepresentation that may be contained in the evidence collected by the commissioner, your memorialist respectfully refers your honorable body to the accompanying depositions, which he wishes made a part of this his memorial, to wit: John T. Hammond, James A. Girault, William Fanning, the address of Robert J. Walker, (printed,) company agreement, (printed,) Joseph A. McRaven, George Dougherty, John A. Quitman, Hiram Coffee, Guilford Griffin, D. W. Connelly, John Maxwell, W. L. Sharkey, Thacker W. Winter, David A. Kerr, Martin Loggins, Titus Howard, William Truit, John Reed, John S. Young, John J. McCaughan, Hon. A. R. Govan, James T. Howard, and a letter from Montford Jones, William Pratt, Olsimus Kendrick, James T. Crawford, Thomas G. Ringgold, Thomas B. Ives, and Samuel McCall. You will also receive documents numbered 1, 2, and 3, which are copies of the rules adopted in conducting the sales at Chocchuma in 1833.

Your memorialist entertains a hope that these documents will satisfy your honorable body that the affidavit of Edmund Row, as reported by the land committee at the last session, is destitute of every semblance of truth. It will also satisfy you how easy it is for an individual, that is filled with prejudice and unfounded fears, to mislead and abuse the confidence, by implication, and destroy the character of any one, no matter how pure his conduct might be, in this exparte examination, where had the whole truth been extorted, the conduct of the individual would appear not only correct but meritorious.

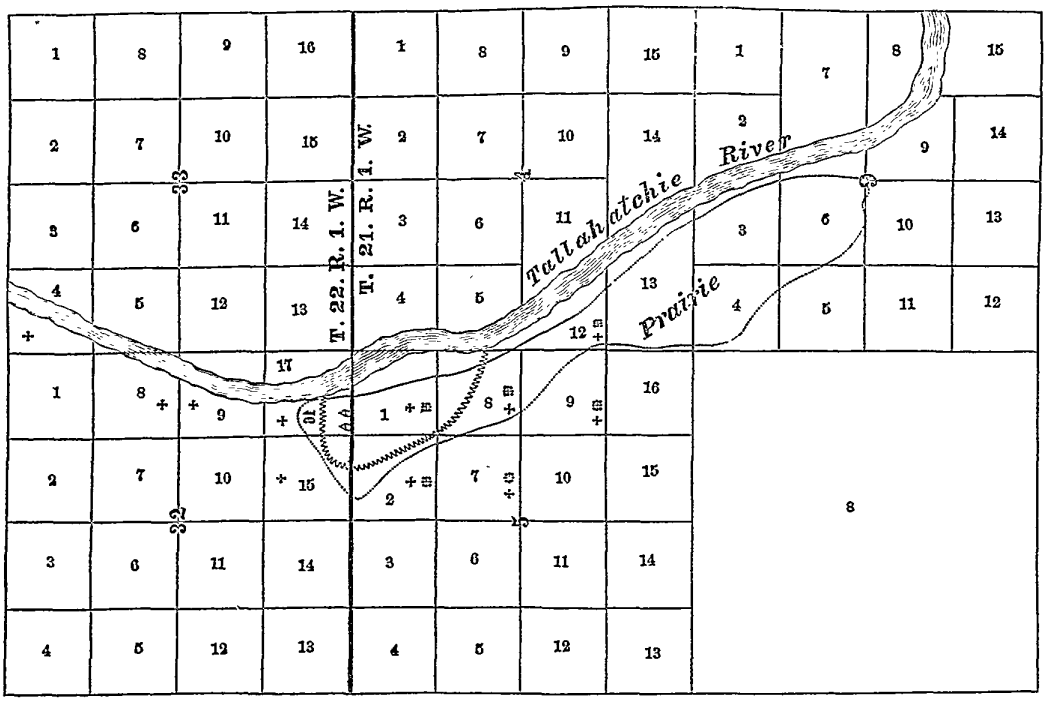
Your memorialist would respectfully refer your honorable body to the statements and depositions of Thomas L. Sumrall, register at the Mount Salus office, John J. McCaughan, and John S. Young, in relation to his conduct while register at the Mount Salus office. That most of the witnesses who have deposed on the subject, at that place, are honestly mistaken, your memorialist hopes is true; yet, there are others, (J. D. Peebles,) whose

statements are destitute of every shadow of truth. The individual that would *fraudulently and falsely* mark a map for his own benefit, and for which your memorialists threatened him with a prosecution, is now brought forward by these corrupt men to implicate those who had detectsd and exposed his own infamous conduct. It was for the firm stand that your memorialist took on this occasion that he has incurred the cowardly hatred of this man, D. Joseph Peebles. Your memorialist cannot, with that respect which is due to your honorable body, dwell on this subject longer. His feelings and inclination prompt him to treat the subject in a different manner; but, as it has impliedly originated in the Senate of the United States, he forbears. Already has one of the purest men in the State lost his life, and left a widow, and his children fatherless, for exposing, under the solemnity of an oath, the disgraceful means used by these commissioners in their exparte inquisitorial examination.

In conclusion, your memorialist would ask, as an officer and citizen of a government which is the proud model of all who admire and love liberty, to view, for a moment, the painful and unmerited position he has been placed in. From the first moment that your memorialist was placed in his present official situation, and before he had even an opportunity of committing error, it will be recollected that a violent and heartless opposition, first politically, and next personally, was arrayed against him. But he had expected, by an honest, faithful and firm discharge of his official duties, at last to silence an opposition that had arisen without any other than a political cause. It is true, your memorialist has occupied a prominent station in the discussions of the day, much against his inclination and will. But, assuming as he is, and, to his mortification and regret, he finds that the opposition arrayed against him has gone on to gather strength from discipline, without waiting for the pretext of error. And, while he is overwhelmed with the various and complicated duties of his office, his enemies are overseeing and disapproving; and, at last, an exparte inquisition is established, by which your memorialist is to be *accused*, *tried* and *convicted*. A commission is issued, giving to his violent personal enemies the privilege of throwing imputations upon his character, without his being allowed to cross-examine the witnesses called upon, or notified of the time, place, or manner of taking, and the evidence thus taken withheld from his inspection; thus preventing him from procuring defensive evidence, which is everywhere at hand. Will a proud and powerful government thus suffer justice to be insulted, and character to be assassinated? Does not this government say that the meanest and poorest of its citizens shall not be deprived of their property but by the judgment of their peers, or the laws of the land? And yet the same government authorizes and commissions one or more of its citizens to rob, and literally steal, the character of those they personally dislike. Shall a man, holding an important office under the government, be denied the common justice which is claimed by, and granted to, the meanest culprit, guilty of the lowest and basest offence? It is the common opinion of mankind, that the character of a nation mainly depends upon the character of the officers who administer the government. Will this government, therefore, professing more equity than any other, deliberately erect an inquisition upon its officers, and see them shamefully prosecuted, without a hearing? denied even the benefits of exparte evidence, by those who conduct the taking of the depositions, and who refuse to insert such part of the evidence of witnesses as is calculated to soften the bitterness of imputations that are made in personal hostility, and prosecuted with shameless disregard of honor and character? Of the nature of the evidence thus taken your memorialist knows nothing, but from rumor; for he is denied the right of inspection. But he does hope that, if the evidence thus taken should be of a nature to throw imputation upon his character, he will be allowed to make his defence. If he should be denied this humble and universal right, he will feel that he is held by a robber while he is stabbed by an assassin.

SAMUEL GWIN, *Register N. W. Land District, Miss.*

EXHIBIT E.



\+ James R. Marsh's claim in section 5.
* Samuel B. Marsh's claim in section 5.
~~~ Marsh's fence; but he cultivated only on lot 16, section 32, and lots 1 and 2, section 5. Their negroes had a patch on 8 and 12.
\+ In section 32, George B. Wilds lived on lot 16, section 32, and claims lots 15, 16, 8, and 9, section 32, and lot 4, section 33, township 22, range 1 west.
~~~

EVIDENCE IN DEFENCE OF SAMUEL GWIN.

No. 1.—*Deposition of T. L. Sumrall, register at Mount Salus, Mississippi.*

Question 1. Did you or did you not succeed Samuel Gwin as register in the Clinton land office?

Answer. I did.

Question 2. Have you or have you not seen any evidence in said office that induced you to believe that said Gwin had acted incorrectly, or in violation of law, while he was register of said office?

Answer. There are many marks on the maps in the office of Samuel Gwin's handwriting, (but I believe they were the results of mistakes,) representing the lands to have been sold, which, in fact, are not sold. From what I have seen, I do not believe that he intentionally did anything in violation of law, by which there was any probability of an injury being sustained either by the government or by an individual.

Question 3. Do you or do you not believe that the numerous erroneous marks, purporting to be sales of the land, that you have from time to time discovered, were the result of corrupt intention of said Gwin; and will you state what number of said marks are in the handwriting of said Gwin?

Answer. I do not believe that they were the result of corrupt intentions. I believe that fifty or more of these marks are in the handwriting of said Gwin.

Question 4. Have you not discovered that many of these marks that you supposed erroneous are in point of fact correct, but were not entered on the tract-books?

Answer. I have.

Question 5. Have you not, within a *few days past*, discovered where an application was filed through mistake, by the receiver, with the file of affidavits filed by him in his office, bearing the *number*, and all the marks of having been *entered* and *paid for*, but owing to thus being misplaced, all evidence (except the mark on the map) was lost in respect to it; and the mark on the map, without the other entries in the books, appear fraudulent, when in fact the money was paid for it, and a receipt is now out for it?

Answer. I have. I have also discovered some sales actually made, but the tract on the map not marked, which induces the belief that some of these erroneous marks were by mistake placed on the map in a place not intended.

Question 6. Do you not believe that other and numerous such cases do exist, and is it not one of the incidents that almost always occur where there is much business done in the office?

Answer. I believe it very probable that other cases of the same nature exist; and it is not uncommon for such incidents to occur in a press of business.

Question 7. Have you not frequently informed applicants who apply to enter land, and after they have described the land they wanted, that it was entered, when in fact the applicant was mistaken in his description of the tract, and led you to believe that it was entered, when in truth the land wanted was not correctly described nor entered? and are not such errors common where there is a press on the office?

Answer. I have had numerous instances to occur in which the applicant was mistaken as to the description of the tract wanted, and when there is a press of business persons frequently go away under the belief that the tract for which they come was entered, when in fact (from their incorrect description of it) it was vacant, and, perhaps, subsequently entered by another; in which case the register is uniformly blamed.

Question 8. You heard much of the testimony given in to Jones and Caldwell, and from what you heard do you not believe that, had S. Gwin been permitted to cross-examine the witnesses and explain, that most, if not all, the insinuations therein contained against him would have appeared perfectly innocent?

Answer. I do.

Question. 9. Have you not understood, and do you not believe that there is and has been, for more than a year past, a deadly hostility existing between S. Gwin and W. S. Jones and J. Caldwell, and from this hostility would you believe that they could act impartially in the examination of witnesses wherein S. Gwin was implicated?

Answer. I have so understood; and I do not believe that impartial justice could be expected from them touching the implication of S. Gwin.

Question 10. Since you have been in office, have not marks been placed on the maps purporting sales, without your knowledge, by fraudulent persons?

Answer. Many marks are to be found on the maps that appear to have been made by other persons than the officers, but at what time they were made I cannot tell. However, I believe they were made by fraudulent persons, for the purpose of preventing others from entering the lands.

Question 11. Have you not understood that S. Gwin had your present desk constructed and made to prevent these frauds, without which they could not be prevented, when the office was much crowded?

Answer. This, S. Gwin, immediately after I took charge of the office, told me was what he intended by having the desk constructed, nor can such frands be easily prevented without some such desk.

Question 12. Did not Joseph D. Peebles (who has given his deposition to Jones and Caldwell) admit to you that he did, while S. Gwin was register, without his knowledge, falsely mark the maps wherein he was interested?

Answer. Joseph D. Peebles did tell me that he (Peebles) marked the maps falsely while S. Gwin was register, but whether or not it was by Gwin's consent, I do not recollect.

Question 13. From all that you have seen in said office, do you or do you not believe that Samuel Gwin, while register of said office, conducted it to the best of his ability and to the interest of the United States?

Answer. I do.

Question 14. Have you not discovered marks on the maps, purporting the lands to be sold that are in fact not sold, made by your own hand, for which you cannot account, and would not any officer be liable to make such mistakes where there is much business done in the office?

Answer. I have discovered several marks on the maps, made by myself, on tracts that cannot be found on the tract-books, for which I cannot account in any other manner than that they were made through mistake, in a press of business; and I find myself, when much pressed, very liable to make such mistakes.

Question 15. Have you or have you not received lately an answer to your report of 24th May, 1834, to the Commissioner of the General Land Office, wherein all the discrepancies between the maps and tract-books were set forth, and in this answer how many tracts, marked in the handwriting of Samuel Gwin, on the maps, and not found on the tract-books, have been discovered to have been in good faith entered and paid for?

Answer. I have received an answer from the General Land Office on said report, and I find about fifteen or

twenty tracts that appeared to have been marked on said maps, in the handwriting of Samuel Gwin, but were not found on the tract-books, or, if found on them, tracted wrong, which were correctly and legally sold, but were not entered in the tract-book in the proper place, if at all.

Question 16. Will you state the number of entries made by Samuel Gwin, as appears on your books, while he had charge of the Mount Salus office?

Answer. I have seen none but one entry of an eighth, and that jointly with a person by the name of Green.

T. L. SUMRALL.

Sworn to, and subscribed before me, this 12th day of August, 1835.

SENECA PRATT, *Justice of the Peace.*

NOTE.—The following answers were made by Mr. Sumrall, in August, 1835, and are in continuation of the above deposition, and the whole sworn to, and subscribed by him.

Q. Will you draw a diagram of sections 25 and 36, township 6, range 2, west, and mark the lands entered by L. Wilkinson, and now owned by Samuel Gwin, and also who entered, and when, around Wilkinson's entry?

A. In the margin you have a diagram of the sections.

The east half of northeast quarter, section 36, was entered by William Dunton, on the 30th day of December, 1829.

The west half of northeast quarter, same, was entered by L. Wilkinson, on the 9th day of July, 1829.

The east half of northwest quarter, was entered by L. Wilkinson, on 24th day of November, 1829.

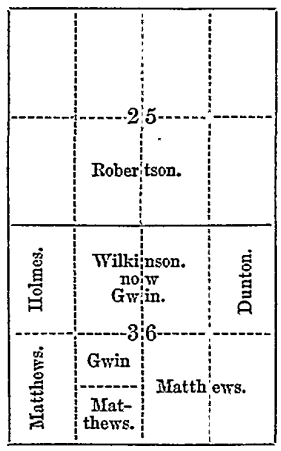
The west half of northwest quarter, was entered by David Holmes, on the 20th day of March, 1826.

The southeast quarter was entered by R. Matthews and J. Matthews, 29th August, 1831, and 10th July, 1832.

The north half of east half of southwest quarter, was entered by S. Gwin, on 29th of August, 1833.

The south half of east half of southwest quarter, was entered by R. Matthews, on 11th October, 1832.

The west half of southwest quarter, was entered by Robert and John Matthews, on 2d October, 1832.



T. L. SUMRALL.

Sworn to, and subscribed before me, 13th August, 1835.

SENECA PRATT, *Justice of the Peace.*

No. 2.—*James McLaran's deposition.*

Question 1. Have you or have you not resided in Clinton (Mount Salus) during the entire period that Samuel Gwin and George B. Dameron had charge of the Mount Salus land office?

Answer. I have, constantly, for some time before, and ever since.

Question 2. While thus living in the same town, and in the immediate vicinity of the land office, and also being engaged in public business, have you or have you not had a good opportunity of learning public sentiment in regard to the official acts of Samuel Gwin and George B. Dameron, while they had charge of said office, and what was that sentiment, as far as you have been able to learn it?

Answer. I did have a very good opportunity of learning the public sentiment in regard to the officers alluded to; having had considerable business in the office for people at a distance, as well as for myself and friends at home, and being myself engaged in public business, and much with the people, believe my chance for ascertaining the standing of the officers alluded to as fair as any person at that time in this community, and, until the rupture with William S. Jones and one of the officers, I never heard either of them spoken of but in terms of praise.

Question 3. You have either for yourself or distant friends entered much land in said office, while Samuel Gwin had charge of it, and also at other land offices in the United States; how did his official conduct compare with other land officers within your knowledge?

Answer. I did enter much land for people at a distance, as well as for my friends in this neighborhood, as well as some for myself, in the transacting of which I ever found the officers, George B. Dameron and Samuel Gwin, active, ready, candid, and accommodating, much beyond any urbanity met with in other officers; and this, at that time, was a general opinion.

Question 4. Are you acquainted with the general character and standing of George B. Dameron, late receiver at said office—if so, will you state it?

Answer. I must have been well acquainted with him, his character, and standing, having done much business with him, travelled much over the country where he formerly resided and did business, and believe no man occupied a better standing in the community than he did, for every quality calculated to adorn the human character; and that yet his memory is held in the highest esteem, notwithstanding the low, mean attempts to slander his good name.

Question 5. During the latter half of the year 1832, had or had not the health of Mr. Dameron become very delicate, so much so that he was frequently for days, and perhaps weeks, confined to his house; and was or was not this bad health occasioned by his confinement and labor in the office?

Answer. I do know that Mr. Dameron was for a long time sick and confined to his house, and much of his time at the office, when it was evident to all he was in a serious decline, of which he finally died on his way to the seashore, in hopes of bettering his health, and also believe that it was attributable to his constant confinement to his duties in the office that fastened on him the decline that terminated his existence; for he came to our country apparently very healthy.

Question 6. Have you or have you not known him leave the office in the evening in tolerable health, and

be taken sick and confined for days if not weeks to his room, without being able to return in that time to the office?

Answer. I have known him to leave the office of an evening with little or no complaint, and be confined for a considerable time, perhaps weeks, without returning, owing to sickness.

Question 7. Any business that he, Mr. Dameron, might have left undone in the office when thus taken ill, could or would his deputy take it up and attend to it in his absence?

Answer. When Mr. Dameron left business unfinished of any consequence it was not customary for any of the assistants to undertake to finish the business so left; this has occurred frequently with myself, when I had to wait his return.

Question 8. Has or has it not, to your knowledge, frequently occurred with the said Dameron while thus in bad health, that where the applicants for land were not pressing for their receipts, that he would receive the money, fold it up with the application, and lay them in his strong box until the press was not so great, and he had more time and was less fatigued than he was at that moment to make out their receipts?

Answer. I have frequently known of several applications, and of many being folded up and put by for the time, owing to the extreme press of business in the office, and frequently owing to Mr. Dameron's bad health, which he would promise to return and complete at another time.

Question 9. From his feebleness after these attacks, is it or is it not natural that on his return to the office he might and did often forget papers thus laid aside for weeks or months, until the subject was called to his mind by the applicant, or on finding the papers in his strong box afterward? and papers thus put aside by him, do you believe his deputy could or would act on in his absence?

Answer. I do believe that it did occur that unfinished business lay sometimes overlooked by him on his return to the office after attacks of illness; and that after his death there were found papers and money in his office, that no doubt had been by him from debility overlooked; and that unless it was a plain simple case his assistants would not have undertaken the management of business so left; and in one instance while I was at Columbus, Mississippi, money was sent back to his executors by me, after his death, where the parties had got eighty instead of forty acres, paying only for forty. This occurred with two gentlemen living near Columbus, who sent the money and papers to Mr. Dameron, and after some time, got more land than they wanted; but afterward were satisfied, and paid the money over to Major William Dowsing, who sent it by me; and these two cases no doubt were of those pressed out of place by debility or business, until memory failed Mr. Dameron in the matter.

Question 10. Have you ever heard that Samuel Gwin and George B. Dameron "were notoriously engaged in extensive speculations in the public lands" while they had charge of the Mount Salus office?

Answer. I have never heard that Samuel Gwin and George B. Dameron were notoriously engaged in land speculations while they were officers at Mount Salus land office, nor that they were ever engaged together in speculations in land at all.

Question 11. Do you know, or have you reason to believe, that they, or either of them, "marked as sold vast bodies of the most valuable lands," when in fact said lands were not sold?

Answer. I never knew, nor while Gwin and Dameron were here in the office, ever heard that they marked land on their books as sold, when in truth no such sale had been made; but have good reason to believe that individuals unconnected with the office, did mark lands on the maps as sold, by making the letter S, when it was not sold; but believe it was done without the knowledge of the officers.

Question 12. Do you know, or have you reason to believe, that they, or either of them, ever represented to applicants, knowingly, lands as sold that were not?

Answer. I do not know of any such deception being practised.

Question 13. Do you know, or have you reason to believe, that they, or either of them, ever did attempt to sell at private sale, and at "a suitable profit," or otherwise, any lands marked as sold on the maps of the office without first getting orders from the General Land Office?

Answer. I know of no such case ever occurring.

Question 14. Have you ever known Samuel Gwin or George B. Dameron, or either of them, to enter, "at the minimum price," any lands that had been previously marked as sold on the maps?

Answer. I do not.

Question 15. Do you know, or have you reason to believe, that they ever marked "lands as sold for particular friends who had not the means of prompt payment?"

Answer. I do not know of any such transactions, nor ever heard of them.

Question 16. From your knowledge of the manner the maps were kept before Samuel Gwin constructed the present desk, could you not easily, without the knowledge of Samuel Gwin, and while he was attending to other applicants in a different part of the room, have marked off any number of tracts as sold, and could he have detected you, unless he had accidentally at the instant caught you at the act?

Answer. Owing to the open exposed manner the maps formerly lay in before the present confined desk was constructed, I could have marked lands thereon easily as sold, while he was examining other maps or papers in the other parts of the room, unless he was to apprehend me at the moment; for then it was frequently the case that three or more maps were at the same time under examination, while, perhaps, the register was waiting with one map on some person, in the act of entering land in another part of the room on another table; for the maps in Crutcher's and Colonel Hay's time lay on tables.

Question 17. Do you know, or have you reason to believe, that Samuel Gwin or George B. Dameron were "in the constant habit of selling the public lands on a credit, receiving a separate note as a 'bonus or interest' ?"

Answer. I do not, and cannot believe they were in the constant or even occasional habit of selling lands on a bonus or excessive interest, else it would have been heard, or talked of, and such a thing I never heard of in any manner until the rupture with William S. Jones.

Question 18. Do you know, or did you hear them charged "with gross partiality and favoritism, and other devices highly vexatious to individuals," while they had charge of the office?

Answer. I did not know, nor ever heard either of them charged with partiality or favoritism; but have frequently known them to beg of the citizens to wait until strangers at a distance could be served; alleging that we at home could be accommodated at any time, while the others could not come daily.

Question 19. Have you not known and heard that Samuel Gwin, while he had charge of said office, took unusual and uncommon pains to accommodate the public having business in said office; that he had, at all times of the night gotten out of his bed and went to the office to answer the calls of distant applicants who were waiting to enter land on expenses? In short, as far as you know and have reason to believe, did said Gwin spare any means in his power to discharge the duties of his office to the entire satisfaction of the public?

Answer. I do know that Gwin has gotten out of his bed, at a very late hour of the night, to accommodate

persons at a distance, who were travelling, or on heavy expenses, and that, generally, I thought him extremely anxious to accommodate, and more so than I thought I or most of people similarly situated would be.

Question 20. Did you or did you not have a conversation with Avery Nolen some time in 1833, in relation to a publication he made against G. B. Dameron and Samuel Gwin; and did he or did he not then state that a material and the most offensive part of said publication was added by William S. Jones, without his knowledge?

Answer. A few days after the offensive publication alluded to appeared, I did have a conversation with A. Nolen and his brother John, on the subject, when he denied having any hand in wording or in any manner authorizing the offensive part alluded to, but stated that it was not mentioned while he was with Jones, and that it was made up and added after he left Jones's office, without his knowledge or approbation, and that, could he have written, it would not have occurred.

Question 21. From your knowledge of Joseph D. Peebles, when intoxicated and his enmity aroused, do you or do you not believe that, to gratify his enmity in this state of derangement, he might, by designing and corrupt men, be induced to make statements that he would have no knowledge of when sober?

Answer. I do believe that when J. D. Peebles is intoxicated, he is very desperate and abusive, much more so than common men, and that, in that state of derangement he can be, on the slightest causes, excited almost to phrensy, and is at the time reckless of consequences, of which, when sober, he would have no recollection nor retain a single participant feeling of.

Question 22. Have you or have you not been acquainted with Wm. S. Jones for the last five or six years? Will you state what has been his occupation in that time, and is or is he not looked upon as one of the most envious and malicious persons in the neighborhood, who will go to any lengths to ruin a political opponent or a personal enemy; and is or is not his friendships entirely governed by dollars and cents, not possessing a single manly feeling; and is or is not this his character in this community?

Answer. I have known said W. S. Jones upward of five years. He was first an assistant teacher in a school of this town; he afterward was engaged with one or two other citizens of this place in shaving, or buying notes and bonds at large discounts, until notoriety gave him the name of the Clinton Shylock; and I believe, from every development of his character in the exercise of his resentments, he would sit as judge and jury. As to his friendships or attachments, I cannot say anything for them, nor would not, in matters of consequence, rely on them; and believe his absorbing passion to be uncompromising avarice.

Question 23. The original difficulty between Samuel Gwin and William S. Jones and Isaac Caldwell arose from their circulating a falsehood to the prejudice of Gwin: when beaten to the wall, and one of them getting a sound flogging, who then challenged the person flogging him to mortal combat? Did he or did he not disgracefully, ignominiously, and cowardly back out from his own challenge; and to screen them from further disgrace and personal responsibility for their cowardly attacks, they changed the scene of battle to the United States Senate, a body not responsible for individual injury, and to cap the climax, these men, William S. Jones and Isaac Caldwell, were selected by the chairman to consummate their original plans without fear of personal responsibility?

Answer. I do know that there was hostility existing between the parties alluded to to a high degree, made more public by the assistance of the newspapers, and that a personal conflict with one, and subsequent challenge to deadly conflict, was the consequence, which came from Wm. S. Jones, and was accepted, when, the manner of fighting not suiting him, the terms or manner of fight was altered to suit his views thereof, and that afterward he did not stand to the terms, or even appear, and that the public loudly condemned his conduct.

Question 24. Was not the accepting a commission from the chairman of the Committee on Lands to carry on an exparte and inquisitorial investigation into the land offices, without permitting those implicated to be heard, looked upon by all honorable men in this State as disgraceful, as far as your knowledge extends?

Answer. In this community, the appointment of men to examine witnesses for the purpose of exposing others without their being allowed the privilege of even hearing them, and those persons appointed, or many of them, known to be in deadly hostility to the parties accused, was thought to be a high-handed species of tyranny and injustice, and that the Senate of the United States, by some means, were induced to lend their high power of station to corrupt purposes therein; and that, as far as I have heard the matter spoken of, it was generally condemned, for the great enmity of many of the men appointed as commissioners and the men accused, must have been known to some of the members of the Senate.

Question 25. Were you at Chocchuma during the entire period of the public land sales in 1833, and after the press at private entry at the close of said sales was over?

Answer. I was at Chocchuma during the entire period of public sales had there, as well as the great press for the entry of lands that immediately succeeded, and did not leave until December.

Question 26. Were you knowing to the existence of a company of individuals formed at said sales for the purpose of purchasing land? If yea, state the objects and name of said company.

Answer. I do know that a company of many individuals was formed, in number about one hundred and fifty, comprising many citizens of that neighborhood, as well as citizens of several States, mostly of Alabama and this State. I also know that many of the settlers were much alarmed, fearing the formation of a company that was first intended, who would not, as they said, give them any chance. Such a company was in formation. I was questioned to join, as well as many citizens of this State, which we refused, unless it was expressly understood and stipulated that the citizen-settlers were not to be interrupted in their homes; that after much talk the first party agreed to protect only eighty acres for the settler, but that was refused by us, and after much talk as to the quantity, it was finally agreed that a quarter-section, including the improvements of the settler, was to be considered sacred to the settler, to be taken by him if bid in by the company, to the right or left of his houses or improvements, as he chose to select, so as to take a square quarter and his houses or field, and that in the division frequently the land was taken by the settler some distance from his houses or pens, sometimes more than a mile, where better land and his little field was; often a turnip-patch was made the improvement of location by the settler, to get better land than where his house or field was, and these liberties were freely granted and given by the company; that after the quantity was agreed on, Mr. R. J. Walker, in a speech to the people assembled, read these resolutions, as well as the whole object and powers of the company, and it appeared to meet the entire approbation of the citizens, only, as far as my observation went, not satisfactory to a few speculators, that did not approve of the pre-emption privilege spoken of; that after Mr. R. J. Walker's speech, all who wished to join the company were invited in the house to sign the regulations or constitution, and pay in their subscriptions, which were not to exceed for any one subscriber one thousand dollars, though many paid but the fourth of that, and afterward shared at the division their proportion of, as well as I recollect, three hundred and one dollars and fifty cents to the thousand. The company was known by the name of the Chocchuma Land Company; and in the formation the question was argued whether they were in violation of any law of the United States; and it was considered they were not, as any person was at liberty to bid, and no regulations made of any kind to put down competi-

tion. The company appointed from their body commissioners, to attend to the settlers' rights, bidders, &c.; and Messrs. Walker and Ellis were generally known as such for the people, and the land was, as I believe, fairly secured to the settlers, though often the company were imposed on by false claims which were granted; and I do not believe that any were dissatisfied that were at the sales except speculators, who were disappointed by the formation of the company; for the settlers, after the sales were closed, gave a large dinner to the company, and got Mr. F. E. Plummer to express their thanks to the land company, which was done in a lengthy, and, as we thought, appropriate address, from the head of the table, delivered by that gentleman. I was one of the clerks to the company, and know that the duties devolving on us in behalf of the citizens constituted not less than three fourths of our labors, and that fee or reward for such services never was received by any of the commissioners, clerks, or members, in obtaining or arranging the rights of their claims, from any of the settlers, so far as my observation went; and I was with Messrs. Walker, Gilchrist, Ellis, Jamison, Barnard, and others, almost constantly, and many a night until day's dawn.

Question 27. In the report of the Committee on Public Lands in the United States Senate at its last session, it is stated that they, the committee, could not enter into the detail of the profligate scenes which took place in this district at the sales which opened in October, 1833; that the evidence portrays greater enormities at this office than is believed to have occurred at any time in any land district of the United States; and it continues to say that these scenes have continued to characterize the conduct of the register who controls the sales at private entry, up to the present time; as you were there up to the close of the press at private entry, did you see or hear of any of the profligate scenes that are alluded to in said report, and was the conduct of Samuel Gwin, register, such as to warrant the above conclusions or declaration in any sense or under any circumstances?

Answer. I did not see or hear of anything that could possibly tend to any such conclusions as would in any manner the most remotely in said Gwin's conduct justify the charge of profligacy alluded to by the report of the committee of the Senate, nor do I believe that the most scrupulous or querulous person there, in honesty, could say so justly; although I knew he had enemies there who were seeking every chance to find fault, but I do think any unprejudiced person there must have well approved of his conduct, both as regards his duty to his office, and country, and people, during the whole time of the sales, and immediate subsequent entries; and I cannot believe the charges contained against him in the report alluded to were justified in the slightest degree by anything that occurred at Chocchuma during said sales; but distinctly remember that the first day of the entries, before the applications were handed in, that much was said by some in the crowd, (known to be your enemies, who had been trying in former days to make something out of nothing,) about their not liking the idea of putting their applications all in at once in the mass that was expected to be thrown together to be sorted out by you at leisure, and that you then expressed to the crowd a desire to so arrange the selection of the conflicting applications as to give satisfaction to all, and that several plans were proposed, as well as persons, to superintend the sorting of the same; and there were objections occasionally from the crowd to the several plans; that I left for a short time to get my horse to start to Mr. Smith's, three miles in the country; that while I was getting ready to start, some gentlemen came to me, and requested I would come to the office; I mounted and rode as near as the crowd would permit, when I was informed that Mr. J. A. Lane and myself were requested and appointed to arrange or sort out the applications and conflicts; that I refused to serve, and stated to you from my horse, that if I was you I would not be bothered so, but do my business and duty after my own manner, and in my own time, and not be moved by the objections made; that do it as you would, and with whatever assistance you would, there would be fault found anyhow, and then rode off; this was at dusk, or near night, and Mr. Lane, on my refusing, also refused to serve. The objections or dissatisfaction expressed were mostly from Samuel B. Marsh and John B. Peyton.

Question 28. It is further stated in said report, in speaking of the union of the several companies, that they "united for the purpose of monopolizing all the good lands then offered at public sale, of overawing bidders, and driving all competition out of the market; that the company established an office in the vicinity of the register's office, at which they opened on each day a regular sale of the lands purchased by them at public sale; that at the public sales, the company claimed and actually enforced a complete monopoly; and that the officers either connived at or participated in these fraudulent transactions." Now, is there *one word of truth* in this whole tale, and do you know or have you any reason to believe that Samuel Gwin, register, either "connived at or participated in" these pretended frauds, or did you hear any one at said sales intimate that he was interested with this or any other company?

Answer. Whatever were the objects of the parties uniting in the Chocchuma Land Company, monopoly of all the good lands or of overawing bidders could not have been effected by them, as it was expressly in opposition to the character of said company; but that they learnt of good lands in some degree may be admitted; as on the final sales of what the company did buy, they realized the immense profit of three hundred dollars for the thousand invested, and there could not have been many men of any industry, with half the sum, that could not have made double the money the members of the company did by the association; and as to competition, it was the every-day occurrence during the existence of the company. The company did not establish a regular office in the vicinity of the land office; they began to dispose of their lands first at a carpenter's shop on the bank of the river, then moved and finished at the tavern, where many of the company boarded, on account of accommodations. The company never claimed nor enforced a monopoly; it was disavowed by them, for they composed but a small portion of the great crowd that were there, and consisted mostly of speculators fettered by the association, though many settlers were in the company. Though the register possibly, and no doubt did, know of the company, I cannot think he connived at their acts, for there was nothing to connive at, for all was fair, and no legal or moral law could have been offended, except in the privilege secured to the settlers of their homes; and I do know that the register did not participate in any portion of the company's interest, nor did I ever hear from any one that he was ever suspected of sharing or being concerned in any company; he had entirely too much of official duty to attend to, to allow him the chance of participating in the duties or interests of any companies; and I cannot conceive how it is possible he could have been so suspected since for his conduct at that time.

Question 29. At the sales at private entry, did or did not Samuel Gwyn act, in every respect, with the utmost impartiality in everything that came under your observation; and was or was not his rules drawn up with the greatest care, so that every individual applicant should be on an equal footing?

Answer. In the discharge of his duties he was remarkably industrious and exceedingly accommodating to all, and more particularly so to those there supposed to be his enemies, for they were, as before stated, more difficult to please, and his friends, at his request, to my certain knowledge, gave way for their accommodation when the favors agreeably to rule was properly theirs. His rules were adopted with great care, and regularly published at the door for the inspection of all, as well as maps of the country, were hanging outside of the house for the information of all concerned, which was an official accommodation extra, and not met with at the land offices generally.

I have no doubt but persons who did business with him found generally more accommodations than at any other office in the State.

Question 30. From the number of persons who were there waiting to make entries, all equally anxious and desirous to be first, either to prevent any competition or to return home, could Samuel Gwin have taken any other course than the one he did to give all an equal chance to make their entries, as all were equally entitled to his services?

Answer. At the close of the sales there were several hundred persons desirous of making entries, or having some business, more or less, connected with the office, and all anxiously restless, hurrying everybody with whom they had business, in the desire to be going home as well as secure their lands; and from the press of applications it was thought, after considerable debate and mature reflection, that the plan or rule he adopted was the very best that could have been acted on to give every applicant an equal chance, and at the time I do know that the people generally believed it was, and with only two or three exceptions, acted under them cheerfully, and they were never violated, to my knowledge, but in one instance, and that time by Samuel B. Marsh, who, from the register's books or maps, got the area or contents of a section, while the register was busy elsewhere, perhaps in the office, and filled up a receipt ready for the receiver's signature, and while he was busy with many others, induced him to sign it, as I was informed by Mr. R. H. Sterling, (the receiver,) who, as he said, thought at the time it was regularly applied for and filled up by the register, who had not signed any application for said land, as it was not at that time in order, agreeably to the rules that had been published and acted on. This matter made considerable noise on the ground, as it was considered an evasion of the rule and custom, and done by Mr. S. Marsh for his friend, John Jones, to escape competition or conflict; but Mr. S. Marsh only was blamed, and, indeed, abused by many for it, as being a trick of deception of a very low grade, to obtain, as I think, about half a section of land.

Question 31. Did you or did you not hear Samuel Gwin declare that if he knew or was advised that any company was violating the laws of the United States, that he would, on his own responsibility, stop the sales?

Answer. I did frequently hear him make in public the declaration, that if he knew, or was certified of the fact, that any company or combination of men were acting in opposition to the laws, he would immediately put a stop to the sales, and that he frequently read, or had read, those laws, and asked the advice or opinion of others on that subject, particularly Judge Black, and particularly on the Chocchuma Land Company matter, who, with others, pronounced it incompatible with his powers or duty to interfere with the progress of the sales on that account, or anything that at that time had occurred.

Question 32. From the quantity and quality of land sold, do you or do you not believe that the United States was ultimately benefited by the Chocchuma Land Company?

Answer. I do believe that the spirit of sale or purchase and entry, got up in excitement by the formation of that company, resulted profitably to the United States in the general sales had at Chocchuma.

Question 33. Did you know of Samuel Gwin turning people out of the office who did not belong to the company, and permitting those who did to remain in?

Answer. When the sales of the day were over, and the clerks were busy at their duties in casting up the accounts of acres, amounts, &c., it was customary, as it was but a small house, for a time to close it, until the receipts of each purchaser could be made out, and then again was opened for the cash and settlements. On such occasions, Mr. Sterling, and sometimes Mr. Gwin, would ask the help of Mr. D. W. Connelly, and sometimes of myself, for assistance at the moment to cast up the sale operations, (and we were both members of the company,) but in no instance was favoritism exercised for the company, but the most kind and respectful treatment extended to all, who were requested for the moment to give room to the clerks to write; nor do I know that he knew we were members of the company, though he may have known that I was clerk for them.

Question 34. From the manner that Samuel Gwin kept the applications for private entries, could any one, after they were placed in his hands, have read them, and do you believe that any of them were read save by those that handed them in?

Answer. I do not believe that they could have or were read by any one after they were handed in, and when handed, they were immediately, by the person handing, placed in a box held by Gwin on the counter, and none suffered afterward to take them out; this was done in public, and after declaration was made, if any applications were still forthcoming, to come forward, and after all were handed in, then, and after none could have interrupted the fair selection of the conflicting applicants, the matter resting solely with the register and receiver; and as to favoritism or partiality having been shown by Gwin, such a charge could not have originated but in prejudice; and a more active, industrious, and accommodating officer, this State never had, nor has at this time, as far as my knowledge extends, and I am fully persuaded that no good feelings ever dictated a charge against him, and that the committee of the honorable Senate of the United States have been misled by the prejudice of those inimical to the worthy officer so abused, and I shall always be proud if my country makes so good a selection as it has in him.

Question 35. In the conversation that followed the attempt of Samuel B. Marsh's low, dirty, and ungentlemanly trick, by stealth to violate the rules, and in violation of law, for his friend, John Jones, for a fee, did you hear Marsh make any such remark as this, speaking to Dr. W. M. Gwin, Marsh said, "Are you marshal of the State, and do you give and receive hush-money, and partake in the profits of these speculations?" or if such a remark had been made on that occasion, would you not have heard it?

Answer. I did not hear any such remark from Marsh, and cannot doubt for a moment that no such remarks were made, else it would have been heard of, and such a venture on Mr. Marsh's part was, I think, too much for him to make, and it would have been the throwing of a firebrand in a magazine for Marsh that he would not have ventured to have done, for he was in bad favor with Dr. William M. Gwin, and little required to make a bad rupture between them. If such conversation had occurred, I think I, or any one there that was in the crowd, would have heard it, and yet did not hear any such talk.

Question 36. Did you or did you not hear S. B. Marsh on that occasion make use of language to this effect to Samuel Gwin, (as detailed in John Jones's evidence:) Marsh should have said that he, Samuel Gwin, should resign, or he would have him imprisoned until he did? and had such language been used on that occasion by Marsh to said Gwin, do you not think you should have heard it?

Answer. I heard much of the conversation between Marsh and Gwin, as well as in the multitude on that occasion, but never any such language as that.

Question 37. Was not the conduct of S. B. Marsh in this transaction looked upon by all honorable men with contempt?

Answer. It was, and so frequently and publicly expressed.

Question 38. You did once or twice, or perhaps oftener, cry the public lands at auction—at whose solicitation

did you cry them, and was it not the openly expressed approbation of Mr. R. H. Sterling, as well as Samuel Gwin, that you did cry them; and was there or could there be any advantage to the land company by this fact?

Answer. I did, first at the solicitation of Mr. G. Griffin, who, I understood, was the auctioneer, as well as by the approbation of Mr. R. H. Sterling, Mr. Samuel Gwin, and the crowd, for by them, too, I was solicited when Mr. G. Griffin was sick. I was by Mr. Sterling and Gwin both often asked to do so again, but being too busy with other matters, refused, and they got Major Holt and Captain Rather; and from my crying, nor any that I heard from any of the gentlemen during the sales, could it have been inferred that any advantages did or could have accrued to any particular individual or company; for it was the rule, that should any citizen call for any tract that had been called out and not bid for, that the auctioneer was instructed to go back, at the request of any gentleman, and again offer the land so passed over; and I do not believe that injustice or partiality in the sales was shown in any manner, and that the United States interest was properly cared for.

Further this deponent saith not.

JAMES McLAREN.

Sworn to, and subscribed before me, an acting justice of the peace for Hinds county, State of Mississippi, this the 20th day of August, 1835, at Clinton.

SENECA PRATT, *J. P.*

No. 3.—*Seneca Pratt.*

Question 1. Will you state at what time George B. Dameron began business as receiver of public moneys at the Mount Salus land office?

Answer. George B. Dameron commenced business as receiver at said office early in the month of May, 1832. I believe on the 3d day of that month.

Question 2. Have you or have you not acted as clerk for said Dameron in said office; and also when Samuel Gwin was occasionally absent, did you perform, or did you not, the duties of his office, and at what time did you commence with them? How long did you continue in their employ? And did you, or did you not, afterward occasionally to write in and attend to said officers?

Answer. At the opening of the office in May, the business appears to have been very heavy. As soon as the press was a little over, Mr. Dameron returned to Perry county for the purpose of removing his family to Clinton. This was in the month of June; and, as nearly as I can recollect, he left Augusta, in Perry county, about the 15th of that month, and arrived in Clinton on or about the 20th. At this time, and at his request, I came with him, and continued in the office from that time till some time early in the following December, performing a considerable proportion of the writing of said office, for Mr. Dameron. I did also, occasionally, in the absence of the register, and also at times when he was present, but engaged either with his returns, or any other of the necessary duties of the office, fill up applications for applicants. I did repeatedly, after I was no longer considered as attached to the office, perform the duties of the register when he was occasionally absent for a day or two; and I did also continue to do some writing for the receiver.

Question 3. Were or were not the two offices kept in the same room for the greater portion of the time you were with them—if so, were you or were you not, more or less, conversant with all the transactions of the said Gwin and Dameron?

Answer. The two offices were, most of the time, kept in the same room, and all the time in the same house. After the offices were removed from the place where they were kept at the time I first went into the office, they were in separate rooms, with a communication between the two, and every facility was afforded for direct intercourse. I was generally acquainted with most of the transactions of Gwin and Dameron, nor had I at any time reason to believe that any transaction happened while I was in the office that either of them wished to conceal from me.

Question 4. Are you or are you not acquainted with the general character and standing of George B. Dameron, late receiver of said office; if so, will you state it?

Answer. I am well acquainted with the general character of George B. Dameron, and do know that no man held a higher place in the estimation of his fellow-citizens, either as regards character, a kind neighbor, as a sincere friend, and as a man of the strictest probity and honor; and I further know and declare, that it was his most earnest wish, so long as I was with him, that everything should be done with the most scrupulous regard to the interest of the general government, and to the convenience and accommodation of the purchasers of the public land.

Question 5. During the time said Dameron had charge of said office, how did he demean himself as a public officer, and what was public sentiment in regard to him?

Answer. A part of this interrogatory is answered above. I have every reason to believe that the public generally considered him as a faithful, diligent, and effective public officer.

Question 6. During the latter half of the year 1832, had or had not his health become very delicate, so much so that he was frequently, for days, and perhaps weeks, confined to his house; and was or was not this bad health occasioned by the confinement and labor he had to undergo in his office?

Answer. During the latter part of the year 1832 his health was delicate; and during this time he was often confined for days—I do not recollect whether he was for weeks; but I do know he was many times in the office when he should have been in bed; and that from this time he continued to decline until his death; and I have no doubt that his confinement to the office, and his exertions to perform the duties of said office, were the cause of his death.

Question 7. Have you, or have you not, known him leave the office in the evening in tolerable health, and be taken sick and confined for days, if not weeks, to his room, without being able in that time to return tending to the office?

Answer. I have often known him leave the office in a state of debility and depression, from fatigue in attending to the duties of the office, so that he would not be able to return to the office for several days.

Question 8. From your knowledge of the business in land offices, would you or would you not, as clerk, feel yourself authorized to transact any business that he, Mr. Dameron, might have laid over (not knowing any of the particulars) to be completed or attended to the next day?

Answer. I should at no time feel myself authorized to take up any unfinished business of his, unless by his particular direction, or knowing all the circumstances attending it, and the person for whom the business was to be transacted was present.

Question 9. Has it, or has it not, to your knowledge, frequently occurred with the said Dameron, while thus in bad health, that where the applicants were not pressing for their receipts, that he would receive the money, fold it up with the application, and lay it by, until the press was not so great, and he had more time and was less fatigued than he was at that moment, to make out the receipts?

Answer. Often has it happened that letters were sent to the receiver containing money to enter land. If in such cases there was much business doing in the office, the letters were opened, the applications made out, and the land, as I believe, marked as sold. The application then, with the letter and money, were placed in the strong-box, and have many times remained there for days or weeks, owing to the indisposition of Mr. Dameron. And I believe it has often happened that persons have deposited money on lands, and have not at the time required the receipt, for the purpose of indulging Mr. Dameron on account of his ill health. I believe this was done by Dr. W. M. Gwin and Samuel Gwin, and I could name to my own knowledge others.

Question 10. From his feebleness after these attacks, is, or is it not natural, and do you not know it be a fact, that on his return to the office, he might and did often forget them (the papers thus laid aside) for weeks or months, until the subject was called to his mind by the applicant, or upon finding the papers in his money-box; and papers thus put aside by him, did you, or did you not, feel yourself authorized to act upon in his absence?

Answer. I am well aware of the truth of the specifications as contained in this question to be true, and have, I believe, often called the attention of Mr. Dameron to these papers. I did not consider myself authorized to act on them without his particular instructions.

Question 11. Do you know, or have you ever heard that Samuel Gwin and Geo. B. Dameron "were notoriously engaged in extensive land speculations," while they had charge of the Mount Salus land office?

Answer. While I was in the office *I do know* that Samuel Gwin and George B. Dameron were "not notoriously engaged in extensive land speculations," nor have I ever heard, nor do I believe they ever were, while they were connected with the Mount Salus office.

Question 12. Do you know, or have you reason to believe, that "they marked as sold vast bodies of the most valuable lands," when in fact they were not sold?

Answer. In reply to this question, I can only say that I could not know of anything of transactions of this kind, but I have no reason to believe anything of the kind was ever attempted while I was in said office.

Question 13. Do you know, or have you any reason to believe, that they or either of them ever represented, *knowingly*, lands as sold, that were not, to applicants?

Answer. This interrogatory seems to apply more particularly to the register, as the maps were in his charge; but I can safely answer that I do not, nor have I any reason to believe, that any transactions of the kind ever happened.

Question 14. Do you know, or have you reason to believe, that they, or either of them, ever did attempt to sell at private entry, and at "suitable profit" or otherwise, any lands marked as sold, on the books of the office, without first getting orders from the General Land Office?

Answer. To this I answer, no. Samuel Gwin informed me some time after I had been in the office, that he had discovered some marks on lands, from which he was compelled to consider them as sold, that he could not find them entered on the books of the office, and that there were many applications to enter the same, but that he could not permit it until he had an answer from the General Land Office. He stated, that he had received returns on some of them; and I now believe he said that he had been requested by the Commissioner of the General Land Office to endeavor to detect all such marked tracts.

Question 15. Have you, or have you not, ever known Samuel Gwin or George B. Dameron, or either of them, to enter, "at the minimum price," any lands that had been previously marked as sold on the books of the office?

Answer. I never have, nor have I any reason to believe they ever did.

Question 16. Do you know, or have you any reason to believe, that they, or either of them, ever marked "lands as sold for particular friends, who had not the means of prompt payment?"

Answer. I have never known anything of the kind.

Question 17. From your knowledge of the manner the maps were kept before Samuel Gwin constructed and had made the present desk, could you, or could you not, easily, (or any one else entering land in said office,) without the knowledge of Samuel Gwin, have marked off any number of tracts as sold, and was it possible for him to detect such persons, unless he had accidentally, at the instant, caught them in the act?

Answer. I do know that improper marks might be put on the maps, indicating that the lands were sold, when they were not, and that such marks were put on without the knowledge of the register; that while he was examining one set of maps, other persons would be examining other sets at the same time, and that it was almost impossible to prevent it, and that any amount of lands could have been marked as sold without the knowledge of said Gwin, or any one else, unless at the instant, and before the ink was dry, he might detect them in the act. There were four bundles of maps, pasted on canvas, and stitched, then in the office, (one of which has since been taken to Columbus,) that were, before the present desk was constructed by said Gwin, placed on different tables in a small room, and, as applicants demanded, the register would pass from one to another of these maps, and there remain, making out applications until all were served, leaving the other maps under the inspection of persons who, either in fact or pretendedly, wished to enter lands in them. From this it will be apparent what unworthy persons might do.

Question 18. Do you know, or have you reason to believe, that Samuel Gwin or George B. Dameron, or either of them, were "in the constant habit of selling the lands on a credit, receiving a separate note as a bonus or interest?"

Answer. I do not know, nor have I any reason to believe, that they were in the habit of selling land in this manner. I have reason to believe that they did, in a few instances, purchase lands for others, for a small premium, at their urgent solicitations, but did not, at that time, suppose they were using any but their own funds.

Question 19. Did you or did you not ever hear them charged, while they had charge of the office, "with gross partiality and favoritism, and other devices highly vexatious to individuals?"

Answer. I have, in one or two instances, heard them charged with partiality and favoritism when I was present, and knew the accusation to be unfounded and unjust.

Question 20. Have you or have you not heard that Samuel Gwin, while he had charge of said office, took unusual and uncommon pains to accommodate the public having business in said office? that he did, at all times of the night, get out of his bed and go to the office to answer the calls of distant applicants who were waiting to enter land on expenses. In short, as far as you know or have reason to believe, did or did not said Gwin and

Dameron spare any means in their power to discharge the duties of their offices to the entire satisfaction of the public?

Answer. I am well aware of the truth of the facts contained in this question, and do know that both the register and receiver did often put themselves to much inconvenience at unseasonable hours, for the purpose of accommodating distant purchasers.

Question 21. Have you or have you not heard Joseph D. Peebles admit that he had falsely marked off on the maps of said office lands as sold that were not, without the knowledge of Samuel Gwin? State particulars.

Answer. I did hear Joseph D. Peebles say that he had marked on the maps of the office lands as sold that were not, without the knowledge of the register, but recollect no particulars, except that he wanted the land, and had not the money at that time to pay for it.

Question 22. From your knowledge of the duties of the register, do you or do you not believe that, in the press of business in making out applications and marking the lands off on the maps, that they are liable to commit errors, and, through the hurry of the moment, or inadvertency, mark on the map a tract as sold that was not for one that was, and leaving the tract that was in fact sold, unmarked; and have you not yourself committed these errors, while attending to the register's office in the absence of Samuel Gwin?

Answer. I am well satisfied that many tracts of land have been inadvertently marked as sold through mistake; and indeed I have sometimes known the register correct mistakes of this kind, from recollection that he had marked the wrong piece; and I do know that I have myself, in some instances, while performing the duties of the register at the request of Samuel Gwin, marked the wrong tract; at least I have been convinced of this fact afterward.

Question 23. Have you not known an individual, after taking out applications, and the tract marked as sold, and paying his money for the same, through ignorance, while the receiver was putting his money in the strong-box, pick up his receipt, and with it the application, and take them off, leaving no evidence in the office of the name of the person entering, or anything about it, save the marks on the maps; and do you or do you not believe that most of the cases, if not all, where lands appear to be marked off in the handwriting of Samuel Gwin or George B. Dameron were thus occasioned, or by the loss of the application?

Answer. I have many reasons to believe that this has sometimes happened, and I do believe that many of the tracts marked as sold, that do not appear on the books as sold, may be, from this circumstance, and from being mismarked through inadvertency, and from another cause that will hereafter appear in the next answer.

Question 24. Do you or do you not believe that applications have been lost before they were entered in any of the books, by being accidentally blown away; and do you or do you not recollect, while writing in the receiver's office, that in entering on the books by numbers the entries made, that we did frequently miss numbers, sometimes as high as ten or more, and to keep up the contiguity in the numbers on the books, we would have to fill up their places with entries made after this discovery; and would or would not the numbers thus lost or mislaid be still marked as sold on the maps, but not found in any of the books of the office?

Answer. In the press of business I do suppose that applications have been taken away by the applicants, in which case the lands would remain marked as sold. I do recollect that numbers were sometimes found missing while we were recording them. Whether this arose from the applicants taking them away, from their being lost, or from mistakes in numbering, I am unable to state.

Question 25. Have or have not individuals, other than Joseph D. Peebles, admitted to you that they had themselves marked lands as sold on the maps, without the knowledge of Samuel Gwin; and will you state the particulars of their conversation with you on this subject, and have not the lands thus marked been reported by the present register, and are among the number charged by the committee in their report, as being the fraudulent acts of Samuel Gwin and George B. Dameron?

Answer. Others besides Joseph D. Peebles have admitted to me that they had marked lands as sold that were not. One person in particular requested me to prevail on Samuel Gwin to permit him to enter certain lands, stating to me that he knew who marked it as sold, and finally confessing that he did it himself, but requested me not to inform Col. Gwin that he had done so. These lands were among those returned by the present register as marked sold, and were not sold.

Question 26. Do you or do you not know an instance among the number of tracts marked sold on the maps, and not found on the tract-books, and reported by Mr. Sumral to the General Land Office, and returned from that office as not being sold, but which was in fact sold, and is now and was then, on the registers of receipts and certificates, with its proper number?

Answer. I have been informed by Mr. Sumral, the present register, that among the numbers of lands reported by him as marked sold, (not being found on the tract-book,) and returned from the General Land Office as not sold, some have been brought to the office by the purchasers, and have been fouud regularly entered on all the books of the office, except the tract-book. And in explanation of this, I have been informed that they have in some instances been entered in the wrong township, sometimes in the wrong section, and sometimes in the wrong range. For this I can account in this way: the government, penurious in some cases and prodigal in others, limited the pay of the land officers to a certain amount. It sometimes happened that this amount, arising from commission and salary, has been made in a few months. For the remainder of the year they were compelled to do the business of the office on as easy terms as possible, and many times it has required, in this office, at least two clerks in each department, to keep up the business, and in the time of the land sales even more. Clerks qualified to attend to the duties of this office are not to be obtained here for a trifle, and many months, when the business of the office is heavy, the expenses of the office amount to as much as the allowance.

SENECA PRATT.

Sworn to, and subscribed before me, this 7th day of October, 1835.

HENRY G. JOHNSTON, *Justice of the Peace.*

No. 4.—*John J. McCaughan.*

Question 1. Were you present at Chocchuma during the land sales in October and November, 1833?

Answer. I was at Chocchuma from the third day of the sales until about ten days after the close of the sales.

Question 2. Did you know of the formation of a company of individuals to purchase lands at said sales?

Answer. I knew there was a company formed for the purchase of lands at said sales of a number of individuals, and was requested by several to become a member of said company, but declined doing so, believing it would not prove a profitable business, which fact was fully established by the result.

Question 3. Did you hear a speech that was delivered by R. J. Walker, announcing to the settlers the fact of the formation of a company, and will you state the purport of that speech as far as your recollection serves?

Answer. I did not hear the speech delivered by R. J. Walker. I understood he had delivered one.

Question 4. In what respect did the members forming that company bind themselves with regard to the actual settlers?

Answer. The members of said company bound themselves to let each settler who was actually settled on a tract of land at the commencement of the sales, have the same, to the extent of a quarter-section, or eighth, to include his improvement, at the price, whatever it might be, that it was stricken off to said company at.

Question 5. Was Samuel Gwin, register, present when Mr. Walker delivered his speech, or do you know or believe that he had at the time any knowledge of the formation of a company?

Answer. I know nothing.

Question 6. Was it not the prevailing opinion among the settlers that by the formation of this company the settlers were as fully protected in their improvements as if there had been a pre-emption law?

Answer. The formation of said company was considered by most of the settlers as conferring on them a favor similar to a pre-emption law, which they thought should have been extended to them by Congress.

Question 7. As far as your knowledge extends, were not the objects of the company not only lawful but laudable?

Answer. As to the formation of said company, I considered it as strictly legal as the formation of any company for the transaction of any business whatever. Although there were a greater number of persons composing said company than usual in the formation of companies for the transaction of ordinary business, they all amounted to but a small portion of persons who attended said sales for the purchase of lands. So far as I know or believe (and I have had some experience in land matters) there is nothing novel in the formation of companies at sales of the public lands; but believe there never has been a sale of lands, particularly in the South, where there has not been companies formed in some shape, manner, or form, for the purchase of lands, and I believe there never will be, all the laws of Congress and precaution of the officers of the general government to the contrary notwithstanding. The object of the company at Chocchuma in the protection of the settlers was surely laudable, and was so regarded by many of those who were opposed to them.

Question 8. Do you or do you not know of any contract, bargain, or any agreement among any company of individuals, that any one should not bid upon or purchase any land that he might wish, or did by intimidation or unfair management hinder or prevent any person or persons from bidding upon or purchasing any tract or tracts of land then offered for sale, but were not, as far as your knowledge extends, every individual at full liberty to bid or not, as his judgment might dictate?

Answer. I know of no combination, or threats, or unlawful means of any kind, to intimidate or prevent any person from bidding for any land he chose; on the contrary, it was remarked generally that there was seldom, if ever, so much peace and harmony among so great a crowd, under all the circumstances known, as was during said sale.

Question 9. Do you know, or did you hear, of any one who was compelled to sign any paper depriving themselves of the right to bid for as much land as he or they might think proper?

Answer. I know nothing of either the paper or compulsion of the kind spoken of, nor can I believe that anything of the kind existed in any shape or manner whatever.

Question 10. Who were the most active persons on the part of the company in behalf of the settlers?

Answer. Robert J. Walker and Thomas G. Ellis, I believe, were considered among the most active members of said company, but the members seemed generally fully disposed to be just, if not generous, to the settlers, agreeably to the understanding of said company.

Question 11. Do you know, or have you reason to believe, that Samuel Gwin was either directly or indirectly interested in, or concerned with, said company, either in money, or land, or anything else?

Answer. I know not, nor have I any reason to believe, that either the register or receiver had any interest whatever in the transactions of said company.

Question 12. On the contrary, did you not hear the said Samuel Gwin, repeatedly and pointedly, condemn the formation of said company, and, as far as your knowledge extends, did he not oppose them in every particular as far as he could; or, did you see any act or acts, of said Gwin, which tended to favor, in the smallest degree, the company or any member of it, or any one else?

Answer. I do not recollect to have heard of the register giving countenance to the proceedings of said company in any way whatever, but I did understand he was opposed to their proceedings. I do not recollect any particular remark of S. Gwin on the subject. His business necessarily engaged his attention almost every moment.

Question 13. Was it not understood on the ground generally, that Samuel Gwin took the legal advice of the honorable John Black, as to the legality of said company, and gave him the laws of the United States to examine and compare with the company article; and, also, to get his opinion as to the power of his (Samuel Gwin's) stopping the sales, if the article was in violation of the laws of the United States?

Answer. I understood Samuel Gwin consulted Judge Black in the manner set forth, and it was the opinion of said Black that he could not legally or equitably prevent the operations of said company, and advised said Gwin not to attempt it.

Question 14. Did you see anything in said Gwin's conduct tending to partiality to said company, or any one else, and was it not open, frank, and free, and was he not vigilant in watching the interests of the United States?

Answer. I observed nothing partial or improper in the conduct of said Gwin toward said company, or any individual at said sales. I believe I had more difficulty with said Gwin myself, than any other individual while there, and, although I did not succeed, I cheerfully acknowledge said Gwin was correct under the circumstances. I saw nothing to reprobate in the conduct of said Gwin during said sales, but believe he acted as impartial a part as he could have done, and protected the interests of the government to as great an extent as was in his power; and, indeed, from my knowledge of the country sold, and its value, I was then and still am of the opinion, had there been no company formed, the country would not have brought the government as much money as it did. I do believe the conduct of those officers at said Chocchuma land sales would never have been brought in question, had the good of the country and protection of the government from fraud, been the only motive by which the accusers of Colonel Samuel Gwin had been actuated.

Question 15. Have you not entered a large body of land at different times at the Clinton office, while Samuel Gwin was register? Have you ever seen or known anything improper in his conduct while he had charge of the office; and was he, or was he not, watchful as to the interest of the government, attentive to the duties of his office, and accommodating to all who had business in it?

Answer. I frequently had business in the land office at Clinton while S. Gwin was register there, and my

opinion was, that his conduct was proper in every respect as an officer; my opinion then was, and still is, he was and ever has been the most efficient register I have ever known in the State.

Question 16. From your personal knowledge of the management of the Clinton office, do you, or do you not, believe that any difficulty would have arisen had it not been for a personal and private dispute, in which said Gwin was unfortunately involved with W. S. Jones, which resulted in the disgrace of said Jones, who, to avenge himself, called to his aid the Senate of the United States, who have conferred on him inquisitorial powers to carry on charges originating in himself.

Answer. I believe there never would have been any trouble on this subject with regard to S. Gwin, had it not been for the difficulties that arose with said Jones.

Question 17. From your knowledge of the management of land offices, do you, or do you not, know that many things necessarily occur in them which are proper and correct in themselves, but which, by designing and unworthy individuals, in an exparte examination, may have the appearance of impropriety in the officer, when in fact it does not exist; and, from the constant duties of the register, may not, and have not, improper marks been made on his maps (when his eye was for a moment off of them) by unworthy persons, and have you not reason to believe that unworthy and base persons have thus marked the maps, and have since given evidence to Jones and Caldwell to prejudice Colonel Gwin on this subject?

Answer. In land offices, as in every other office, with exparte examination of evidence, &c., many things may be made to assume the appearance of incorrectness when in fact it does not exist. I have no doubt maps in the office have been marked by designing individuals, without the knowledge of the officers, and I know it is impossible to prevent, even now, (when there are proper desks to hold them,) said maps being marked, if persons are disposed to do so. From the very nature of the business, it is impossible the register can always have his eye on the maps. I believe that individuals who marked maps in said office, while Colonel Gwin was register, have given evidence against him to W. S. Jones.

Question 18. Have you not heard that Joseph D. Peebles, while he lived in the house of S. Gwin, and but a few steps from the office, did himself falsely and fraudulently mark the maps in said office; and did he not, in consequence thereof, have a dispute and quarrel with S. Gwin, which caused him to leave his house; and has not said Peebles, in his drunken frolics, admitted these facts?

Answer. I have heard that Joseph D. Peebles did mark maps in said office, and has since boasted of it in his drunken mood.

JOHN J. McCAUGHAN.

Sworn to, and subscribed before

A. B. SHELBY, *Justice of the Peace.*

NOTE.—The copies of interrogatories 15, 16, 17, and 18, have, unfortunately, been lost or mislaid by me, since the originals were sent to Washington city, in December, 1834. I have substituted those now inserted from memory, and presume the substance is the same. The answers are true copies of the originals. There is a discrepancy in the numbering of the interrogatories in the above and in the originals, or an error or omission in the copy retained. As I copied it myself, I think it probable that one question, or perhaps more, that Mr. McCaughan could not answer, was left out by me in the copy retained, which has caused the discrepancy. But the copy, as herein sent, of the answers, I will vouch for their correctness, and I hope the originals will be procured from the Senate papers.

SAML. GWIN.

No. 5.—*Colonel Robert L. Scott.*

Question 1. Did you or did you not act as clerk for George B. Dameron, for some time in 1832 and 1833, and, in the temporary absence of Samuel Gwin, register, did you not attend to his business in making out applications, &c., and in all the time that you were in the said land office, did you see or hear of any illegal, unjust, or improper conduct in Samuel Gwin or G. B. Dameron?

Answer. I was a regular clerk in the receiver's office about four months, and wrote there, occasionally, for two months longer. Samuel Gwin was occasionally absent for a short time from the office, and when thus absent I did fill out applications for him, where the applicants were in a hurry. In all the time I was in the office, and at all times since and before, I am free to say, and am glad to have it in my power to speak in the highest terms of praise as to the official and private conduct of Samuel Gwin and George B. Dameron. I never saw anything illegal, unjust, or improper in them; on the reverse, as far as I know or have heard, these men were universally approved of, and I never heard of any complaints against them while in said office.

Question 2. While in said office, had you or had you not as good an opportunity to see and know if any of the frauds, as set forth in Jones and Caldwell's depositions, were practised in said office?

Answer. I had as good an opportunity to see and know what was transpiring in said office as most others, and I never saw anything in the remotest degree that would warrant the declarations and assumptions of said men.

Question 3. Did you or did you not know of their ever marking on the maps of said office lands as sold that were not, or inform individual applicants that lands were sold that were not in fact; or did you ever know of their selling lands on a credit, receiving a separate note as a bonus or interest?

Answer. I never did know of their being guilty of any of the above allegations, nor do I believe they ever were.

Question 4. Have you or have you not ever seen them act partially, or oppressively, to individuals having business in said office?

Answer. I never did.

Question 5. Was or was not their general deportment and conduct as officers, courteous and accommodating to an extent before unknown in said office?

Answer. It was.

Question 6. Did you or did you not know that there was a deadly hostility existing between Samuel Gwin and these men (Jones and Caldwell) long before they accepted the commission to take depositions, and, in consequence of this hostility, and the base falsehoods published by them, did or did not the said Jones get a severe flogging, after which, did he not challenge to mortal combat, and, after cowardly prevaricating as to the terms, were they or were they not made to suit his views; and, at the appointed time of meeting, did he or did he not ignominiously and assassin-like shrink from the contest, and not appear on the ground; and was or was not his thus

assailing individuals by the basest falsehoods, and upon his being punished for them, challenging the person and then backing out, looked upon by the whole community as base, unmanly, and ungentlemanly?

Answer. In the summer of 1833, I know there was a deadly hostility existing between Samuel Gwin and said Jones and Caldwell, which was long before they were appointed to take depositions. I know that said Jones did get a severe flogging in consequence of these difficulties, for I saw him a few moments after it happened, and he carried on his person evident marks of his degradation; after which it was reported and believed, (although I did not see the challenge,) that he did challenge the person to mortal combat, and when the terms were made known to him, he did, contrary to all rules, object to them, and they were altered to suit his views. At the appointed time he unconditionally backed out, and did not appear on the ground, leaving his seconds involved in a dispute that he had brought about, as far as I know, without cause. His conduct, I might say, was universally disapproved of by the community, and to this day he is not looked upon by any man of standing, as a gentleman.

Question 6. Being thus defeated and degraded on the theatre of his own seeking, shunned by the honorable and just, was or was not his next course to take this private dispute into the Senate of the United States, (a body not responsible for private injury,) get himself and his degraded associates, through his friends in that body, appointed as commissioners to take depositions, knowing that he could not be personally held responsible for his acts while thus acting under the authority of the Senate?

Answer. I heard no more on the subject until some time in the spring or summer of 1834, when he, under a commission from George Poindexter, as I understood, in conjunction with Isaac Caldwell, commenced taking depositions in this place on the subject.

Question 7. What is your knowledge of the character, standing, and occupation of the said William S. Jones in this place and in this community?

Answer. His occupation has been that of a *shaver*, or a person who lends money at enormous interest, and takes bonds and judgments confessed for said sums, and was commonly called the *Clinton Shylock*. His principles are that every man has his price, and he has uniformly acted upon them, as far as I know. From the above, his standing, I would say, was not good.

Question 8. From your knowledge of the man and the men, do you or do you not believe that he could act impartially and justly, in a controversy with Samuel Gwin and G. B. Dameron?

Answer. I should not. But, on the contrary, believe he would act with great partiality and injustice to satisfy the malignity of heart toward those men?

ROBT. L. SCOTT.

Sworn to, and subscribed before me, the 19th August, 1835.

SENECA PRATT, *Justice of the Peace.*

No. 6.—*General Henry S. Foote.*

Question 1. Have you or have you not resided within the limits of the Mount Salus land district during the entire period that Samuel Gwin and George B. Dameron had charge of said office? From your intercourse with the public, and your own knowledge, will you state what that public sentiment was up to the period that said Gwin left said office; and did you ever hear or know of their marking lands as sold that were not, or of their informing individual applicants that tracts were sold that were not, or that they sold lands on a credit, receiving a separate note as a bonus or interest on the same?

Answer. I have resided in Clinton for nearly the period alluded to. Have heard of such charges from the lips of men whom I knew to be personal enemies of Gwin, and politically hostile to the administration, but never believed a single word of them. Public sentiment was, I am satisfied, highly favorable to Gwin in this place, and in the country round about, up to the period of his leaving the Mount Salus office, and continues to be so, in my opinion.

Question 2. Are you or are you not acquainted with the general character of William S. Jones and Isaac Caldwell, their disposition and occupation? And has or has not the latter frequently acknowledged himself guilty of wilful falsehood, and, by this means, dishonorably gotten out of difficulties that his drunken habits, malicious heart, and natural disposition, had involved him in? And is or is not the former a malicious, envious person, whose personal hatred and love of money will carry him to great lengths against an opponent? And do you or do you not believe these men, with their feelings toward Samuel Gwin, could do him justice?

Answer. I reply in the affirmative to all these interrogatories, and am perfectly satisfied that, organized as human nature is, it was utterly impossible for these men to do Gwin justice.

Question 3. Were you or were you not at the house of Wiley Davis, in Holmes county, some time last fall, in company with Samuel B. Marsh and others? And did you or did you not then and there hear Samuel B. Marsh charge Colonel Thomas G. Nixon, now deceased, of being guilty of perjury? Will you state all the particulars of this conversation, and whether (when known to Nixon) it did not tend to irritate his feelings, and was it not intended by said Marsh to lessen said Nixon in the estimation of the community, and of all honorable men, if he suffered it to pass without notice? And is or is not the general character of Samuel B. Marsh that of an intermeddling, mischief-making coward—a vindictive, malicious individual, without the moral courage to meet in honorable combat, but always involving others in disputes—a man that evidently carries in his countenance the marks of everything degrading to man, and humiliating to the character of man?

Answer. I was at Davis's at the time mentioned, and Samuel B. Marsh did make a wanton and unprovoked attack upon the character of Thomas G. Nixon, by charging him with perjury, on account of his having given an affidavit to R. J. Walker favorable to him. He also threatened to prosecute Nixon for perjury, and to have his ears amputated. Nixon was a highly amiable respectable man. I consider Samuel B. Marsh, from an intimate knowledge of him, one of the most malicious, mischief-making, treacherous, profligate men I ever knew, and I hold this to be the almost universal opinion of him among the respectable members of the bar of this State. I have never seen more acuteness of mind, and more legal information, united with more corruption and malignity. He is certainly a man wholly deficient in genuine courage, as a thousand notorious evidences thoroughly establish. His countenance is generally admitted to be the most hideous ever presented to view in this region, and is doubtless correspondent to his character, as described.

H. S. FOOTE.

Sworn to, and subscribed before me, this 6th day of October, 1835.

B. G. O. LINDSAY, *Justice of the Peace.*

No. 7.—*Thomas G. Ringgold.*

Question 1. Have you not been much in the land office at Chocchuma within the last eighteen months?

Answer. I have been employed in the land office since the 9th day of March, 1834, and have been employed by the register and receiver to attend to various duties connected with the land office at this place.

Question 2. From your knowledge of the manner the register's office has been kept, and from your frequent inspection and examination of the books of said office, do you or do you not believe that Samuel Gwin has managed it to the best of his skill and ability?

Answer. I have no hesitation in stating it as my belief, that the register at this place has not only conducted his official duties with great ability, but has always been, as far as my observation extends, urbane in his manners, and has evinced the utmost fairness in the performance of the complicated and arduous duties devolved upon him by the tenure of his office.

Question 3. From your being a magistrate for Tallahatchie county, and taking down all the evidence for pre-emption claims, do you or do you not believe Samuel Gwin to have been governed solely by a sense of duty to the government, and has done everything in his power to protect the innocent pre-emptor, by exposing and rejecting the fraudulent speculator; and from your knowledge, has said Gwin acted partially or oppressively on any claimant?

Answer. As an acting magistrate of this county, (Tallahatchie,) and in the performance of the duties assigned me in taking down testimony of claimants under the pre-emption law of 19th June, 1834, it has given me the clearest evidence of the earnestness and good faith with which the register has managed the affairs of his office, both to the government and to the applicants, under the most trying and vexatious circumstances. If he has been too rigid in his decisions, the strict letter of his instructions from the Treasury Department, and the determination on his part to avoid, if it were possible, all causes of complaint on the part of the numerous political spies set over him to catch up anything to his prejudice, have operated to produce that effect.

Question 4. Were you or were you not present at Chocchuma during all the time that James R. Marsh, commissioner, judge, or by whatever other name he may be called, and Samuel B. Marsh, who acted as clerk, *under-adviser*, or prompter, was taking depositions; and have you not heard several individuals who were examined by them declare that they (the said Marshes) were partial and prejudiced against the said Gwin, in said examination; and have you not heard some declare that only such parts of their evidence was written down that went to implicate said Gwin, and such parts as were in his favor were omitted; and have you not heard of individuals being summoned to give evidence, and after they ascertained that they would prove nothing against said Gwin, but much in his favor, have they not omitted or refused to take down their evidence at all?

Answer. I was at Chocchuma the whole period of the examination of the witnesses under a commission intrusted to James R. Marsh, esq., and although not present at the examination of witnesses, I heard it said much unfairness and personal dislike were evinced against the register, and a partiality evidenced toward the receiver, in scrutinizing the official conduct of them both. I heard one individual in particular say that, after he gave his testimony in to the commissioner, he, the commissioner, neglected to read it to him, and that he had no doubt much unfairness and management were carried on to ruin Colonel Gwin, if it were possible.

Question 5. Have not the said Marshes, in all their examinations, shown a wanton bitterness, and party and personal prejudice against said Gwin, that ought to have prevented any person of any delicacy or self-respect from acting as commissioner?

Answer. To this the deponent answers, that an exparte commissioner was exercising, under the authority of the Senate of the United States, a most dangerous privilege against the birthrights and most sacred honor of an American citizen, who was deprived, measurably, of responding to infamous charges made against him by designing and artful political opponents. I have frequently heard them (the Marshes) denounce Colonel Gwin in the grossest language. They are both politically and personally opposed to you. In fact, I consider the whole proceedings at Chocchuma, as carried out by the commissioners aforesaid, "the sheerest mockery of justice that could possibly be exhibited."

Question 6. Have you not heard the said Marshes frequently abuse and traduce the said Gwin; and do you not know that they are politically and personally opposed to him?

Answer. Previous to and subsequent to the action of the commissioner, James R. Marsh, up to the period of the land sales in December, 1834, I seldom ever was in company with either of the Marshes, but that they denounced the said Gwin in the most fulsome and violent manner. The register and receiver at the land sales here in 1834, in my hearing, stated to the company that certain lands on the Tallahatchie river were claimed under the pre-emption law of 1834; and that their *claims* (the claims of the Marshes) had been submitted to the final decision of the authorities at Washington, but no decision having been made or received from Washington, they submitted the question to the bidders, as to the propriety of bidding against the claimants. Mr. James R. Marsh bid off the lands thus claimed at $1 25 per acre. It was said by a gentlemen of the strictest veracity, that James R. Marsh and his brother Samuel B. Marsh, expressed themselves in the most satisfactory terms of their belief that the officers had acted honorably toward them in this transaction.

Question 7. Have they not done everything in their power to embarrass the said Gwin in his official duties; and in proving up their pre-emption claims were they not grossly indecorous and insulting toward him?

Answer. Upon their applying to prove up their pre-emption claims, they (the Marshes) exhibited the most hostile feelings to the register especially, so much so as to draw forth the most deserved censure of all classes and parties. James R. Marsh made a set speech, to the great annoyance and hinderance of other claimants. Sneers and denunciations, in their conversations, were seen and heard in every corner of the streets.

Question 8. From all you have seen and heard, what do you believe the public opinion is in regard to the official conduct of said Gwin?

Answer. The deponent states that, previously to his being employed in the land office at Chocchuma, he was much prejudiced against the register, (Samuel Gwin,) as an individual; but, upon a more intimate acquaintance with him, I was satisfied of his possessing generous and manly feelings; and that, although the deponent and said S. Gwin disagreed most materially upon the general policy of the present administration of the general government, nevertheless the deponent has never discovered any of those malignant and intolerant principles attributed to him by his political opponents. I firmly believe that, setting aside the political enemies of said Gwin, that he is highly esteemed for his fitness for the office he holds, as well as his general good conduct as an officer of the government, in everything relating to his official duties.

Question 9. R. H. Sterling has, in his answer to the first interrogatory, (Doc. 22, p. 51,) stated the number of times I was absent from Chocchuma, and also how long absent each time; not admitting that he is correct in

his answer as to the number and length of times thus absent, but having kept no register of these absences myself, I have no means to be particular, but as you were here daily in the office, did or did not the public interest suffer, in the slightest degree, by such absence?

Answer. I do not recollect the number of times said Gwin was absent, but I am certain that previous to said Gwin's putting me in charge of his office I never heard any complaint from R. H. Sterling upon that subject, as the register allowed said Sterling the fees arising from the maps, which was considered by him (Sterling) as his compensation for the services rendered said Gwin during his occasional absence. The day after the said Gwin put me in charge of his office, I was making out a map, and the said Sterling asked me by what authority I was thus proceeding? I remarked, by the authority of the register, which I had from under his own hand. He was much disconcerted, as the loss of the fees arising from copies of the maps was in consequence of the agency invested in me. I am very certain that during the whole period of the occasional absence of said Gwin that the public interest did not suffer; nor did individuals suffer, that I ever heard of. The receiver was frequently absent on public duty, making deposits of public money, and he most generally left me in charge of his office till his return. I was, consequently, acting for, and in absence of both, the register and receiver.

Question 10. So long as Mr. Sterling received all the moneys arising from making maps in my office, while thus absent, was he or was he not rather pleased than otherwise at my occasional absence, and did or did not the sum thus received by him sometimes amount to more than his commissions?

Answer. I never heard said Sterling complain of the absence of said Gwin during the period he took charge of said Gwin's office, and I am pretty certain the map money in the month of June or July, 1834, amounted to more than said Sterling's commissions and fees on the sales of public lands for that period. I am bound to believe if said Sterling had continued to act for said Gwin, no complaint would have been made on that account against said Gwin.

Question 11. You have been in the office during the entire period of proving up pre-emptions; and did or did not Samuel Gwin have to attend *alone* to that difficult and embarrassing task of examining the witnesses, and did or did not Mr. Sterling take any responsibility or any interest in the matter?

Answer. I was the only magistrate employed, under the instructions of the Treasury Department, in the land office at Chocchuma, to take down testimony in pre-emption cases. The register received little or no assistance from the receiver in the performance of the duties assigned to them both, under the pre-emption law of 19th June, 1834, and as specifically laid down to them in the instructions from the Commissioner of the General Land Office, to carry that law into effect. Except to receive his fee of fifty cents in each pre-emption case, allowed by law, the receiver appeared to be indifferent to the claims of the pre-emptors.

Question 12. Has or has not said Gwin, to despatch the pre-emptors who lived at a distance, had to sit up many nights to a very late hour, after being incessantly devoted to them during the day, while Mr. Sterling was enjoying himself at his ease?

Answer. It was frequently the case, as many of the pre-emptors could testify if called upon.

Question 13. Mr. Sterling states, in his answer to the second interrogatory, (same page,) in respect to an inquiry of James R. Marsh of what constituted "legal subdivisions" under the pre-emption law of 29th May, 1829, that Samuel Gwin's answer amounted to a refusal to give any explanations. Now, did you or did you not hear Samuel Gwin, at various times, on that occasion, explain to the Marshes what subdivisions were legal under the above law, and did he not repeatedly read the law and instructions, on that occasion, to prove that forty-acre subdivisions, created by the law of 1832, could not be considered as the subdivisions alluded to in the act of 1829 and 1834?

Answer. I recollect that James R. Marsh inquired of Samuel Gwin, the register, what constituted a legal subdivision under the pre-emption law of 29th May, 1830. The reply was, as well as my memory serves me at this distant period, that the law and instructions in reference to forty-acre tracts or subdivisions, created by the act of 1832, could not be considered as having reference or any pertinent bearing to the act of 1829. The register frequently referred to and commented upon the law and instructions of the government, to satisfy himself and the Messrs. Marshes of the correctness of his decisions touching their pre-emption claims. I am positively certain that R. H. Sterling, in every instance, fully coincided in and sanctioned the opinion of the register; and I cannot but express my surprise that said Sterling could have so far forgotten himself as to give the testimony referred to in the above question.

Question 14. As you noted down the whole of the testimony in the cases above alluded to, (the Marshes,) and was familiar with the whole of Samuel Gwin's conduct on that occasion, did you or did you not see anything in it that tended to oppression, unfairness, or partiality, but, as far as you could discover, did he or did he not conduct himself with the greatest forbearance to the overbearing and browbeating conduct of these men?

Answer. I took down all the testimony in the pre-emption cases referred to, and can bear testimony to the forbearance exercised by the register toward the Messrs. Marsh, who seemed to think and act upon the principle that a public officer and his office are to be regarded in the light of a mere convenience, and that those gentlemanly courtesies which should have characterized the profession to which the Messrs. Marsh belong, were entirely disregarded by them in their intercourse with the register at Chocchuma, pending the taking down the testimony before me, as the magistrate employed on that occasion.

Question 15. Did you observe any difference in the course pursued by said Gwin in relation to S. B. and James R. Marsh and others, on application for pre-emption, and is the testimony on the Marshes applications more lengthy than others under similar circumstances, as stated by Sterling?

Answer. The testimony in the cases of the Messrs. Marsh is but little if any more lengthy than the case of William Pratt, who employed Mr. Samuel B. Marsh as counsel, and who spun out the matter to an unnecessary length, to find out (as he is said to have remarked) if a certain public officer was concerned in the town of Chocchuma as one of the proprietors.

Question 16. On an application of the Marshes for a second copy of the testimony and decision on their claims for a pre-emption to Mr. Sterling, did he not refuse them, and did you not draw up a joint letter which Sterling and Gwin signed, making known the reasons for their refusal, which was delivered to the Marshes? After this, and when Gwin was absent, did or did not Mr. Stirling destroy the copy of this official and joint letter, and give a copy of the testimony as requested, and was this not done at a time when J. R. Marsh was acting under a commission from a committee of the Senate to investigate the official conduct of said officers?

Answer. He (Sterling) did refuse, in my presence, in the old land office, to furnish the Messrs. Marsh with a copy as required. Upon the suggestion of said Sterling, I drew up a communication to the Marshes, assigning reasons showing the impropriety of furnishing another copy, which was approved of and signed by the register and receiver, and handed to the Messrs. Marsh. Immediately afterward, the register left Chocchuma, and the receiver, in the course of a few days, informed me he had consented to let the Messrs. Marsh have the

copy they required; and, to screen himself from their censure, he told me he had informed the Marshes that this deponent had drawn up the letter refusing them copies as stated above. I told him it was a breach of confidence, and he remarked, as he insisted on their returning the joint letter referred to, it would not give them any advantage.

Question 17. Did or did not the said R. H. Sterling propose to you that he would burn up, secretly, the testimony together with the official opinion endorsed thereon by himself and Samuel Gwin, in the pre-emption case of James R. Marsh?

Answer. He did. I remarked to him that the erasure made on the back of the paper (and upon which was their joint opinion) could in no manner affect the register or himself, and that the threat of James R. Marsh was a mere bravado, &c.

Question 18. Did or did not the said Sterling, during the whole period of proving up the above pre-emption claims, and during the time James R. Marsh was taking depositions at Chocchuma, manifest a complete and perfect subserviency to these men, not only degrading to him as an officer, but also as a man?

Answer. He did. I recollect perfectly well that the said Sterling expressed himself in the most friendly manner to James R. Marsh, stating that he entertained the highest respect for him. Marsh had not left his office five minutes before the said Sterling denounced him and his brother (the Marshes) in the most violent manner.

Question 19. Did he or did he not, during the whole of the above investigation, manifestly show a disposition, in both his words and actions to them, to conciliate them as regards himself, no matter who might suffer?

Answer. He did. It was too apparent that he had not the nerve to stand up manfully and breast the storm which was intended to crush his brother officer, who, he has frequently acknowledged to me, was, as far as he knew, innocent of the charges which his political enemies had brought against him.

Question 20. The Committee on Lands of the Senate of the United States, in their report at the last session, state, "that they will not enter into the detail of the profligate scenes which took place in this [Chocchuma] district at the land sales which opened in October, 1833, and which have continued to characterize the conduct of the register who controls the sales at private entry up to the present time." Have you or have you not been employed much of your time, if not all, in the land office, for the last eighteen months, and is the report of the committee true or false, as far as you know and believe?

Answer. I know nothing of the transactions of the land sales at Chocchuma in the fall of 1833. I was employed in the land office, commencing on the 9th March, 1834, and I have continued to act for the register occasionally, and have had every opportunity of forming a correct opinion of the charge touching the private entries of said register since that time; and I do solemnly believe that the committee have been grossly imposed upon by some persons, and do further believe the office of the register has been conducted with a strict regard to the public and private interests of all the parties concerned.

Question 21. The committee of the Senate, in their report, remark: "In the district of lands subject to the sale at Chocchuma, in Mississippi, the life of a person acting as a commissioner was attempted, which, however, failed, and the assailant fell a victim to his own rash act." Will you state all the particulars of that tragic act that came under your notice?

Answer. A day or two previous to the attack made on Samuel B. Marsh by Thomas C. Nixon, (which resulted in the death of the latter,) the said Nixon called on me to know if I recollected that part of his testimony which he qualified to before me, in which he, Nixon, stated that some part of his testimony had been omitted, which he had given before S. B. Marsh, acting as commissioner for James R. Marsh. I informed him I did not recollect the part he complained of having been omitted; but that I recollected that he, Nixon, had stated that some part of his testimony had been left out in taking down his testimony by the acting commissioner aforesaid. Mr. Nixon informed me he felt himself deeply aggrieved; that Samuel B. Marsh had said he was a perjured villain, and he could not remain satisfied until the matter was arranged to his satisfaction.

Question 22. Will you please examine and copy the caption to the deposition of Captain Titus Howard, and those following, commencing at page 87, Senate document 22, on to page 119, and state if there is any magistrate's attestation or other qualified officer to the depositions of Titus Howard, Samuel Foster, John L. Irwin, Abel Beaty, Green Hastings, Kelsey H. Douglass, Joseph Persons, Augustus L. Humphrey, John H. McKinney, John Smith, James Sims, David W. Mitchell, Thomas J. White, Thomas G. Nixon, David O. Shattuck, and R. H. Sterling, and John T. Hammond, pape 48; Samuel McCall, page 50; Nathan Hooker, page 52?

Answer. I have examined and herewith give a copy of the caption from document 22, page 87, to wit:

"By virtue of a commission to me directed from the Committee on Public Lands from the Senate of the United States, authorizing and empowering me diligently to examine all such witness or witnesses as I may think proper, upon interrogatories to be exhibited by me touching the perpetration of any frauds in the sales of the public lands of the United States, if any shall have been committed in any district of the State of Mississippi, and touching the conduct of any officer or officers of the said United States, charged or authorized by law with the conduct, direction, management, or superintendence of said sales, first having myself taken an oath, as directed by said commission, I have caused the witnesses whose names appear herein afterward, and came before me, and first called Titus Howard, who, after being duly sworn according to law, deposed as follows:"

I also find the following to be the general caption of the deposition of each of the above persons referred to, to wit: "Called and sworn, and deposed as follows:" except the deposition of Thomas G. Nixon, page 113 of said document No. 22, and to which it does not appear he was duly sworn, if sworn at all. I find upon a critical examination of the depositions, so called, of the persons above-named, that there is no attestation of a magistrate or any other person duly authorized by law to administer oaths.

Question 23. What is the concluding certificate of the commissioner, attached to the above depositions, so called?

Answer. It is in the following words, pages 118 and 119:

"CHOCCHUMA, *June* 30, 1834.

"I do hereby certify that the foregoing seventy-eight pages, bound together by a ribbon and sealed, contained the testimony of the persons therein named, taken under oath before me, by virtue of a commission to me directed from the Committee on Public Lands of the Senate of the United States.

"In witness whereof, I have hereunto set my hand and seal this 30th of June, Anno Domini 1834.

[L. S.] "JAMES R. MARSH, *Commissioner.*

"Witness:

"R. H. STERLING,

"SIMON HUGHS."

Question 24. Did you or do you not know if James R. Marsh or Samuel B. Marsh did, at the time above named, or since, hold any judicial or other office which would, by the laws of the State of Mississippi, authorize them or either of them to administer oaths?

Answer. I do not know that either of the Messrs. Marsh held, at the period of the examination of witnesses by James R. Marsh, as commissioner aforesaid, any office which conferred upon them the power of administering oaths under the laws of the State of Mississippi.

THOS. G. RINGGOLD.

Sworn to, and subscribed before me, this 27th day of September, 1835.

ELI McMULLEN, *Justice of the Peace.*

No. 8.—*John S. Young.*

Question 1. Were you at the land office at Mount Salus, Mississippi, during the winter of 1832 and 1833, while Samuel Gwin was register of said office, and did you there see any lands marked off on the maps as sold by an individual without the knowledge of the said Gwin; and will you state all that took place in said transaction?

Answer. I was at said land office in the latter end of December, 1832, or 1st January, 1833, while said Samuel Gwin was register, and saw a *certain individual* mark one quarter-section on the map of township 11, range 1 east, and I am certain it was without the knowledge of the said Samuel Gwin, as he was at that moment making out some receipts for me; and I, after leaving the office, asked the person who marked the said land his object in so doing; and he answered he intended going out and getting the money to enter said land, and his marking it would prevent others from entering it until he could do so; and, further, that the same land was entered by two other individuals afterward, at my suggestion that it was not entered.

Question 2. Were you at Chocchuma during the land sales last fall; and, if so, do you know of the existence of a company of gentlemen formed at said sales to purchase land, and do you know or have you reason to believe that Samuel Gwin, register, was either directly or indirectly interested with said company, or that he ever received any of the profits arising from their purchases, either in land or anything else?

Answer. I was at Chocchuma at the land sales in the year 1833. I am certain there was a company of gentlemen formed for the purpose of land speculation. I was frequently solicited to join them, but refused. As to Samuel Gwin's having anything to do with them, or receiving any of the profits, I know nothing, nor have I any reason to judge or know anything about it.

Question 3. Are you acquainted with Edmund C. Wilkinson; did he attend the above sales, and did he to your knowledge bid off a tract of land at about $22 per acre, upon which a deposit was demanded of said Wilkinson, which he refused to make, alleging that he had until next day to pay in; and did you hear either the register or receiver declare that, unless the said Wilkinson deposited his money, that it would be re-sold in five minutes, which it is alleged was done, and the said Wilkinson, forfeited the same? From your intimate acquaintance with said Wilkinson, had anything occurred like the above at said sales, would you not have heard of it?

Answer. I am acquainted with E. C. Wilkinson, and I saw him at the sales. I do not know of his making *one bid,* nor do I believe he purchased of government any lands at said sales; and as to his bidding off any lands at $22 per acre, and a demand having been made, and his reply that he had until the next day to pay the money, I know nothing of it, nor do I believe it; and further, I am certain that if such a circumstance had occurred, from my intimate acquaintance with him I should have heard of it; and I know of no other man of that name at the sales.

Question 4. You were at said sales, and were a close observer of the actions and conduct of Samuel Gwin and the receiver: did you see anything in their conduct that tended to favoritism or partiality, and did they not, as far as in their power, protect the interest of the United States?

Answer. As far as I know or saw, the conduct of the land officers was fair and impartial, and as conducive to the interest of the government as possible.

JOHN S. YOUNG.

Sworn to, and subscribed before me,

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 9.—*John W. Coghlan.*

Question 1. Will you state the particulars of your entering an eighth of land as described in Colonel Eli Garner's deposition, (Senate Document 22, page 45,) which eighth had been represented as being entered by Samuel Gwin, and adjoins said Garner in T. 5, R. 1 W.?

Answer. Report had said that Samuel Gwin had entered the land described as above, and, as I had got about 2,000 boards on said land, before I heard it was entered, I called on Samuel Gwin and told him I had been, as I supposed, trespassing on his land, and that I would not remove the boards without his permission. Samuel Gwin told me frankly that he had not entered said land, and if he had entered it, that I should be welcome to all the labor that I had done on it. In some short time afterward I called at the office and inquired of a young man, who attended to the business, if this land was entered; and, after an examination, he informed me it was not; I then entered it. At the time that I entered said land, and at no other time, to my knowledge, was there any mark on this land indicating that it was entered, and at no time did Samuel Gwin represent to me that it was; and at no time did he ask, or did I give him any compensation, other than the government price for said land.

Question 2. Have you or have you not seen anything illegal or improper in the official conduct of Samuel Gwin and George B. Dameron, while they had charge of said office; and was or was not the conduct of Gwin and Dameron, as far as you ever saw, impartial, attentive, and accommodating, while in said office?

Answer. I never saw anything illegal or improper in said Gwin and Dameron, and their conduct was impartial and accommodating to all, as far as I saw.

JOHN W. COGHLAN.

Sworn to, and subscribed this 13th of August, 1835.

SENECA PRATT, *Justice of the Peace.*

No. 10.—*Eli M. Garner.*

Question 1. You have lived in the neighborhood of the Mount Salus land office during the entire period that Samuel Gwin and George B. Dameron had charge of it, and you have had a good opportunity to hear what public sentiment was in regard to the official conduct of said Gwin and Dameron. Will you state, as far as you know, what it was?

Answer. I have lived about two miles from said office about five years, which embraced the entire period that Samuel Gwin and George B. Dameron had charge of said office, and I have had a good opportunity to hear what public sentiment was in regard to them, and have no hesitation in saying, that, for accommodation and punctual attendance to the duties of their offices, they have never had their superiors in said office; and this has been the general opinion of the whole community, as far as I have heard.

Question 2. Did or did not Samuel Gwin, soon after he took charge of the Mount Salus office, inquire of you where he could enter a small tract of land, convenient to town, for his father? And did you or did you not recommend him to examine some land in your neighborhood for that purpose, being anxious that his father should settle there? And is it not probable that this wish, on the part of said Gwin, led him to say that he would enter the land which was afterward entered by Coghlan, as described in your former deposition?

Answer. Samuel Gwin did converse with me about selecting a tract for his father, and I did recommend him to my neighborhood, and was anxious for his father to settle near me. I cannot recollect whether I recommended said Gwin to the above tract or not.

Question 3. Did not said Gwin shortly afterward purchase a tract of Mr. Wilkinson, about two miles distant from where you live?

Answer. I understood he did make such a purchase.

Question 4. Was not the *exparte* and inquisitorial examination that was instituted by the chairman of the Committee on Lands, looked upon by a large majority of the public as unjust and improper, as tending to criminate men who were not permitted to reply or cross-examine witnesses? And was not the appointment of William S. Jones, a personal and inveterate enemy of Samuel Gwin, as one of the commissioners, looked upon with almost universal disapprobation by the public?

Answer. A large majority, as far as I could learn, of the public, did disapprove of the *exparte* examination of witnesses impugning the character of men who were not permitted to be heard in their own defence, or of cross-examining the witnesses who were to implicate them; and the appointment of William S. Jones, the personal enemy of Samuel Gwin, as one of the commissioners, was looked upon as wrong, and I did not believe myself that he would accept the appointment through delicacy, but he did.

Question. 5. Have you ever seen anything illegal or improper in the official conduct of Samuel Gwin or George B. Dameron, while they had charge of said office?

Answer. I have not, to my knowledge.

ELI GARNER.

This deposition was read by me to the deponent, and sworn to and subscribed to, before me, this 12th day of August, 1835.

SENECA PRATT, *Justice of the Peace.*

No. 11.—*Thomas Barnard, of Adams county, Mississippi.*

Question 1. Were you at Chocchuma during the entire period of the public land sales in 1833, and also at the close of the public sales? Were you present during the time the press at private entry was going on?

Answer. I was at Chocchuma for several days previous to the commencement of the public sales; also, during the entire period of their continuance, and to the close of the press at private entries after said sales.

Question 2. Were you knowing to the existence of one or more companies of individuals formed at said sales for the purpose of purchasing land? If yea, will you state the causes that led to the formation of these companies, and their objects?

Answer. I, with other friends, had determined to make some purchases of land at said sales. To do this safely we employed Mr. George Dougherty, an old and experienced surveyor, to examine the country previous to the sales. While thus employed he met with a number of individuals from Alabama, who were on the same business. He learned from them their object; that but few wished to settle in the State, but wished to speculate on the pioneers of the country. They had gone so far as to fix a price on perhaps every improved tract of land in the country, and in some instances had contracted in advance of the sales with the settlers, to let them have their lands at an advanced price. It was understood that in nearly all the cases the price fixed on by them was vastly beyond the means of the settlers, who would in these cases be compelled to seek a new home with their families. It was also understood that these individuals had a large capital, and were determined to pursue such a course as, in our opinion, would be ruinous, not only to the poor settlers in the country, but also the future prospects of many who were in moderate circumstances, but who were going to settle there. These facts were made known to us by Mr. Dougherty. We determined to oppose these individuals to the utmost extent of our means and information. This determination was made known to these persons and to the settlers. These things being soon made known to the settlers, they became greatly alarmed, and urged their Mississippi friends to aid them in getting their improvements; and most of them did come to the conclusion that we did—to oppose this Alabama company to the utmost extent of our means. With these feelings the sales commenced, and Mr. Walker and myself were nearly the only persons who, the first day, opposed the Alabamians, but it was soon discovered that this opposition would not benefit the settlers, but, on the contrary, few, if any of them were able to pay the price the fortunate purchasers were compelled to give. The alarm among the settlers was great, and propositions through them were made to the Alabamians, but who steadily rejected them as giving relief to the settlers. At the close of the second day's sale, the Alabamians, finding they could not carry their point, came into terms, reserving, or not opposing any settler on the quarter that included his improvement, but was at liberty to bid as high as they pleased on any other lands not occupied by a settler. Upon this the "Chocchuma Land Company" was formed, for the above reasons—for the benefit of the settlers. The further object of the company will more fully appear by a reference to the company agreement, (Exhibit A,) herewith enclosed, and

also to the address of R. J. Walker, (Exhibit B,) also herewith enclosed. It was expressly stipulated that "none are precluded from bidding for any land;" and deponent recollects distinctly that Mr. Walker insisted on this clause being inserted in the company agreement, and it was with great difficulty that he could succeed in having this clause inserted, for he declared without it that he never would join the company. Deponent was present, and heard Mr. Walker's public address, on the 23d of October, 1833, explaining the object of the company; and Mr. Walker did not assert "that said settler would sign a paper obliging himself not to bid for any other lands thus offered at the sales of the public lands of the United States," or anything to that effect, but the very reverse, according to the clause above quoted from the company agreement.

The deponent is fully satisfied and knows that the object of Mr. Walker in forming said company was, that the settlers desired it, and with a view to their protection; and the deponent knows that he, with R. J. Walker, lost several thousand dollars by joining said company—Mr. Walker's whole dividend being between three hundred and one and two dollars. The deponent was present at the conference between R. J. Walker and other persons, as detailed in the affidavit of George Dougherty, published in Mr. Walker's address, and hereto appended, and said statements of said Dougherty are all true. The deponent further states that he was present at the meeting of the stockholders of the company as described in the testimony of Joseph Persons, (Senate doc. 22, p. 99;) that several individuals did answer as proxy for others who were absent, and among the number Mr. Walker answered for some, not exceeding four, and I believe two persons only; that Mr. Coapwood did move to strike out the names of all that were answered for by proxy as fictitious. This Mr. Walker opposed in the following manner: he stated that if there were any names on the list that were *really* fictitious, that they ought to be stricken out, but it would not do to strike out all those who were answered for by proxy, for some of them he knew were not fictitious, particularly those for which he answered for himself; that these were real subscribers, that he had received their money to invest for them at the sales; that he had subscribed for them at the formation of the company; that if the company operations had been a losing business, these persons would have borne their proportion of the loss, and that if their names were stricken out, he himself would withdraw from the company; and deponent knows that these persons were real subscribers, and that they have received their full share from the operations of the company. Deponent knows that, from the great labor and exertion of the said R. J. Walker in preparing the claims of the settlers so that he might be enabled to bid for them properly, and make the assignments to them correctly, on each day, a considerable sum was set apart by the company to be paid to him, which was placed in deponent's hands, but which Mr. Walker refused to receive, either in whole or in part, and by his direction was paid over by me to one of the treasurers of the company, and none of it is was ever received by Mr. Walker. Deponent slept in the same room with Mr. Walker, and knows that he had to sit up until after midnight nearly every night, and sometimes all night, in thus preparing to bid for the settlers and to make the assignments to them. In short, his labors were incessant night and day for the settlers, and that he lost very considerably in attending to their business and the neglect of his own; and I do know on one occasion that R. J. Walker, while engaged in the service of the settlers, was seriously injured, and came very near losing his life, and that all the settlers, so far as I know, universally approved of his conduct; and it is my full conviction, founded upon the knowledge of all the facts, that many of the settlers would have lost their farms but for his exertions, and that he advanced the money to them to do so in several instances, always refusing anything more than legal interest.

Question 3. In the report of the Committee on Public Lands in the Senate at its last session, it is stated that they (the committee) could not "enter into the detail of the profligate scenes which took place in this district at the sales which opened in October, 1833; the evidence portrays greater enormities at this office than is believed to have occurred at any time in any land district of the United States;" and it continues to say, that these scenes "have continued to characterize the conduct of the register who controls the sales at private entry up to the present time." As you were at the above sales during the entire period, and up to the close of the press at private entry, did you see or hear of any of the "profligate scenes" that is here alluded to, and was the conduct of Samuel Gwin, register, such as to warrant the above declaration in any sense or under any circumstances? On the contrary, was or was not his official and private conduct at said sales above the breath of reproach in guarding the interest of the United States; in short, is or is not the above charge or insinuation a base and malicious calumny, destitute of every shadow of truth, and not warranted by anything that transpired at said sales?

Answer. I did not see myself, nor did I hear from others, of any of the "profligate scenes" that are alluded to in the above extract from the report of the Committee on Lands in the United States Senate, nor do I believe that any such scenes (meaning anything unlawful, unjust, or improper) did transpire at said public sales, or at the private entries. The conduct of Samuel Gwin, register of the said office, was, during the entire period here alluded to, highly meritorious and proper, as far as I know, or could discover, or heard. I look upon the sentiment and charges contained in the said quotation as not being supported by anything, even remotely, that transpired during the time I was at said sales. As I have not been at Chocchuma since the above time, I cannot say what has been the conduct of Samuel Gwin in this time, but when there, I can speak with confidence.

Question 4. It is further stated in said report, in speaking of the union of the several companies, that they "united for the purpose of monopolizing all the good lands then offered at public sale, of overawing bidders and driving all competition out of market; that the company established an office in the vicinity of the register's office, at which they opened on each day a regular sale of the lands purchased by them at public sale; that, at the public sales, the company claimed, and actually enforced a complete monopoly; that the officers either connived at or participated in these fraudulent transactions." Was "monopoly" and to "overawe bidders" and "drive off all competition," the object of those who formed this company? Did said company establish an office in the vicinity of the register's office, at which they opened on each day a regular sale of the lands purchased by them? Did the company claim and actually enforce a complete monopoly at the public sales? Do you know, or have you reason to believe, that Samuel Gwin, register, either "connived at or participated in" these pretended frauds, or did you hear any one at said sales intimate that said Gwin was interested with this or any other company?

Answer. The object of those in forming the company is fully explained in my answer to the second question. They had no such object as is here charged to them, nor were the above charges the correct result of any of the operations of said company. The company had no office in the vicinity of the register's office, at which they opened on each day a regular sale of the lands purchased by them; there was nothing that occurred at said sales that can warrant such a declaration or position. At the close of the first two weeks' sale, which was the limit in time of the company, they did put up their lands at public auction, at the only tavern in the place, some sixty yards from the land office. I know that Samuel Gwin, register, did not "participate" in the profits of said company, nor did he to my knowledge or belief "connive" at it.

Question 5. At the sales at private entry, did or did not Samuel Gwin act in every respect with the utmost impartiality in everything that came under your observation; and was or was not his rules drawn up with the greatest care, so that every individual applicant should be on an equal footing?

Answer. He did; manifesting the greatest zeal and perseverance in the performance of his duties, and unabating in his exertions to accommodate those who were waiting on him. His rules, not only at the private sales, but at the public sales, were calculated to, and did in fact, put every one on the same footing in the opportunities to become purchasers of the public lands.

Question 6. From the number of persons who were then waiting to make entries, all equally anxious and desirous to make the first entry, not only to avoid competition, but so that they might return home, could Samuel Gwin have taken any other course than the one he did to give all an equal opportunity to make their entries, as all were equally entitled to his services?

Answer. At the close of the public sales there were, I suppose, from two to five hundred persons on the ground, who had made purchases at the public sales, and wished, at private entry, to extend or add to their former purchases, so as to complete their settlements. All, or most of those persons, had their applications made out, and it was only necessary for the register to examine his maps, and put the area in the application and sign it; but it was known that there would be conflictions on some of these applications—he could attend to but one at a time, and if he had permitted them to have come in his way, all would have at the same instant applied, and it is highly probable that while he was filling up the area, and signing one application, other applications might be in his possession for the same land, equally entitled to it as the one he was filling up, or persons would have been continually harassing him to take their applications. I am fully satisfied, from the anxiety felt by the crowd on this occasion, that it would have been impossible for the register to have gone on in this way, and he might have been justly chargeable with partiality had he attempted it. He could not attend to all in the same moment, and to have made a distinction would have justly created great excitement. I am, therefore, clearly of opinion that his rules were as well calculated to avoid this dilemma as they could possibly have been; and, in fact, I do not see how he could have got along at all without them, or others like them.

Question 7. You were frequently in the company of Samuel Gwin during the existence of these companies; did he or did he not do everything in his power, and, in fact, all that a man could do, to guard and protect the interest of the United States; and did he show any favor to or partiality for the company, or any member of it?

Answer. I was almost daily and hourly in his company during said sales, and I am satisfied that he did everything in his power to guard those interests intrusted to him. I never saw any favors to or partiality for the company or any member of it, but the reverse.

Question 8. Did you or did you not hear Samuel Gwin declare, that if he was advised that said company was violating the laws of the United States, that he would, on his own responsibility, stop the sales?

Answer. I did hear him make this declaration, frequently; and that he might not be subject to any charge on this subject, he called on the honorable John Black in my presence, and handed him a book that I understood was the land laws of the United States, and asked him to read the law on the subject, and to give him his (Judge B.'s) opinion whether the company agreement was in violation of the laws; and I understood—in fact I have heard Judge Black say—that the company was violating no law of the United States, and it was perfectly legal, after having read the company agreement.

Question 9. From the quantity and quality of land sold at said sales, do you or do you not believe that the United States was ultimately benefited by this company?

Answer. I do believe they were more benefited by its existence than they would have been otherwise.

Question 10. Did you see or know of Samuel Gwin turning persons out of the office who did not belong to the company, and permit others who did to remain in it? On the contrary, did he not use the greatest lenity toward the assembled multitude, and did he not decorously give them every facility in his power?

Answer. I saw no distinction in admitting persons to the office, and he was disposed and did grant all every accommodation that lay in his power.

Question 11. Did you hear it charged or insinuated at said sales that Samuel Gwin was in any way, either directly or indirectly, interested in said company or companies, or that he was connected with them in any of their transactions?

Answer. I did not, nor do I believe he was.

Question 12. From the manner that Samuel Gwin kept the applications at private entry, could any one, after they were placed in his hands, have read them; and do you believe that any one of them was read by any persons, save those who handed them in?

Answer. I do not believe any application was read by any other than the person who put it in, after Samuel Gwin received it. He held a cigar-box in his hand, and, as they were handed in, he instantly placed them in the box.

Question 13. Did you or did you not discover any partiality or favoritism in said Gwin in conducting said sales?

Answer. I did not.

THOS. BARNARD.

Sworn to, and subscribed before me, this 30th of July, 1835.

JAMES CARSON, *J. P.*

No. 12.—*James A. Girault.*

Question 1. Were you present at Chocchuma during the land sales in October and November, 1833?

Answer. I was, and attended them daily, and for a week after the sales closed, with the exception of a day or two, being then indisposed.

Question 2. Did you know of the formation of a company of individuals to purchase lands at said sales?

Answer. I do know that there was such a company formed.

Question 3. Did you hear a speech that was delivered by R. J. Walker, announcing to the settlers the fact of the formation of a company, and will you state the purport of said speech as far as your recollection serves?

Answer. I did not hear said speech delivered; it must have been delivered when I was indisposed, or engaged with the officers of the land office.

Question 4. In what respect did the members forming that company bind themselves with regard to the actual settlers?

Answer. The company agreed with the actual settlers that their rights as such should be protected, and that they should have their eighth or quarter-section upon which they were settled, at the same price that the company agents purchased it at the government sales.

Question 5. Was it not the prevailing opinion among the settlers that, by the formation of this company, the settlers were as fully protected in their improvements as if there had been a pre-emption law?

Answer. It was, and I heard many so express themselves; and they also stated that if it had not been for the company, they would certainly have been deprived of their homes, or forced to pay extravagant prices for their improvements.

Question 6. As far as your knowledge extends, were not the objects of the company not only lawful, but laudable?

Answer. I do not hesitate to say that the objects of the company were laudable, inasmuch as they actually established a pre-emption law, in effect, to the settlers, and secured to them their homes, which government had not done; and every transaction of said company which came to my knowledge was lawful.

Question 7. Do you or do you not know of any contract, bargain, or any agreement among any company of individuals, that any one should not bid upon or purchase any land that he might wish, or did, by intimidation, combination, or unfair management, hinder or prevent any person or persons from bidding upon or purchasing any tract or tracts of land then offered for sale; but was not, as far as your knowledge extends, every individual at full liberty to bid or not, as his judgment might dictate?

Answer. I do not; the company restricted no one from bidding.

Question 8. Do you know of any who were compelled to sign any paper depriving themselves of the right to bid for as much land as they might think proper?

Answer. I do not.

Question 9. Who were the most active persons on the part of the company, in behalf of the settlers?

Answer. As far as I saw, Robert J. Walker and Thomas G. Ellis were devoted entirely to the interest of the settlers, and they were more active than others because they were two of the agents of the company to purchase the land and attend to the settlers.

Question 10. Do you know, or have you reason to believe, that Samuel Gwin was either directly or indirectly interested or concerned with said company, or that he ever received, either directly or indirectly, any of the profits arising from the purchases of said company, either in money, land, or anything else?

Answer. I believe that Samuel Gwin was not, either directly or indirectly, interested in any manner whatever with said company, and that he did not, in any manner, receive any of the profits arising from the purchases of said company; and if he had been, my daily knowledge of the proceedings of said company, and the final closing of the same, I certainly would have known it.

Question 11. On the contrary, did you not hear the said Samuel Gwin repeatedly condemn the formation of said company, and as far as your knowledge extends, did he not oppose them in every particular, as far as he could?

Answer. On several occasions I did hear Samuel Gwin condemn the formation of any company, and to say that he would be compelled to close the public sales if he could find any illegality in their proceedings.

Question 12. Did you see any act or acts of said Gwin, which tended to favor the company, any member of it, or any one else?

Answer. I did not.

Question 13. Was not the said Gwin's conduct during the whole sales open and fair, and as far as you can judge, did he not guard the interests of the United States to his utmost ability?

Answer. I transacted a good deal of business in the location of my three "Jefferson College" floats, before Samuel Gwin, and also in the purchase and entry of a good deal of land. I, of course, had a full opportunity of witnessing the conduct and management of Col. Samuel Gwin, and I do not hesitate to say that all his acts were open, fair, and candid, and guarded the interest of the United States above all others, to the best of my knowledge.

Question 14. Will you read that part of Mr. Edmund Row's deposition, in which he states a tract of land "was bid off for Mr. Wilkinson at $22 per acre," &c.? Did anything occur at said sales that bears the remotest resemblance to anything in this answer?

Answer. I do not recollect anything of the kind, nor do I recollect of hearing of the name of Wilkinson at the sales.

Question 15. Had anything like this answer occurred at said sales, would you not, from your daily attendance at them, have seen or heard of it, and did you see or hear of such an occurrence?

Answer. If any such occurrence as mentioned by said Row had taken place, I certainly must have heard of it, but I did not.

Question 16. Do you not believe that the paper now presented to you is the very same that Samuel Gwin kept as a register of the bids as they were knocked off, and will you examine it, and see if there was any tract of land bid off by Mr. Wilkinson, or do you find his name on the register either as bidding off land or forfeiting it?

Answer. Having frequent occasion during the sales to refer to the register kept by Samuel Gwin, I do believe that the one now presented to me is the very same kept by him for registering the bids. I do not find any tract of land bid off by Mr. Wilkinson, nor do I find his name on the register, either as bidding off land or forfeiting it.

Question 17. Will you further examine said register, and give a copy of it, where Edmund Row and A. V. Row, his son, bid off land, and where the same was sold the next day?

Answer. I here copy the following from the register, to wit:

"Friday, October 25, 1833.—Forfeited, [in red ink,] Edmund Row, Virginia, E. half of S. E. quarter, sec. 11, township 24, range 3 E., 79.70 acres at $3 per acre, $239 10.

"Forfeited, [in red ink,] Edmund Row, Virginia, W. half of S. W. quarter, sec. 12, township 24, range 3 E., 80.35 acres, at $3 50 per acre, $281 33.

"Forfeited, [in red ink,] Abner V. Row, of Virginia, W. half of N. E. quarter, sec. 13, township 24, range 3 E., 80.46 acres, at $4 per acre, $321 84.

"Saturday, October 26, 1833.—Augustus L. Humphrey, Washington, E. half of S. E. quarter, sec. 11, township 24, range 3 E., 79.70 acres, at $2 60 per acre, $207 22.

"R. J. Walker, W. half of S. W. quarter, sec. 12, township 24, range 3 E., 80.35 acres, at $1 27 per acre, $102 04.

"R. J. Walker, E. half of N. E. quarter, sec. 13, township 24, range 3 E., 80.46 acres, at $1 25 per acre, $100 58.

"R. J. Walker, W. half of N. E. quarter, sec. 13, township 24, range 3 E., 80.46 acres, at $1 25 per acre, $100 58."

Question 18. A little below where the name of Mr. Row is registered on said register, do you not find the name of "John Black" inserted as one of the bidders on the same day with Mr. Row, and on the adjoining section?

Answer. I do.

Question 19. Will you examine that part of Mr. Row's testimony in which he swears that he heard "Samuel Gwin say exultingly, and with a snap of his fingers," &c.; now, from the manner Samuel Gwin was situated, while the crier was crying the sales, could he have made the declaration as related in Mr Row's answer, without at least fifty persons hearing it, and did you ever hear him make such a remark?

Answer. I do not think such a remark could have been made by Col. Gwin without a number of persons hearing him. I never did hear him make such a remark, or anything like it.

Question 20. Will you give a description of the position the said Samuel Gwin was in while the crier was crying the sales, and from the examination of the register now presented you, and taken down at the moment the land was knocked off, could he, the said Gwin, have had any time to see who were bidding, and keep his register, (as it is all in his own handwriting,) and keep up the necessary marks on his township plats?

Answer. During the sales Colonel Gwin was seated at a table, and the crier was between him and the window, at which the crowd and bidders were stationed, and therefore it was almost impossible for him, Colonel Gwin, to see who were bidding, as it employed all his eyes to keep up the register and make the necessary marks upon his township plats.

Question 21. Had he, the said Gwin, have made any such a declaration as contained in Mr. Row's deposition, would it not have been a subject of remark by the crowd that always surrounded the window while the crier was on his stand?

Answer. A remark of that kind by Colonel Gwin would certainly have been noticed by many near the window, and by others in the room with Colonel Gwin.

Question 22. Will you further examine said register, and state if you can find on it where any tract of land was sold at $22 per acre, or about that sum, except the one on the 28th October, which you will please copy, and also copy where it was sold the next day?

Answer. I find no tract of land on said register that sold for $22 per acre, or about that sum, or more than $11 per acre, except the following one, to wit:

"October 28, 1833.—Forfeited, John W. McLamore, Washington, east half of southeast quarter, 33, 23, 4 east, 80.03 acres, $22 65, $1,812 68."

"October 29, 1833.—T. G. Ellis, east half of southeast quarter, 33, 23, 4 east, 80.03 acres, $1 35, $108 04."

Question 23. Do you know whether Mr. McLamore, who forfeited the above land, was a connection of John C. McLamore, of Tennessee?

Answer. I do not.

Question 24. Will you further examine said register, and state whether you find a single bid made by Mr. John C. McLamore, of Tennessee, or where he made a single purchase at said sales?

Answer. I do not find the name of John C. McLamore registered as a purchaser at said sales.

Question 25. Was the said McLamore one of the persons selected by the company to bid at said sales?

Answer. He was not.

Question 26 Were not R. J. Walker, T. G. Ellis, and others of the company, uncompromising in their protection of the settlers in their improvements?

Answer. I observed often the untiring and uncompromising disposition of R. J. Walker in the protection of the settlers' improvements; and the company generally were of the same disposition, but not so active.

Question 27. From all you saw and heard, do you, or do you not, believe that Samuel Gwin was a faithful and energetic agent of the government, and from the conflicting interests, and the immense capital that was on the ground, and the numerous purchasers, do you believe that any other man could have done better?

Answer. From my daily observation of the conduct and management of Colonel Gwin in his office, I believe he was faithful and energetic, and had a single eye to the interest of the government.

Question 28. Do you know, or have you not reason to believe, that James R. Marsh and Samuel B. Marsh, are not only political but personal enemies of the said Samuel Gwin?

Answer. I do know that they are political opponents of Colonel Gwin, and have heard, and believe, that they are personal enemies of said Colonel S. Gwin.

[NOTE.—The original of the above deposition was sent on to a member of the Senate at the last session, with others. The above copy was submitted to the deponent, with the following additional interrogatories, to which he has answered, and was qualified to the whole again, as will appear.]

Question 29. The committee of the Senate, in their report, say they will not enter into the detail of the profligate scenes which took place in this (Chocchuma) district, at the sales of 1833, "which have continued to characterize the conduct of the register who controls the sales at private entry up to the present time." As you were at the sales in 1833, did you, or did you not, see any of these "profligate" scenes, and have you, or have you not, since you have resided in the neighborhood of Chocchuma, seen any of the "profligate scenes" here spoken of, as characterizing the conduct of said Samuel Gwin?

Answer. I did not see, at the sales in October, 1833, any such "profligate scenes," above alluded to; nor have I ever seen or witnessed any since.

Question 30. It is also alleged by said committee that "greater enormities existed at this office than is believed to have occurred at any time, in any land district of the United States." Do you, or do you not, know or heard of any of these enormities; and is, or is not, this declaration sustained by one shadow of truth?

Answer. I do not know, nor have I ever heard of any such enormities alleged against Colonel Gwin, with truth; nor have I any evidence to believe that they ever existed.

Question 31. As you were at the sales in 1833, and was conversant with most, if not all, the transactions of the company of land purchasers, did you hear of them, or any one of them, "overawing bidders," or "monopolizing all the good lands," or of "driving all competition out of market?"

Answer. I did not.

Question 32. Did, or did not, the company "establish an office in the vicinity of the register's office, at which they opened on each day a regular sale of the land purchased by them at public sale?"

Answer. The company had one or two sales of the land they had purchased, and was sold at Brooks's tavern, then Colonel Pratt's.

Question 33. Did, or did not, the company claim, and actually enforce, a complete monopoly at said public sales?

Answer. They did not, they prevented no one from bidding.

Question 34. Did, or did not, the agents of the company undertake to dictate terms to the actual settlers at said sales?

Answer. Not in the least, as I knew of.

Question 35. Was, or was not, any proviso, any condition or prohibition in the company, that "each settler should not bid at public sale for any other land," but is not all such declarations false and unfounded in every respect?

Answer. If there ever was such a condition I knew nothing of it. I believe the whole transactions of the company fair, and very beneficial to the settler.

Question 36. As a member of said company, was there any act or acts transacted in said company that you or any other member would not be willing should be exposed "to open day?"

Answer. There is not one act or deed transacted, to my knowledge, by said company, that I would object to be exposed to "open day," or the whole world.

Question 37. Have you or have you not reason to believe that Samuel Gwin either "connived at," or participated in any "fraudulent transactions," either at said sales or anywhere else?

Answer. I have not the least shadow of reason that he did; but, to the contrary, firmly believe he did not.

Question 38. Do you know or have you reason to believe that said Gwin committed any act or acts in "violation of law," or was guilty of "manifest partiality" at said sales, or at any other time?

Answer. This question has been fully answered in the negative.—(See answer to 12th interrogatory.)

Question 39. Did or did he not guard and protect the interest of the United States at said sales, and at all other times, to the utmost extent of his ability and means?

Answer. This question has already been answered fully in the affirmative.—(See answer to the 27th interrogatory.)

Question 40. The committee of the Senate, in their report, remark: "In the district of lands subject to sale at Chocchuma, in Mississippi, the life of a person acting as commissioner was attempted, which, however, failed, and the assailant fell a victim to his own rash act." As this part of the report, no doubt, is in allusion to the death of Colonel Thomas G. Nixon, by the hands of Samuel B. Marsh, will you state all the particulars of that tragic event that came under your observation, and also the agency you took in bringing about a reconciliation before the event, and all other circumstances connected therewith?

Answer. In answer to the foregoing I will state that, a few days previous to the fall of the lamented Colonel Nixon by the hands of Samuel B. Marsh, both of those gentlemen called upon me, and stated explicitly to me the unpleasant difficulty then existing between them.

Colonel Nixon was the first; he called upon me, and said he wished to advise with me what course to pursue, and said that Mr. Marsh had attacked his honor and veracity as a gentleman, and had gone so far as to come to his own house and charge him with perjury and giving a false certificate, in relation to some of the proceedings of the commissioner sitting at Chocchuma, in taking testimony touching the alleged frauds at the sales at said Chocchuma district; that he had seen Mr. Marsh, and he consented to meet him in Chocchuma some day, for the purpose of settling the matter in an amicable manner, by leaving it to two or three of their friends, and asked me to attend as one. I readily consented, and only with a view as mediator. The next day Mr. Samuel B. Marsh called upon me, and requested my attendance also, and stated that Wednesday was the day appointed by him and Colonel Nixon to have the differences between them settled; and from the conversations of both parties, I anticipated there would be no difficulty in the explanations of both, and that the difficulties between them could easily be adjusted by us. Accordingly, on Wednesday morning I repaired to Chocchuma, with no other view except as a friendly mediator, called upon by both parties. Upon arriving in town I saw Mr. Marsh, and afterward Colonel Nixon. The latter informed me that he had changed his intentions as respects the course he would pursue toward Mr. Marsh, and that instead of troubling his friends, he was determined to make Mr. Marsh retract what he had said and charged against him; and if he would not, and refused, he was determined to horsewhip Mr. Marsh in public. I replied to the colonel, and told him if that was his intention I would have no more to do in the affair, and could not advise my own brother in a similar case. I left Colonel Nixon, with a view of informing Mr. Marsh that I could do no more in the matter; but on my way was stopped by some gentleman to drink, and in that time Colonel Nixon passed down the street where Mr. Marsh was. I was fearful and expected some bad results, and walked away. I did not see the whipping, nor did I see the firing, but heard it all; and upon returning to the spot I met Mr. Marsh entering a shop, and Colonel Nixon pursuing him; they met in the house, and I heard one pistol fire, but cannot say who fired it. The parties reached each other; a small scuffle or fight over chairs, &c., took place, and Mr. Marsh fell on the floor, against the wall, and Colonel Nixon in the middle of the floor, apparently in the agonies of death, and expired immediately, having received a large number of shot in the face and breast, and Mr. Marsh one ball in the abdomen.

I again will state that I was called there for the sole purpose of reconciliation, and had not the most distant idea that the day would have brought about so tragical an event, or I certainly would have avoided it.

JAS. A. GIRAULT.

Sworn and subscribed to before me, Eli McMullin, justice of the peace for Tallahatchie county, this 28th September, 1835.

ELI McMULLIN, *Justice of the Peace.*

No, 13.—*Wiley Davis, Holmes county.*

Question 1. Were you at Chocchuma during the entire period of the land sales in 1833; and also after the sales were over, did you or did you not remain some time until the heavy press of private entry was over?

Answer. I was at said land sales during the first week, and up to Wednesday of the second week, after which I was at the Columbus sales, and returned to Chocchuma just as they were commencing to enter at private entry, and remained there until the bulk of the private entries were over.

Question 2. In the report of the Committee on Public Lands in the United States Senate, at its last session, it is stated that they (the committee) could not enter into the detail of the profligate scenes which took place in this district, at the sales which opened in October, 1833; that the evidence portrays greater enormities at this

office than is believed to have occurred at any time, in any land district in the United States; and it continues to say that these scenes have continued to characterize the conduct of the register, who controls the sales of private entry up to the present time. As you were at said public sales, and have been occasionally at said office ever since, is or is not the above statement true?

Answer. I was a close and attentive observer at said sales up to the time I left for Columbus; was constantly, when the bidding was going on, about the window or in the office, and I saw nothing of the "profligate scenes" alluded to. I have been at many sales in this State, and I am satisfied, from the great competition, and the mass of persons wishing to purchase, that I have never been at any sales better conducted, as far as the interest of the government was concerned. As for the conduct of Samuel Gwin, register, he was the most indefatigable and persevering officer that I ever saw. Crowded and pressed with his official duties, few, if any man, could have performed the duties as faithfully as he did. There was nothing profligate, illegal, or improper, in his conduct, as far as I saw or heard. I have been at said office, I may say, nearly every few months from the first sales to the present time, and I never saw anything in the conduct of said Gwin, or heard it, but the strictest integrity, the most prompt attention, and faithful and vigilant agent of the government, as much so as I have ever seen in any officer. I should therefore pronounce the whole charge, as above contained in said report, as destitute of one particle of truth to sustain it, or even remote circumstances.

Question 3. It is further stated in said report, in speaking of the union of the several companies, that they "united for the purpose of monopolizing all the good lands then offered at public sale, of overawing bidders, and driving all competition out of the market; that the company established an office in the vicinity of the register's office, at which they opened, on each day, a regular sale of the lands purchased by them at public sale; that at the public sales the company claimed and actually enforced a complete monopoly; and that the officers either connived at or participated in these fraudulent transactions." Now, is there one word of truth in this whole tale? and do you know, or have you any reason to believe, that Samuel Gwin, register, either "connived at or participated in these pretended frauds, or did you hear any one at said sales intimate that he was interested with this or any other land company?

Answer. There was a company formed at said sales before I left Chocchuma, the objects of which I know was not "monopoly" or to "overawe bidders," or any such thing. The reasons for forming such a company are fully and correctly set forth in the deposition of Thomas Barnard, in his second answer, to which I hereby refer as part of my answer in this respect. The company, to my knowledge, had no office in the vicinity of the register's office; but they had one in a room of the principal tavern in the place, but which was some distance from the land office, and had no connection with it; nor do I believe that Samuel Gwin knew of such an office, for his duties were so engrossing that he had no time to be out of his own office. The company did not from day to day have a sale of their lands; and I know of but one company sale while I was at said sales, which was a partial one. I do not believe, nor have I any reason for forming such belief, that Samuel Gwin, register, either "connived at or participated in" any of the company transactions, but on the reverse, I know that he was violently opposed to the company aud its operations.

Question 4. At the sales, at private entry, did or did not Samuel Gwin act in every respect with the utmost impartiality in everything that came under your observation, and was or was not his rules drawn up with the greatest care, so that every individual applicant should be on an equal footing?

Answer. The rules at private entry were drawn up with great care, so that every applicant was on an equal footing; and I saw or heard of no partiality or favoritism in said Gwin, either at the private entries or at the public sales.

Question 5. From the number of persons who were there, waiting to make entries, all equally anxious and desirous to be first, either to prevent competition or to return home, could Samuel Gwin have taken any other course than the one he did, to give all an equal chance to make their entries, as all were equally entitled to his services?

Answer. At the close of the sales there were present several hundred persons—all anxious, and pressing to be discharged. It was impossible for the register to act at once on all the applications; for him to have taken one, to the exclusion of several hundred others who were equally prepared, would have been partiality, and would not have been borne; and I am confident that said Gwin could not, nor anybody else, have done any business without such rules as he adopted; and I do not believe that any man could have done better than he did, or hardly as well, under such trying circumstances.

Question 6. Did you or did you not hear Samuel Gwin declare that if he was advised that any company was violating the laws of the United States, he would, on his own responsibility, stop the sales?

Answer. I did hear him repeatedly declare that if there was any combination or company violating the laws of the United States at said sales, he would stop the sales; and, from his known and violent opposition to the company, I am satisfied that he would have done so, if not legally advised that the company agreement was not in violation of any law of the government.

Question 7. Did you know of Samuel Gwin turning people out of the office, who did not belong to the company, and permit others who did to remain in it?

Answer. I never knew of his turning out any person, but always showed the greatest disposition to accommodate all.

Question 8. From the manner that Samuel Gwin kept the applications at private entry, could any person, after they came into his hands, have read them: and do you or do you not believe that any human being ever did read one of them after he had received them.

Answer. From the manner he kept them, (to wit, in a cigar-box, in his hand,) I do not believe that any person could read them, nor do I believe that any one ever attempted to read one; for if they had, they would have been detected, as there was always a crowd around the counter who must have seen such an attempt, had it been made.

Question 9. What was the general impression among the people in regard to the attempt of Samuel B. Marsh to enter a piece of land for John Jones, against the rules and in violation of the law, which attempt was carried into effect by the receiver giving a receipt for said land that had not been sold, and in violation of his own rules?

Answer. The subject referred to was much spoken of during the day, and was, as far as I could hear, universally looked upon as an undue advantage, and one, in my opinion, that no gentleman would have been guilty of.

Question 10. From all you saw or heard at said sales, do you or do you not believe that Samuel Gwin, register, conducted said sales with the strictest regard to the interest of the United States, and with the utmost impartiality to individuals?

Answer. I do believe that he did.

Question 11. Will you state, as far as you can recollect, the remarks of Samuel R. Marsh at your house, last fall, about Colonel Thomas G. Nixon, which ultimately led to the murder of said Nixon by said Marsh at Chocchuma?

Answer. I was present at my house, last fall, and did hear Samuel B. Marsh make a wanton and unjustifiable attack on the character of Colonel T. G. Nixon, by charging him with perjury, on account of his having given an affidavit to R. J. Walker, favorable to him. He (Marsh) also threatened to prosecute Nixon for perjury, and to have his ear amputated. To this remark, General H. S. Foote offered to make him a bet of a suit of clothes that if ever Nixon heard of his remarks, that he (Nixon) would compel Marsh to leave the country. Thomas G. Nixon was a high-minded, honorable gentleman, of as strict veracity as any man living, and as true a patriot, friend, and companion, as ever lived; and from my knowledge of his high-toned honor, I was satisfied that if this wanton charge ever came to his ears, that he would never let it pass, or its author, unnoticed; and I was, therefore, prepared to hear of a conflict, not as it did, in fact, result in the death of a worthy man, who is lost to an amiable wife, and has left a family of interesting children fatherless, but in the punishment of a slanderer.

WILEY DAVIS.

Sworn to and subscribed before me, this 31st August, 1835.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 14.—*A. R. Govan.*

Question. Were you at Chocchuma during the land sales last fall, and if so, did you know of the formation of a company of individuals to purchase lands at said sales; and have you any reason to believe, or do you know, that Samuel Gwin, the register, was either directly or indirectly connected with said company, or that he ever received any of the profits arising from the purchases made by said company, either in land or anything else; and, as far as you know, did not the said Samuel Gwin and R. H. Sterling conduct the above sales without favor or partiality, and to the interest of the United States, as far as in their power?

Answer. I was at the sales mentioned above, and have no personal knowledge that either of the above-named gentlemen were directly or indirectly interested in the formation of the Chocchuma land company, or profited at all in the profits of the same.

A. R. GOVAN.

No. 15.—*R. H. Sterling.*

STATE OF MISSISSIPPI, *Tallahatchie County:*

Personally appeared before me, Eli McMullen, an acting justice of the peace for said county, R. H. Sterling; and after being duly sworn, made the following statement, to wit: Some time in the mouth of November or December, 1833, James R. Marsh exhibited to said deponent a letter purporting to be from Governor Poindexter to said Marsh, authorizing him to draw on said Poindexter at Natchez, or on the United States Branch Bank at Natchez, said deponent is not certain which, nor does not recollect that there was any amount of such contemplated drafts mentioned; but he does distinctly recollect that the object of the drawing was to raise funds to be appropriated to the payments of lands that said Marsh might purchase from the United States, either for Poindexter or himself. The answer of said deponent was to this effect: That he could not receive such drafts; but that individuals might avoid the responsibility of carrying money, by bringing certificates of deposit from any of the banks in Natchez, as such species of funds were receivable in payment for public lands. Said deponent is confident that the foregoing is true, in substance, of what passed between him and said Marsh on this subject. He did not hand the letter to deponent to read, but held it in his hand and read a part of it in relation to the land operations. It appeared, from the view that deponent had of it, to be a long communication, and, in all probability, treated on other subjects than the mere purchase of lands. Further this deponent saith not.

R. H. STERLING.

Sworn and subscribed to before me, this 4th July, 1835.

ELI McMULLEN, *Justice of the Peace.*

No. 16.—*Samuel F. Purvine.*

Question 1. Did you not, with Joseph Francis, receive of James R. Marsh the sum of one hundred dollars, a few days past, not to bid at the public land sales at Chocchuma, for the southwest quarter-section 21, township 22, range 1 west?

Answer. Joseph Francis and myself did receive one hundred dollars of James R. Marsh, (by an order on R. H. Sterling for the money,) which he agreed to give us not to bid on the said southwest quarter-section 21, township 22, range 1 west.

Question 2. Did you not hear R. H. Sterling, the receiver of public moneys at Chocchuma, say to-day, that James Armstrong (in whose name the said quarter was bid off at the public sale) had transferred before him the said quarter to James R. Marsh?

Answer. I heard Mr. Sterling make that statement.

SAMUEL F. PURVINE.

Sworn and subscribed before me, this 8th December, 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 17.—John T. Hammond.

STATE OF MISSISSIPPI, *Tallahatchie County:*

John T. Hammond, being sworn, saith that he was at the land sales at Chocchuma during the fall of 1833, nearly every day during said sales; that he knew of a company of individuals who attended said sales to purchase public lands; that it was agreed among the members of said company that each actual settler should have a quarter-section to include his improvements, and no member of said company was to oppose such settler; that if the agent of the company purchased the lands, they were bound to transfer it to the settler at cost, and, as far as deponent's knowledge extends, every settler did secure his settlement, or was paid for his improvement to his satisfaction. This deponent is fully satisfied that if it had not been for the exertions of Robert J. Walker, the settlers would have suffered greatly; that he has understood that said Walker would not go into said company until a clause was inserted, protecting the settler in his improvement. This deponent knows that said Walker exerted himself, night and day, assiduously in behalf of the settler, without receiving any reward. From what I saw and heard at said sales, it was the general belief that the formation of this company was of great service to the settlers; that many of them were poor and unable to buy their lands, and by selling their improvements they acquired funds, and did purchase a home for their families. This deponent was intimate with Samuel Gwin, the register of the land office, and frequently heard him speak of the formation of this company, and he did oppose it with all the means in his power; that I heard him frequently remark that he would suspend the sales if the law authorized such a course. This deponent is fully satisfied that said Gwin was not interested in said company, or participated in any of the profits arising from it. This deponent further states that he has read Edmund Row's evidence, and, although deponent was present nearly every day during said sales, he saw nothing at them bearing the slightest resemblance to what Mr. Row has stated. This deponent never heard, during said sales, any person allege or intimate that said Gwin was concerned with said company; that after the public sales were over there was a considerable press to enter lands; that this deponent also was entering, and said Gwin informed him "to stand up to his fodder like a man, and let Uncle Sam have the money, and not the speculators;" that this remark was used under these circumstances: many individuals would put in applications for the same land, and when put up to auction no one would bid, but agree that it should be entered by one of them, when they would go out and put it up to the highest bidder, and divide the surplus. It was against this practice that said Gwin urged us "to stand up to our fodder"—meaning that we should bid it off at the counter, and let the United States have the profits. This deponent was called on by James R. Marsh and Samuel B. Marsh, to give his evidence; that he did give it in, but believes that parts of his statements were not put down by them, but he was not qualified to said statement, nor was it ever read to him after it was completed, nor did he ever sign it. If it is sent on in this situation, he protests against its being received as his deposition. This deponent does believe that the said James R. Marsh, in his examination of witnesses, was prejudiced against said Samuel Gwin, and that he is not only politically, but personally opposed to him. This deponent is free in saying, that, in conducting said sales, Samuel Gwin acted without favor or partiality to any one, and that he acted, as far as he could, for the interest of the United States. He never heard one complain of partiality in said Gwin during the said sales or since. This deponent states that, before the said James R. Marsh took his testimony, that he, said Marsh, pretended to administer an oath to the deponent, but that the testimony taken down by said Marsh was not read to me at any time.

JOHN T. HAMMOND.

Sworn to and subscribed before me.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 18.—Samuel McCall.

Samuel McCall personally appeared, and, after being duly sworn, states that, sometime in the month of September or October last, he was served with a summons by Mr. Coleman to appear at Chocchuma, at Brooks's tavern, before James R. Marsh, to state what he knew of the frauds practised on the government at the land sales in 1833 at that place; and states that, after stating various facts in relation to his knowledge of said sales, he informed Mr. Marsh that he was employed by Governor Hiram G. Runnels, John C. McLamore, and Wiley Davis, to search for good lands for them to purchase at said sales; that Governor Runnels instructed him, where he found good lands, and persons living on said lands, who were prepared to purchase the same, not to molest them in their possessions, and he was directed to say to such that he would not bid against them, but if such individuals were not prepared to purchase the land, and were willing, he would buy it and pay them for their improvements made on said lands, and if they could not agree as to the value, that he was willing to leave it to any two persons to say what it was worth, and he would pay it. In pursuance of these instructions, he did select some numbers, but in no instance did he select lands improved by persons living on them. The above evidence was given in to James R. Marsh as part of his evidence then given to him, and which he believes was not written down by said Marsh in his said deposition, but he would not be positive as to the fact. The above statement was distinctly repeated to said Marsh while he was taking his deposition, and if it is not contained in said deposition, it was omitted by him.

The deponent further states that he was frequently in the office of Colonel G. W. Martin, locating agent; that he gave evidence on several claims presented to him under the treaty, and was frequently in the register's office at Chocchuma, during the land sales in 1833, and he can safely say that he never saw anything improper or illegal in said officers, but each appeared extremely anxious to discharge his duties faithfully, not only to the government but to the claimants.

SAMUEL McCALL.

Sworn to, and subscribed before me.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 19.—*Thacker W. Whitney.*

STATE OF MISSISSIPPI, *Tallahatchie county:*

Thacker W. Winter being sworn, saith that he was at Chocchuma during a part of the land sales at that place in October and November, 1833; that he arrived at said place three or four days after the sales commenced, and remained there during the first two weeks; that on his arrival he found there was a company of individuals formed for the purchase of public lands. The object of the company was, as far as I understood, that as there were a vast number of individuals at said sales, with large capitals, all wishing to make purchases, who had in most instances made their selections from personal examination or other correct sources of information, and who had in fact nearly all the numbers of all the good lands then coming into market, it was, before my arrival, as I understood, proposed to form a company, each individual was to put into said company all his notes of selection, and all other information that he might obtain, and the purchases made were to be in common and be disposed of as a majority might desire at the close of the sales; but as the information thus possessed by the said company embraced the whole country, it was agreed in the article of the company that each actual settler sould be protected in his improvement; that he was to have a quarter-section to conclude his improvement, or the principal part of it, at precisely the same price that was paid the government. The company selected four individuals, to wit: R. J. Walker, T. G. Ellis, R. Jamison, and Malcolm Gilchrist, to bid off all the lands for the company; no member of the company, as I understood, was to bid against these individuals, and these individuals were bound to let the settlers have their lands, as above stated, at cost. I have no hesitation in saying that the formation of this company was of fourfold benefit to the settlers, for nearly all came to the sales without money, and at the close went away with a home for their families; and the settlers were generally highly gratified at the conduct of said company throughout at that time. And he further makes oath that he has always been of opinion that from the formation of this company, and the protection given by it to the settlers, &c., R. J. Walker and his partner, together with many others, were prevented from making double the amount they did make at said sales on the capital vested. Each member of the company was restricted to $1,000, and no one could put more than that sum into the company; and after the sales were over, the dividend was only $301 50, and less in proportion to the time he became a member of said company. The deponent had free and frequent access to the office, and was perhaps as much in the office as any one else not confined to the office, and more particularly in the register's office; and he was also intimate with S. Gwin, the register, and he has no hesitation in saying that, during the whole time that said company existed, he, the said S. Gwin, and the receiver, did do everything in their power to protect the interest of the United States, and that, to the knowledge of this deponent, propositions at several times were made to S. Gwin for him to become a member of said company, and in a conversation between this deponent and the said S. Gwin, he remarked that it was improper for him to be in any way connected with any company, and that he would have nothing to do with it, as he was an officer of the government, and would do his utmost to protect her interest. This deponent further states that he never heard from any member of the company, or any other individual, professing to have any knowledge on the subject, that either the register or receiver were in any way connected with or interested in said company. From the general management of said sales by the officers, this deponent does believe that they conducted them to the best of their abilities, and to further the interest of the United States. This deponent further states and believes that most of the charges that have been circulated against Samuel Gwin originated with individuals inimical to him, and were partly engendered before the sales commenced. So convinced was this deponent of these facts, that some weeks before the sales commenced he cautioned the said Samuel Gwin frequently and during the sales to be on his guard, that attempts would be made to implicate him in the sales coming on by the persons above alluded to, particularly in regard to the private entries.

T. W. WINTER.

Sworn to and subscribed before me,

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 20.—*Nicholas Gray.*

Question 1. Were you, or were you not, at Chocchuma during part of the public sales at that place in 1833?

Answer. I got to Chocchuma about the first of the second week of said sales, and remained there constantly during the remainder of the sales, and also after the press at private entry after said sales were over.

Question 2. During a part of the time of said sales, were you or were you not a clerk in the land office, and if so, did you, during the entire period of said sales, see anything in Samuel Gwin that was illegal or improper, to your knowledge?

Answer. I did act as clerk part of the time during said sales, and I saw nothing improper or illegal in the conduct of said Gwin, and I think he conducted said sales, as far as he could, with fidelity, not only to the government, but to the purchasers.

Question 3. Did you or did you not see or hear anything at said sales that led you to believe that said Gwin was a member of any of the land companies at said sales, but on the contrary, did you or did you not hear him oppose the operations of the company as far as he had power?

Answer. I saw or heard nothing that led me to believe that said Gwin was a member of said company, and I heard him express himself in opposition to said company, and I do think said Gwin did oppose the company to to the utmost extent of his power.

Question 4. Did you discover any partiality or favoritism in said Gwin to any one during said sales?

Answer. I did not.

Question 5. What is your opinion as to the operations of the company on the settlers? were they benefited by it, or not?

Answer. I think the settlers were greatly benefited by the company.

Question 6. Do you or do you not think that the rules adopted at the private entries were equitable to all, putting all on the same footing and on equal terms?

Answer. I think the rules were well adapted to put all on an equal footing, but it created much delay, which I then disliked.

Question 7. Did you see any partiality in said Gwin in permitting persons to remain in the office who belonged to the company, and other individuals who did not?

Answer. I did not. I believe all were permitted to go into the office who had business to transact.

N. GRAY.

Sworn to and subscribed before me, this the 12th August, 1835.

SENECA PRATT, *Justice of the Peace.*

No. 21.—*Colonel William Pratt.*

Question 1. Were you at Chocchuma at the land sales in October and November last?

Answer. I was at said place every day during said sales.

Question 2. Did you know of the formation of a company of gentlemen during said sales to purchase lands? If so, will you state all you know in relation to said company, and whether it was a benefit to the actual settlers or not?

Answer. There was such a company formed, who did the greater part of their business at my house. At the time said company was formed, it was believed it would greatly benefit the settlers, and I still believe it did benefit them greatly. I know a great many instances where the lands were very valuable, and which would have sold, if opposition was made, at a greater price than the settlers could give, but which the settlers got at government price, because no one would oppose them, and the company had bound themselves not to do it; and it was the general opinion among the settlers that the company did for them what Congress failed to do by pre-emption.

Question 3. Do you know of any paper or obligation that each settler had to sign, binding himself not to bid at said sales on any lands he might choose?

Answer. I know of no such paper or obligation.

Question 4. Do you know or believe that Samuel Gwin, register of the office, was either directly or indirectly interested in said company, or connected with it in any pecuniary point of view whatever, or that he ever received, in any shape, manner, or form, any of its profits, in either land or money?

Answer. I do not know it, or believe it, but on the contrary, to my knowledge, he was violently opposed to it, and I heard him so express himself repeatedly during the sales. I heard him in one instance say, that "if he had Ben. Hatche's funds, he would have stood up at the window and run every tract of land on the company or made them pay for it." So much opposed was said Gwin to the company that he often caused me to think that he was opposed to the settlers getting their lands at government price.

Question 5. From Samuel Gwin's general conduct during the sales, did you not believe that he conducted them as much as he possibly could do to the interest of the United States?

Answer. I do.

Question 6. Did you see any partiality or favoritism, on the part of said Gwin, toward any one?

Answer. I did not, neither do I believe there was any.

Question 7. Were you a member of said company?

Answer. I was not.

WILLIAM PRATT.

Sworn to and subscribed before me.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 22.—*William Fanning.*

William Fanning, of Tallahatchie county, Mississippi, makes oath that he was at the land sales at Chocchuma, in the fall of 1833, during the first week and part of the second week of said sales; that, on the second day of said sales, he learned from several of his Alabama friends that were then on the ground, that they would not show the settlers any quarters. During the day it was spoken of that a company was about to be formed to purchase lands. This deponent was then opposed to said company, believing that it was a speculative scheme. On the next day some of those friends again spoke to me on the subject, and informed me that they and the Mississippians had come upon terms, and a company would be formed, and that the settlers would be protected in their settlements; that this protection was brought about by the instrumentality of the Mississippians; that, at the close of the sales, public rumor attributed the success and protection of the settlers to the exertions of R. J. Walker, to whom particularly, and to the company generally, I understood a dinner was given by the settlers. This deponent is well convinced that this company was of immense advantage to the settlers, and that if it had not been for them many would have lost their homes that now have one. This deponent saw no combination to prevent, by force, threats, or other means, any one from bidding at said sales as much as they pleased. I was told by the Alabamians that the settlers were to have their lands—their quarter-section; that they might bid for it themselves, or by the agents of the company, when it would be conveyed to them at cost. The deponent was a close observer at said sales, and has no hesitation in saying that he saw nothing in the conduct of Samuel Gwin that induced him to believe that he was in any way connected with said company, nor does he believe that he was; nor does this deponent have any reason to believe that said Gwin ever received any of the profits of said company, either in money, land, or anything else. From all deponent saw or heard, he believes said Gwin conducted said sales to the best interest of the United States, and that he was vigilant and persevering in his endeavors to protect said interest. This deponent never heard it suggested at said sales that said Gwin was a member of said company, or had any interest in it. During the period of making entries at private sale, this deponent did think said Gwin acted with the greatest fairness and impartiality, as well as at the public sales. This deponent was in company with James R. Marsh about the 1st of June last; that, previous to that time, this deponent believed that said Marsh and Gwin were friendly; but at the time just named, this deponent learned from James R. Marsh that he was unfriendly to said Gwin, and he told him (deponent) that he then had a commission to examine into the conduct of said Gwin as register at Chocchuma. Deponent further states that he saw none of the profligate scenes that have been stated to have existed at said sales; nor did he hear of overawing bidders, or driving off all competition in market, or that the settlers should not bid for as much land as they chose. Deponent heard of no

such transactions at said sales. Deponent never heard it insinuated that Samuel Gwin "connived at" or "participated" in any fraudulent act or acts during said sales; nor did he know or hear of the company's having an office near the register's office, or of their daily selling the lands purchased by them. Deponent further states that he has been occasionally at Chocchuma ever since the sales in 1833, especially at the proving up of the pre-emptions under the law of 19th June, 1834, and believes Samuel Gwin, in the most trying circumstances under this law, has uniformly acted with the utmost impartiality in every case that has come under his observation; and that if he was compelled to reject claims under this law, it was because he felt it his sworn duty to do so, and treated friends and foes all alike; and he believes that if he has erred in anything, it has been in his rigid examination of witnesses under the law. The opinion of the community, as far as I have heard, is entirely favorable to the register as a faithful, efficient officer, in my section of the country. The erasures in the 10th, 11th, 12th, and 13th lines, were done in our presence, it being where the certificate of the magistrate was at first placed.

WILLIAM FANNING.

Sworn to, and subscribed before me, this 18th of September, 1835.

ELI McMULLEN, *Justice of the Peace.*

No. 23.—*James T. Crawford.*

James T. Crawford made oath that he was at Chocchuma during the land sales in 1833; that he was conversant with most of the members of the company of land purchasers; that he was frequently in their councils; that he then believed and still believes said company was of great advantage to the poor settlers, particularly to those that wanted not more than a quarter-section; but he did not think it advantageous to those who wanted more than one quarter-section. This deponent was not a member of the company, and would not come under the regulations of the company as it regards the settlers. He had an improvement on the public lands, but wanted more than one quarter, and he would not be restricted in his purchases; that when his land came up, or the instant before, Mr. Joseph L. D. Smith, of Alabama, took him by the arm and asked him to walk with him; that it then appeared to him, the deponent, and he still believes said Smith intended to keep him off, that one of the company might purchase his land while he was thus absent; but this deponent has no reason to believe that any other member of the company knew of this transaction besides Mr. Smith and one other person, and that person was not Mr. Walker. This deponent states that he had no reason to believe that Samuel Gwin was in any way interested in said company, or ever received any of the profits arising from it; nor has he ever seen anything since that induced him to believe that he had, as far as this deponent saw or heard, (except what he heard men say, then believed to be his enemies, and now known to be such.) The said Samuel Gwin conducted said sales, as far as he possibly could, to the interest of the United States; and his whole conduct seemed to be dictated by pure intentions, not only to the bidders but to the government. This deponent saw nothing tending to partiality in said Gwin to any one.

JAMES T. CRAWFORD.

Sworn to, and subscribed before me, this 19th of June,* 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 24.—*Augustus L. Humphrey.*

Augustus L. Humphrey was qualified, and says that he was at Chocchuma during the whole time of the public sales in 1833; that deponent was a close observer of the conduct of Samuel Gwin, register of said office, and that from all he saw or heard he believes said Gwin conducted said sales as much to the interest of the United States as any one could possibly have done; that he saw nothing in said Gwin's conduct that induced him to believe, nor does he believe, that he was in any way connected with the land company that was at said sales, as alleged by Edmund Row in his deposition. This deponent saw nothing of the snapping of the finger of said Gwin, or heard anything like the remarks as alleged by said Row in said deposition, as made by said Gwin; nor does this deponent believe he made any such remarks as described. This deponent never heard anything resembling the remarks of said Row, where he states one of the officers required a deposit in *five* minutes, or the land would be resold, and where he states it was resold. No such transaction, to the knowledge of this deponent, ever occurred at said sales, or deponent would have heard something about it. This deponent bought one of the tracts forfeited by said Row, and deponent gave, he thinks, $2 60 per acre for said tract; and he knows the company had nothing to do with it.

This deponent knows James R. Marsh and Samuel B. Marsh are politically opposed to Samuel Gwin, and have been. This deponent saw nothing in the conduct of said Gwin but what was open, frank, and free, during the said sales: and he has no hesitation in saying that he performed his duty faithfully and honestly.

AUGUSTUS L. HUMPHREY.

Sworn to, and subscribed before me, this 30th of October, 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 25.—*Olsimus Kendrick.*

Olsimus Kendrick states on oath that he was at Chocchuma during part of the sales in the fall of 1833; that he was a close observer of the conduct of the company formed at said sales to purchase lands, and he has no hesitation in saying that the formation of this company was of great advantage to the settlers; that he then considered their protection to the settlers as good as a pre-emption law, and he is now fully convinced that it was

* This, it is believed, is an error in the copyist. It should have been "Oct."

much better; that he saw nothing that induced him to believe that Samuel Gwin was a member of said company, or in any way interested with it; that he did not hear any one say that said Gwin was a member of said company, or that he ever received any of the profits arising from it in any shape; that he saw nothing that tended to favoritism or partiality to any one in said Gwin, but on the contrary, the deponent believes said Gwin acted with due vigilance in watching the interest of the United States, and did everything in his power to protect it.

OLSIMUS KENDRICK.

Sworn to, and subscribed before me, this 19th October, 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

Continuation of Mr. Kendrick's deposition.

Deponent states that while he was at said sales in 1833, he saw nor heard of none of the "profligate scenes" that have been stated to have existed at said sales; nor did he hear of any overawing bidders, or driving off all competition in market, or that the settlers should not bid for as much land as they chose; deponent heard of no such transactions at said sale; deponent never heard it insinuated that Samuel Gwin connived at any fraudulent acts during said sales, or at any other time, or that he participated with the company in any of their transactions; nor did I know or hear of the company's having an office near the register's office, or of their daily selling the lands purchased by them. Deponent further states that he has been occasionally at the land office at Chocchuma ever since the sales in 1833, especially at the proving up of the pre-emptions under the law of 19th June, 1834, and believe Samuel Gwin, under some of the most trying circumstances under this law, has uniformly acted with the utmost impartiality in every case that came under his observation, and think that if he was compelled to reject claims under this law, it was because he felt it his sworn duty to do so, and treated friends and foes all alike; and believes that if he has erred in anything, it has been in his rigidly guarding the interest of the United States. The opinion of the whole community in deponent's section of the country, so far as he has heard, is entirely favorable to the register as a faithful, efficient officer.

OLSIMUS KENDRICK.

Sworn to, and subscribed before me, this 18th September, 1835.

ELI McMULLEN, *Justice of the Peace.*

No. 26.—*John Reed.*

Question 1. Were you present at Chocchuma during the land sales in October and November last?

Answer. I was occasionally there during the whole sales.

Question 2. Did you know of the formation of a company of individuals to purchase lands at said sales? and do you know or believe that S. Gwin, register of the land office, was a member of said company, or was in any way connected with it, in a pecuniary point of view?

Answer. I do not doubt of there being a company formed, yet I was not a member of it. As to Samuel Gwin being a member of said company, I do not know that he was, nor have I any reason to believe that he was one, or that he ever received any profits arising from it.

Question 3. From your knowledge of the management of the office during the above sales, do you or do you not believe that it was managed as far as it could be done to the interest of the United States?

Answer. I do.

JOHN REED.

Sworn to, and subscribed before me, this ———.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 27.—*James T. Howard.*

Question 1. Were you at Chocchuma during the land sales last fall, and if so, did you know of the formation of a company of individuals to purchase land at said sales?

Answer. I was at Chocchuma off and on during the above sales; I understood that there was a company formed at said sales to purchase lands.

Question 2. Do you know or have you reason to believe that Samuel Gwin, register, was, either directly or indirectly, interested in said company, or that he ever received any of the profits of said company's purchases, either in land or in money, or in anything else?

Answer. I have no reason to believe that Samuel Gwin was either directly or indirectly interested in said company, or that he ever received any of its profits in land, money, or anything else, and I am positive that I do not know that he was.

Question 3. From your knowledge of the manner the above sales were conducted, do you not believe that Samuel Gwin conducted them, as far as he possibly could, to the interest of the United States?

Answer. I have no reason to believe any other way.

JAMES T. HOWARD.

Sworn to, and subscribed before me,

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 28.—*Colonel John H. McKinney.*

John H. McKinney being duly sworn, states that he was at Chocchuma during nearly the entire period of the land sale at that place in 1833, and was also there during the press at private entry; states that he was a close observer of the conduct of Samuel Gwin, register of said land office, at said sales, and saw nothing improper,

illegal, or unjust in his conduct during said sales, or at the private entries above alluded to; that said Gwin appeared vigilant, attentive, and accommodating, as much so as any person could be; that he was particularly watchful as to the interests of the United States, for which there might have been some complaints. He further states that he saw nothing in the conduct of said Gwin that led him to believe that he was either directly or indirectly interested in any of the land companies that attended at said sales, nor does he believe that he was so interested in them; but he does know that he was violently opposed to them, as far as he had power. At the private entries the rules of said Gwin were admirably calculated to give every one an equal chance, and put all on an equal footing at said private entries. He never saw anything tending to partiality or favoritism at said sales, or at any other time in said Gwin; that his conduct as an officer, up to the present time, has been highly meritorious, for vigilance, activity, and accommodation, as far as he has heard or knows; nor has he heard of any complaints against him, except perhaps that he is too rigid in his investigation of pre-emption claims. Deponent further states that he never knew said Gwin to turn persons out of the office not belonging to the land companies, during said sales, and permit others to remain in it who belonged to them—does not believe any such thing ever occurred at said sales—but states that the officers were sometimes compelled to close the office, and invite those not having business in it to retire and leave it until they could make their calculations. Deponent gave James R. Marsh his deposition on this subject last fall, and he has been informed that there are matters therein contained implicating the conduct of the said Samuel Gwin at said sales, which, if true, and is in fact in said deposition, it is an error in taking said deposition; that if there is anything in it tending in the slightest degree to implicate the conduct of Samuel Gwin, it was not so intended by deponent. Deponent further states that, during the time of his being at said sales, and of the existence of said company, he saw nothing in the conduct of Robert J. Walker but what was highly honorable to him, and he is satisfied that it was through his exertions that most of the settlers were enabled to get their settlements where they lived.

JOHN H. McKINNEY.

STATE OF MISSISSIPPI, *Monroe County*:

Sworn to and subscribed, this 11th September, 1835.

BENJ. D. ANDERSON, *Justice of the Peace.*

No. 29.—*Thomas Coapwood.*

Question 1. Were or were you not at Chocchuma during the land sales in 1833? If yea, were you or were you not a member of the Chocchuma Land Company?

Answer. I answer both questions affirmatively.

Question 2. Did you or did you not, in one of the meetings of the members of that company, during its existence, move "to strike out all fictitious names" attached to the company's agreement, and in using the word "fictitious," did you or did you not mean those who were present, and had placed the names of other persons on the list, who were not present, nor having any information, who wished to increase their dividends by this means?

Answer. In answer, I must say that my memory, as to particulars, is not very tenacious, but I recollect one or two meetings of the land company alluded to, and well recollect the impression on my mind, that a number of names were down who were not present, and, so far as I was informed, had not been nor were such persons in existence; from which impression I was induced, and did move to strike out such names from the list—meaning only such as were not, nor had been present, aiding, by information of the country or otherwise, the operations of the said land company.

Question 3. On this motion, did or did not R. J. Walker, also a member of the said company, remark that he was in favor of striking out all such fictitious names as above alluded to, but that he was opposed to striking out all that was answered for by proxy, as coming under this class; that some whose names had been answered for by proxy, to his knowledge, had, in good faith, paid their money into the company, and had furnished it with valuable information as to the country, who were then not present, but whose money then in the company would be bound for any losses that it might sustain; and did he or did he not oppose the striking out of these names as not being fictitious, and not properly coming under that head?

Answer. I answer that Mr. Walker agreed with me in the propriety of striking out the names of those who had furnished neither information nor other facilities to the success of the company; but was opposed to considering those persons not present who had furnished money and information as fictitious names, and on this principle the matter was settled.

Question 4. In your intercourse with R. J. Walker, during the said sales, what is your belief and opinion of him as a high-minded, honorable man; and was or was he not an able and efficient advocate for the settlers on the public lands at said sales; and do you or do you not believe that it was principally through his exertions that they were protected at said sales?

Answer. I being a stranger had but little intercourse with Mr. Walker at the said sales, but became acquainted with him; and his being placed in a prominent situation, I observed all of his movements, and take pleasure in saying that his whole course, so far as I saw, was highly creditable to him as a gentleman of honor. In relation to his conduct toward the interest of the settlers, I well recollect him to be one of their most efficient and unwavering advocates. I have no doubt of his influence operating much to the protection given the settlers by those who were purchasing lands for resale.

Question 5. Do you know or have you reason to believe that Samuel Gwin, register of said office, was either directly or indirectly interested in said company, and did you or did you not see anything in his conduct that tended to partiality or favoritism to any one; and was he or was he not vigilant, active, and persevering, in guarding the interest of the United States, and did you or did you not see anything improper, illegal, or unjust in said Gwin at said sales?

Answer. I do not know; neither have I reason to believe that Colonel Gwin was interested in said company, and I fully believe that his conduct was impartial, legal, and perfectly in accordance with his duty as an officer of the government.

T. COAPWOOD.

STATE OF MISSISSIPPI, *Monroe County:*

The above deposition was sworn to, and subscribed before me, this 12th September, 1835.

BENJAMIN D. ANDERSON, *Justice of the Peace.*

No. 30.—*Governor Hiram G. Runnels.*

Being called on by Colonel Samuel Gwin, register of the northwest land district of Mississippi, to state what I know of his conduct with regard to the Chocchuma Land Company at the land sales in the fall of 1833, I state that I was at Chocchuma during the first three or four days of said sales, and that Colonel Gwin and myself held a conversation on the subject of said company; in which he expressed his belief, that, from his impression of the character of the company, he thought it would prejudice the interest of the government, and further expressed his determination to suspend the sales in consequence thereof; and as I was an old land officer, he wished to know my opinion on the subject. I gave it him as my opinion, that the company was not attempting to practise a fraud on the goverment, or was violating any of its laws; that men could not be forced to bid against each other for lands, and that he, Gwin, had no right to adopt such measures. I further state, that two highly respectable gentlemen informed me, that two individuals had informed them, that *they* had marked lands as being sold on the register's maps at Mount Salus, while Colonel Gwin was register of the land office at that place; and that their object was to smuggle the lands until they could conveniently enter it, and this was done without the knowledge of said register.

H. G. RUNNELS.

CHOCCHUMA, *September* 21, 1835.

No. 31.—*Guilford Griffin.*

STATE OF MISSISSIPPI, *Hinds County:*

Guilford Griffin being sworn, saith that he was present at the late land sales at Chocchuma, during the first two weeks of said sales, or until the second Saturday, just before the sales for that day closed, which, with the above exception, included the entire period that the company was in operation, but was not a member of the company; that, on the third day of the sales, being the 23d of October, 1833, deponent went round from the land office to Pratt's tavern, where a large crowd was assembled to hear the speech of Robert J. Walker; and said Walker was about commencing his speech, when deponent informed said Walker that some settler wished to see said Walker at the land office; when said Walker went to the land office and told the receiver that the tract designated by the settler, was bid off by R. J. Walker for the settler; and that he wished the receipt made out in the name of the settler, upon his paying to the receiver the sum for which the land had been bid off at the public sale, which was $1 25 per acre. Mr. Walker returned immediately to make his speech; and Mr. Sterling remained in the office until the sales opened that morning; and Mr. Walker did not return to the land office till after the sales opened. Samuel Gwin, the register, was, during all this time, at his desk at the land office; and therefore, it was impossible that he could have heard any part of the speech. Deponent did not hear the speech of Robert J. Walker; but deponent heard the company agreement explained by Thomas G. Ellis, and many others; but never understood that any settler was prohibited from bidding for any land whatever, in addition to the quarter-section he might obtain through the company; nor did he hear of any such pledge, verbal or written, being required throughout the sales. Deponent was the crier from the commencement of said sales, to a little before the close of the sales on the last day of the first two weeks' sales, during which time the company was in operation; although he occasionally got some person to cry the lands for him, but was always present in the office. During the whole time the sales took place, Samuel Gwin was at his desk registering the bids; and any observation made by him must have been heard by this deponent; and deponent is confident that Samuel Gwin could not have made the remark in regard to the company and his alleged interest therein, attributed to him in the deposition of Mr. Row. The register was not a member of the company, or interested therein in any way. Deponent knows that the register expressed strong opposition to the company, and inquired of several persons, not members of the company, whether there was any way in which the company could be broken up; who informed him there was not. Judge Black, the senator in Congress from this State, was also at the land sales during the entire period that the company was in operation; and Judge Black told deponent that he, Judge Black, had been called upon by the register, Samuel Gwin, to know whether there was anything improper or illegal in the company agreement, and whether the officers could break up the company or suspend the sales; and that he, Judge Black, had informed the register that there was nothing illegal or improper in the company agreement, and that the officers would not be justifiable in suspending the sales. Deponent also heard Judge Black say at Clinton, after the sales were over, that the company had been useful to the settlers, and prevented their being speculated upon. Deponent also heard Judge Black say that the object of Robert J. Walker, in organizing the company, was to protect the settlers, and that he had accomplished that object; but had thereby greatly diminished the speculation which he might have made; and deponent has no doubt that the company was highly useful to the settlers. R. J. Walker always bid openly at the window for the lands he purchased; always proclaiming openly how much he bid; and never forfeited any land or bid. Deponent observed nothing improper, illegal, or illiberal, in the conduct of R. J. Walker; but, on the contrary, his conduct was fair and liberal. His principal object seemed to be to secure the lands to the settlers, at the minimum price; and the deponent knows that, in several cases in which the settlers were represented as very poor, or widows, said Walker made extraordinary exertions to secure them their lands at the minimum price, appealing in their favor to persons who were on the ground bidding against them. Throughout the sales, R. J. Walker exerted himself faithfully to secure the lands to the settlers, and their opinion of said Walker was highly favorable; but deponent heard some of the speculators from Alabama say that said Walker had been too favorable to settlers. Deponent never heard R. J. Walker request any settler to give him the numbers of any land, or request any pledge from any settler not to bid for any lands; nor did he ever hear from any one, that said Walker had done so. The whole transaction stated in the deposition of Row, in regard to Mr. Wilkinson, is entirely untrue. No such transaction occurred. The land forfeited on one day were never sold until the next day. The company exacted no pledges from any one not to bid against the company; and deponent heard members of the company bidding against the company, without any objection; and deponent also heard settlers who had obtained their quarter-section through the company, at the minimum price, bid against the company for other lands in addition. Deponent was present after the company had purchased all their lands at the public sales, and heard Thomas G. Ellis, move that such lands as had been purchased by the company, adjacent to any settler, that such settler should be permitted to buy them from the company at government cost; which motion was seconded by R. J. Walker, but deponent does not know what was the result of that motion. Deponent believes that said Walker transferred all the lands bought by him for settlers at government cost, without any reward or compensation whatever; and deponent thinks that said Walker

sacrificed many thousand dollars by joining the company for the protection of the settlers, and this was the general and prevailing opinion, that he had made such sacrifice.

Question by S. G. Were you or were you not the regular auctioneer at the above land sales, and were you or were you not present at said sales every day from the commencement up to the close of the existence of the Chocchuma Land Company?

Answer. I was the regularly appointed auctioneer for the first two weeks, at said sales, and was appointed by R. H. Sterling and Samuel Gwin, and I attended at said sales from the first day of it to the second Saturday of said sales, just before the sales for that day closed, it being the last day of the first two weeks' sales.

Question 2. In the report of the Committee on Public Lands in the United States Senate, at its last session, it is stated that they (the committee) could not enter into the detail of the profligate scenes which took place in this district (Chocchuma) at the sales which opened in October, 1833; that the evidence portrays greater enormities at this office than is believed to have occurred at any time in any land district of the United States; and it continues to say, that these scenes have continued to characterize the conduct of the register who controls the sales at private entry, up to the present time. As you were the regular auctioneer, and was for the first two weeks continually in the register's office, and had intercourse with the register almost every hour during this period, did you or did you not see any of the enormities herein alluded to?

Answer. As before stated, I was the regular crier, but, from indisposition, I had occasionally to employ others, but was always present and reported to the register the name of the bidder, and the price the land was bid off at. I saw none of the enormities alluded to in the interrogatory. I was particularly intimate, during the sales, with Samuel Gwin, register, and saw no act in said Gwin that was illegal, unjust, or improper, to my knowledge. His labors were enormous, as he had no regular clerk, and I do not think any one could have conducted the sales better, if as well, as he did, as I was an eye-witness to the whole of his acts.

Question 3. It is further stated, in said report, that the company established an office in the vicinity of the register's office, at which they opened, on each day, a regular sale of the lands purchased by them at public sale, and that the officers either connived at, or participated in, these fraudulent transactions. Now, will you state if these facts are true, as far as your knowledge extends?

Answer. There were no company sales, while I remained at said sales, that I know of. I know of no office that they had in the vicinity of the register's office, but they had one at the tavern; but I heard of no sales while I remained. As to the officers participating or conniving at the acts of the company, I saw nothing to warrant such a conclusion. I did repeatedly hear Samuel Gwin oppose the company, and threaten to stop the sales, if they were violating the laws of the United States.

Question 4. R. H. Sterling, in his deposition, (document 22, page 115,) states that "Rather was one of the criers, and was appointed by Colonel Gwin. Some gentlemen in my presence, said Rather was a good crier, and I made no objection. Griffin, of Clinton, had first applied to me to be crier, and I felt myself inclined to appoint him; however, Griffin was present, and expressed no dissatisfaction, but occasionally cried." Now, are the statements in this answer true?

Answer. They are not true. I arrived at said sales very unwell, so much so, that I felt unable to cry the first day. Expecting to recover, or be able the next day, I did employ such persons as I could rely on to cry for me. The first day I got Colonel Rather to cry for me, as he was an old experienced hand, with the full knowledge and approbation of R. H. Sterling, as not only I, but the officers, were also inexperienced in land sales; and he, at my request, assisted me each day that I did not cry myself, but one, when Mr. McLaran, at my request, cried. Mr. Sterling could not have been mistaken as to who was the regular crier, for he himself, several months before the sales came on, promised me the appointment; and having procured Colonel Gwin's, I attended the sales for that express purpose, and made known to him and Colonel Gwin that I was sick; and they both advised me to procure some one else, from day to day, to cry for me, expecting my recovery.

G. GRIFFIN.

Sworn to, and subscribed before me, this 6th day of October, 1835.

B. G. O. LINDSAY, *Justice of the Peace.*

No. 32.—*Harden D. Runnels.*

STATE OF MISSISSIPPI, *Tallahatchie County.*

Harden D. Runnels being duly sworn, states that he was at Chocchuma during the entire period of the public land sales at that place, in 1833, and that he was a close observer of everything that passed at said sales, and believes that there was not a piece of land sold at said sales, but what he was present and heard it cried, or knocked off. Deponent was present and heard all the speech of Robert J. Walker delivered at Pratt's tavern on the third day of the sales, and he, the said Walker, did not assert that the condition upon which the settler was to have his quarter-section at government cost, was, "that said settler would sign a paper, obliging himself not to bid for any other lands thus offered at the sale," nor did he use any words to that effect, nor did he state that any pledge, verbal or written, should be required from any settler not to bid for any lands, but that every one, settler or not, was at perfect liberty to bid for as much as he might think proper. Said Walker did not assert that he spoke by the authority of General Jackson, but he did allude to the policy of Jackson's administration as being in favor of the reduction of the price of the public lands and pre-emption laws. Deponent heard nothing of the "over-awing bidders," or that the company "enforced a complete monopoly," or that they "undertook to dictate terms to the actual settlers." His understanding of the objects of the company, in one respect, was a mutual agreement among those persons from a distance, who wished to purchase lands, that they would not run the lands on the actual settlers, and this concession on the part of those from a distance was gratuitous, for which they were not to receive any remuneration either in money or information, and those actual settlers were not, in the slightest degree, abridged in their rights as bidders, to my knowledge. The company agreement restricted no one, in or out of the company, from bidding for themselves against the company, for any lands, and deponent believes that numbers did so bid. Deponent has no doubt that the company agreement was highly useful to the settlers, and that it prevented exactions of money from them being required of them. Deponent observed the conduct of Robert J. Walker attentively, and states, from his own knowledge, and also from the statements of settlers made to him, that said Walker exerted himself by all fair and honorable means, to secure the lands to the settlers, without any reward or compensation whatever; and deponent believes, and such was

the opinion of the settlers, that, but for the exertions of said Walker, the settlers would have lost their lands, in many, if not in most of the cases, and the settlers expressed themselves in the highest terms of the conduct of said Walker, and he understood that the public dinner which was given by the settlers to the company at the close of the sales was given to said Walker, as a mark of approbation of his conduct. Deponent saw none of the "profligate scenes" that have been charged as existing at said sales, nor did he see anything in the conduct of Samuel Gwin, register, that should characterize him as guilty of "profligate" conduct, nor did deponent see any of the "great enormities" that have been reported as existing at said sales, and deponent looks upon these statements as destitute of every shadow of truth, in every respect, as well as the charge "that the laws were set at defiance." Deponent states it is not true that "the company established an office in the vicinity of the register's office, at which they opened, on each day, a regular sale of the lands purchased by them at public sales;" no such transactions, to the knowledge of deponent, took place or existed at said sales, and he was a member of the company, and had a knowledge of all their transactions, as to the sale of the lands purchased by them. Deponent was a close observer of the conduct of Samuel Gwin, and has no hesitation in giving his decided opinion that said Gwin was not, either directly or indirectly, interested in said company in any shape; and deponent did frequently hear him oppose the company during its existence, with all his means, and he cautioned this deponent to have nothing to do with this said company, as it might be attended with great evils to the country; and so did also my brother, Hiram G. Runnels, who remarked that I, deponent, might do as I pleased, but he would have nothing to do with it. During the arduous duties of said Gwin during said sales, the deponent never saw anything illegal, improper, or unjust in his conduct, but was a faithful and vigilant officer of the United States, and was accommodating to all, more so, probably, than many other officers.

HARDEN D. RUNNELS.

Sworn to, and subscribed before me, September 19, 1835.

THOMAS J. RINGGOLD, *Justice of the Peace.*

No. 33.—*J. A. McRaven.*

STATE OF MISSISSIPPI, *Hinds county:*

J. A. McRaven being sworn, saith that he was present when Robert J. Walker made his speech to the people at the land sale at Chocchuma, on the 23d October last, and heard the whole speech, and said Walker did not assert that the condition upon which the settler was to have a quarter-section at government cost, was "that said settler would sign a paper, obliging himself not to bid for any other lands thus offered at the sale of the lands of the United States," nor did he use any words to that effect, or state that any pledge, verbal or written, should be required from any settler not to bid for any land whatever; but it was my distinct understanding that the settler was to have a quantity not exceeding a quarter-section, at government cost, without any reward or compensation whatever to the company, and was not debarred from bidding for any other land; and the object of the speech of R. J. Walker seemed to be to explain this to the settler, so that he might give in the number of his quarter-section to the agents of the company, to enable them to secure it to him at the minimum government cost. R. J. Walker did not assert that he spoke by authority of General Jackson, or that he ever had any communication, verbal or written, with him, in regard to said sales. Deponent did not see the register or receiver present when said Walker made his speech. The register or receiver were not, to deponent's knowledge or belief, members of the company, or interested therein, nor did such impression, to deponent's knowledge, prevail at the sales. Deponent did not observe anything improper, illegal, or illiberal, in the conduct of Robert J. Walker, at said sales, but deponent believed then, and still believes, that R. J. Walker exerted himself more for the settlers than any man at the sales; nor did deponent ever hear of said Walker receiving any compensation from any settler. Deponent knows that the company's agreement was highly useful to the settlers. Deponent believes that the opinion entertained by the settlers of R J. Walker was very favorable; and deponent, last May, since the last sales, has been to Chocchuma, and the adjacent country, and heard settlers say that Robert J. Walker had saved the settlers a great deal of money, and deponent has no doubt this was the fact. Deponent knows there was a great deal of land bid off by Robert J. Walker, at the sales, for settlers, and the name of the settler given in, so that the receipt might issue in his own name.

J. A. McRAVEN.

Sworn to, the 28th July, 1834, before

C. C. MAYSON, *Justice of the Peace.*

No. 34.—*George Dougherty.*

STATE OF MISSISSIPPI, *Hinds County:*

The undersigned, George Dougherty, being duly sworn, deposes and says he was present at Chocchuma at the commencement of the late land sales, and attended the same occasionally for several days. The deponent was present about the commencement of the sales, when a committee of speculators, from Alabama, called upon Robert J. Walker, at his room, and proposed to said Walker to unite with them in the purchase of public lands, and that, in the course of conversation, R. J. Walker proposed to them to respect the claim of settlers in the same manner, and to the same extent, as if a pre-emption law had actually passed, which was strenuously resisted by the Alabama committee at first, but was insisted upon by said Walker, and finally acceded to by the Alabama committee. After this, the Alabama committee proposed that the settlers should agree not to bid for any adjacent lands, which proposition was warmly opposed by Mr. Walker. He stated that such conditions were unjust and illegal, and that he never would assent to them, nor would he join any company by which the settlers would be restricted from bidding on any lands they thought proper, in addition to those on which they had settled, without any qualification or condition whatever, and that not one cent, in any form or shape, should be exacted or received from a settler in compensation for any act of the company whatever, and that if these conditions were not fully agreed to, that he, Robert J. Walker, would oppose the Alabama company from that time to the close of the sales, to the whole extent of his money and information. This was not agreed to by the Alabama committee at that time, but, upon further consultation with their company, was finally acceded to.

The deponent knows that Robert J. Walker had a large sum of money for the purpose of purchasing public lands, and believes that he had also more information of the situation and value of the land in the Chocchuma

district than any other man at the sales, and by giving up this information to the company and uniting with them, he was enabled to protect the settlers against the speculators from Alabama, who had taken the numbers of most of the improved lands; but thereby realized a much smaller profit than he otherwise might have done, by not joining the company. Since the sales at Chocchuma, the deponent has repeatedly heard the conduct of Mr. Walker highly approbated by the settlers, and heard them declare that it was owing to his exertions alone that they were enabled to obtain their lands at the minimum government price; nor has he ever heard disapprobation expressed by any actual settler against Mr. Walker in relation to said sales. The deponent did not hear the speech of Robert J. Walker at Chocchuma, but had repeatedly heard him regret that a pre-emption law had not passed to protect the settlers on the public lands, and considered it a very hard case that settlers should be compelled to abandon the lands which they had selected and improved, or to purchase them at a price greatly enhanced by their own labor.

The deponent knows that the company's agreement did not extend to the lands on the Mississippi river, and the deponent was not present when they were sold; but he has since seen most of the settlers on the river who attended the sales at Chocchuma, and who informed deponent that Robert J. Walker had been most active and zealous in securing them their lands at the minimum price, and that without any reward or compensation whatever, and these settlers expressed the strongest feelings of gratitude toward Mr. Walker for his timely and efficient interference in their favor. The deponent believes that the sales at Chocchuma were conducted in a manner strictly legal, and much to the advantage of the settlers. The deponent attended the sales at Columbus to purchase lands for Robert J. Walker and Thomas Barnard, and was instructed by them not to bid on any man's improvement, and also that the deponent should not join any company at the sales; the deponent acted in conformity with their instructions.

Agreeably to the known views of Mr. Walker, the deponent proposed to some of the managers of the Alabama company, at Columbus, not to bid against settlers, but to allow them the same advantages that settlers had during the first sales at Chocchuma—which proposition was rejected by these speculators, expressing, at the same time, their regret that they ever agreed to do so at Chocchuma, and that they were determined never again, at any sale, to make the same or similar concessions to setlers. These speculators also spoke of the conduct of Mr. Walker at the Chocchuma sales, and stated that if it had not been for him they would have realized a much larger profit on their speculations.

The deponent has not now, nor has he ever had, any interest in any lands purchased at Columbus or Chocchuma, nor was he ever a member of any company at any land sale.

GEORGE DOUGHERTY.

Sworn to, this 17th July, 1834, before

C. C. MAYSON, *Justice of the Peace.*

No. 35.—*Hiram Coffee.*

STATE OF MISSISSIPPI, *Hinds County:*

Hiram Coffee, being sworn, saith that he was present when Robert J. Walker made his speech to the people at the land sales at Chocchuma, on the 23d of October last, and deponent heard the entire speech, and listened to it all attentively; and said Walker did not assert that the condition upon which the settler was to have a quarter-section at government cost was, "that said settler would sign a paper obliging himself not to bid for any other lands thus offered at the sale of the lands of the United States," nor did he use any words to that effect, nor did he state that any pledge, verbal or written, should be required from any settler not to bid for any lands in addition to a quarter-section; but it was my clear understanding that any settler was at perfect liberty, in addition to the quarter-section that might be secured to him through the company, to bid for any other lands whatever. Nor did said Walker assert that he spoke by authority of Gen. Jackson, or that he ever had any communication, verbal or written, from Gen. Jackson, in regard to said sales: but said Walker alluded to the policy of Jackson's administration, as favorable to pre-emption laws and the reduction of the price of the public lands, and expressed his approbation of that policy. Deponent attended the public sales during the whole period that the company was in operation, and never heard of any pledge, verbal or written, being required from any settler, not to bid for any lands in addition to the quarter-section which he might obtain through the company. Deponent did not see either the register or receiver present when Robert J. Walker made his speech, and believes they were not present. The register and receiver were not, to deponent's knowledge and belief, members of the company, or concerned therein, nor did deponent ever hear at the sales that either of them were members of the company, or concerned therein. Deponent saw the list of the names of the members of the company, and the names of the register and receiver were not among them. Nor did deponent hear any expression from either of them, or from any one else, indicating that either of them were members of the company, or concerned therein, nor did such impression prevail among the settlers. The company agreement restricted no one, in or out of the company, from bidding for themselves against the company, for any lands whatever, and deponent knows that members of the company did bid for themselves, without any objection, for lands, against the company. Deponent has no doubt that the company agreement was highly useful to the settlers, and that it prevented exactions of money from them being required by speculators from Alabama. Deponent attended the sales every day—observed the conduct if Robert J. Walker attentively, and states, from his own knowledge, and also from the statements of settlers, made to him, that said Walker exerted himself faithfully, by all fair and honorable means, to secure the lands to the settlers at the minimum price, without any reward or compensation whatever; and deponent believes, and such was the opinion of the settlers, that but for the exertions of said Walker, the settlers would have lost their lands, or exactions of money would have been required from them, and the settlers expressed themselves in the highest terms of the conduct of said Walker throughout the sales, and deponent heard them say that the public dinner, which was given by the settlers to the company, at the close of the sales, was given to Robt. J. Walker as a mark of approbation of his conduct at the sales, but that the company should all attend the dinner. Deponent did not hear of, or observe, any conduct of Robert J. Walker at the sales illegal, improper, or illiberal, but highly approved of his conduct throughout, and believes said approval was universal. Deponent observed nothing improper or illegal in the conduct of the land officers at the sales, or in crying the land; nor did he hear of Robert J. Walker forfeiting any lands. Mr. McLamore was not one of the agents of the company. The agents of the company were Robert J. Walker and Thomas G. Ellis, of Natchez, and Gilchrist and Jamison, of Alabama; but Robert J. Walker was regarded more in the light of an agent of the settlers, and they desired their lands to be bid off for them by him. Deponent heard there were differences of opinion, in certain cases, as to whether certain persons were entitled, as settlers, under the company agreement, and heard said Walker always

hold out for the settlers, but does not know how said cases were finally determined. Deponent has no doubt that Robert J. Walker, by joining the company for the protection of the settlers, instead of acting and bidding for himself, [failed to realize] a considerable profit and speculation. Robert J. Walker did not, either in his speech or at any other time, to my knowledge or belief, request or require any settler to give him the numbers of any land adjacent to his quarter-section, or elsewhere.

HIRAM COFFEE.

Sworn to, this 21st July, 1834, before

CHAS. C. MAYSON, *Justice of the Peace.*

No. 36.—*D. W. Connelly.*

STATE OF MISSISSIPPI, *Adams County:*

D. W. Connelly, being sworn, saith, that he was present at the land sales at Chocchuma; that he was a close observer of the progress of the sales and of the transactions, and was generally in the register and receiver's office when the lands were sold, during the sales, or at the window outside of the house. While the sales were progressing and the bids going on, Samuel Gwin, the register, was nearly all the time at his desk registering the lands as they were sold, and this occupied principally all his time, and required strict and undivided attention. Deponent heard no such expression from Samuel Gwin as that attributed to him in the deposition of Mr. Row, when he says that he, Samuel Gwin, "with a snap of his finger," observed "that land will bring us ten dollars per acre," and deponent believes no such expression was used by said Gwin, or that deponent would have heard it; and also, if made, as stated by Mr. Row, during the time the lands were being bid off, and heard by him there, it must have been heard by very many persons, and created an excitement at the sales, but deponent had never heard that such expression had been attributed to said Gwin, until he saw the deposition of Mr. Row. Deponent has no doubt that neither the register nor receiver was a member of the Chocchuma Land Company, or concerned therein in any way. Deponent saw the list of all the names of the company, and the name of the register or receiver was not among them. At the commencement of the sales deponent bid against the company, and no means were used by the company to either deter or prevent deponent from bidding against the company; nor was any disposition of the kind exhibited. The deponent saw the company agreement, and it was not his understanding that any settler was debarred from bidding for any lands whatever. Deponent also recollects that a number of the company bid against the agents of the company. Deponent was not present when Robert J. Walker made his speech, but never heard of said Walker exacting any pledge from any settler not to bid for any lands, or of his receiving any reward or compensation from any settler. Deponent observed nothing improper, illegal, or illiberal, in the conduct of Robert J. Walker at the sales, but approved of his conduct, and heard the settlers express their approbation of the conduct of said Walker; they regarded him as the author of the plan by which the benefit of a pre-emption was extended to them. Deponent observed R. J. Walker at the sales exerting himself to secure the lands to the settlers at the minimum price, without any reward or compensation for so doing; and in many instances the settlers themselves desired that said Walker should bid off their lands for them. Deponent has no doubt that Robert J. Walker, by joining the company for the protection of the settlers, realized a much smaller profit than he might have realized by not joining the company. Deponent has no doubt but the company agreement was highly beneficial to the settlers. Mr. McLamore was not one of the agents or bidders for the company, nor did deponent observe him bid for any lands, throughout the sales. Deponent knows that Robert J. Walker forfeited no land or bid, nor did any agent of the company. Deponent heard the register and receiver express strong opposition to the company arrangement, and deponent heard them declare that if any unlawful combinations were formed to depress the price for which the lands would otherwise sell, they would stop the sales; but deponent understood that, upon advising with other persons, they formed the opinion that the company arrangement was not contrary to law, and that they would not be justified in suspending the sales. Deponent never heard it intimated, until the publication of Mr. Row's deposition, that the register and receiver were members of the company, or concerned therein. Deponent neither saw nor heard any such transaction as that, in regard to Mr. Wilkinson, stated in Row's deposition, nor does he believe that any such transaction occurred. The lands forfeited on one day were always sold the day following. Deponent observed nothing illegal or improper in the conduct of the officers at the sales.

Deponent knows that Robert J. Walker entered a large quantity of land at the conclusion of the sales, and deponent does not know of his applying for any lands that he did not want, nor did he hear of his doing so, but applications were made against him for the entry of lands adjacent to lands previously owned by said Walker, and deponent believes that many of these applications made against said Walker were fictitious.

D. W. CONNELLY.

I certify that the foregoing affidavit was sworn to and subscribed before me, this 30th day of July, 1834.

WOODSON WREN, *Justice of the Peace.*

No. 37.—*John Maxwell.*

STATE OF MISSISSIPPI, *Adams County:*

Deponent, John Maxwell, was at the late land sales at Chocchuma about three weeks, during a portion of which time the Chocchuma Land Company was in operation, and deponent remained until after all the sales and entries were over; but deponent was not at Chocchuma when Robert J. Walker made his speech. After deponent arrived at Chocchuma he had an excellent opportunity to observe the conduct of said Robert J. Walker while the company was in operation, and did observe the same. Deponent observed nothing improper, illegal, or illiberal, in the conduct of Robert J. Walker, in any manner whatever, but on the contrary, highly approved of his conduct, and heard many persons express a highly favorable opinion of said R. J. Walker at the sales, and believes said approval was general. Deponent heard many of the settlers on the public lands express a favorable opinion of the conduct of R. J. Walker at the sales; heard them say that if it had not been for the course he pursued, and his exertions, they would have lost their lands. Deponent knows that R. J. Walker entered a great deal of land at the conclusion of the sales, but deponent did not know, nor did he hear of R. J. Walker's applying for the entry of any land which he did not desire to own himself. Deponent saw and copied the list of all the names of the members of the Chocchuma Land Company, and that of the register or receiver was not among

them, nor does deponent believe that either of them was a member of the company, or in any manner concerned with the company, nor did deponent hear at the sales that the register or receiver was a member of the said company.

Deponent heard the register express, in the strongest terms, his opposition to the company, and declare in public company that the register would stop the sales; but deponent understood that the register desisted from this course upon the advice of various persons, and among the number, Judge Black. The deponent has no doubt the company agreement was highly useful and beneficial to settlers, and heard many of them say so, and none of them say otherwise; and, furthermore, heard this opinion expressed by a company of gentlemen whom the deponent met on the road, before his arrival at Chocchuma. Deponent read the company agreement, and it extended, so far as the company could, the right of pre-emption to settlers at the government cost, and did not debar any settler from bidding for any lands whatever; nor did the deponent hear of the company, or any of its agents, exacting any pledge, verbal or written, from any settler, not to bid for any adjacent lands. Deponent has no doubt that R. J. Walker, by joining said company to protect the settlers, did not realize the speculation which he otherwise might have realized by bidding for himself alone. Robert J. Walker made extraordinary exertions to secure the lands to settlers at the government cost; that is, at the minimum price. Deponent observed nothing improper or illegal in the conduct of the officers at the land sales at Chocchuma. Deponent knows that the settlers were to have their lands at government cost, without any reward or compensation from them to the company, and that they did so obtain them, and that many of them declared they could not have got their lands but for the exertions of R. J. Walker.

JOHN MAXWELL.

Sworn to and subscribed before me, this 26th July, A. D. 1834.

WM. B. MELVIN, *Justice of the Peace.*

No. 38.—*Statement of W. L. Sharkey, chief justice of the high court of errors and appeals of Mississippi.*

I was present a few days during the late land sales at Chocchuma, and the company agreement was explained to me. It was not my understanding that any settler who received his quarter-section through the company, was debarred from bidding for any other lands. I was not a member of the company, but as the company agreement appeared to me to contain nothing illegal or improper, I did advise a friend of mine who applied for my opinion, to join the company, and he did so. I neither saw nor heard of any conduct of Robert J. Walker, at the land sales, improper, illegal, or illiberal; on the contrary, it was my opinion that the conduct of Robert J. Walker was fair and liberal, and the company agreement, in my opinion, was highly advantageous to poor settlers.

W. L. SHARKEY.

No. 39.—*Joseph Persons.*

Question 1. Did ever Samuel Gwin order you out of his office during the land sales in 1833, or at any other time in his life?

Answer. No, he never did.

Question 2. Will you state the manner of taking in applications at private entry, and how they were disposed of, where there were conflictions on said applications?

Answer. Samuel Gwin, the register, as far as I ever saw, held a cigar-box in his hand, and asked for all applications in such and such a township, and when delivered to him, he instantly placed it in the box which he carried in his hand. During the time he was receiving applications, he remained behind the counter, and the applicants and crowd were outside the counter. I have no reason to believe, nor do I believe, that any person saw or read any application after it came into his hands. When he was done receiving applications in said township he would proclaim it, and then lay down all the applications on the counter, in presence of the crowd behind it, and would assort them so as to ascertain all conflictions, which he would put up to the highest bidders, when they would generally withdraw, all but one, who entered the land. Said Gwin urged the different applicants to bid, but could not induce them to do so. Where there were no conflictions the land was entered immediately, as was the case with myself.

Question 3. Have you or have you not seen anything in the conduct of Samuel Gwin that tended in the least to favoritism or partiality, or that was illegal or unjust, as far as you have discovered?

Answer. I have not.

Question 4. When the office door was closed and a crowd around it, as was usually the case during the sales, and Samuel Gwin in it, could he have heard any one speaking at Pratt's tavern, the distance to which you have measured?

Answer. I do not think they could; and said Gwin was generally at his office except at meal-time.

Colonel Persons wishes it to be understood distinctly, that if there is any discrepancy between his present statements as detailed above and his statements given in to the Messrs. Marsh, (and to which one of them qualified him,) it was an error on their part in taking down the said evidence, and not on his part.

As there is no justice of the peace near to qualify Colonel Persons to the above statement, it has been read over to him by the subscribing witness, who states there are no erasures on this sheet, and no interlineations except the word "no," on the opposite side; all of which has been signed by both Colonel Persons and the witness.

JOSEPH PERSONS.

A. D. NICHOLSON.

No. 40.—*David Kerr.*

Question 1. Were you or were you not present at the public land sales at Chocchuma, in October and November, 1833?

Answer. I was at the land sales at Chocchuma, off and on, during the first two weeks of the above sales.

Question 2. Was it or was it not your opinion that the company that was formed to purchase lands at the

above sales were of great advantage to the actual settlers? and do you or do you not know of any member of that company that ran the lands on the actual settlers; but when it was bid off by the company, was it not transferred to the settler at the same price that it cost the company?

Answer. It was the general understanding at the time that each actual settler was to have a quarter-section of land, to include their improvement, and that none of the company was to bid against the settler, and none did bid against the settler that I know of. I know of some settlers whose land was bid off for them by the company, and transferred to them.

Question 3. Do you know, or have you reason to believe, that Samuel Gwin, register, was either directly or indirectly interested in or concerned with said company, or that he ever received any profits, either directly or indirectly, from said company, or any member of it?

Answer. I cannot say that he did.

Question 4. Did or did not the register, Samuel Gwin, as far as you could discover, conduct the above sales as much to the interest of the United States, and with as much fairness to the purchasers, as he possibly could?

Answer. As far as I know he did.

Question 5. Were you or were you not a member of this company?

Answer. I was not. [DAVID KERR.

Sworn to, and subscribed before me, August, 1 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 41.—*Martin Loggins.*

Question 1. Were you or were you not at Chocchuma during the land sales in October and November, 1833?

Answer. I was at the above sales off and on, during nearly the whole of them.

Question 2. Did you or did you not know of a company of individuals being formed to purchase lands at said sales?

Answer. There was such a company, and R. J. Walker, T. G. Ellis, R. Jamison, and M. Gilchrist, were members of it.

Question 3. In the formation of that company was it not distinctly understood and expressed, that each actual settler on the public lands should be entitled to one quarter-section of land, if his improvements were on the quarter so as to include his improvements.

Answer. The settler was, by the rules of the company, entitled to a quarter-section, if his improvements were on it, or an eighth, if his improvements were only on an eighth.

Question 4. Was or was not the object of the company to protect the settlers in their settlements as far as they could, and were not the settlers greatly benefited in this respect by the company?

Answer. The company, as I understood, bound themselves not to bid on any settler's land in opposition to the settler, and I know the company was of great service to the settlers, and were to them as good as a pre-emption law.

Question 5. Was it or was it not the general opinion among the settlers that if this company had not been formed, the settlers would not, to the same extent, have secured their houses; and was not the public so well satisfied of this fact, and with the deportment and conduct of the company, that the settlers, at the close of the sales, as a body, gave the company a public dinner, and, through the honorable Mr. Plummer, returned their thanks to the company for the interest they had manifested in securing their improvements?

Answer. I am fully satisfied if it had not been for the company, but few, comparatively, of the settlers would have got their settlements; and I understand this opinion was general, and that a public dinner was given the company, and the thanks of the settlers returned to them through the honorable Mr. Plummer, but I was not at said dinner.

Question 6. Did or did not any member of that company, by their words or actions, attempt to deter or prevent the poor man, or any other individual, from bidding for any land he might choose?

Answer. Not that I know of.

Question 7. Who were the most active persons, on the part of the company, in behalf of the settlers?

Answer. From my understanding, R. J. Walker and M. Gilchrist were the most active.

Question 8. Do you know, or have you reason to believe, that Samuel Gwin, the register, was either directly or indirectly interested in said company, or ever received any of its profits, either in money or land?

Answer. I never understood he was.

Question 9. Did you or did you not understand that Samuel Gwin was going to suspend the sales if the formation of the company was in violation of law, and was only stopped from doing it by being advised that it was not contrary to law?

Answer. I heard such a report generally, but did not hear him speak on the subject.

Question 10. Did you or did you not see or know of any act or acts of the said Samuel Gwin which tended to favor the company, or any other individual.

Answer. I did not.

Question 11. Do you or do you not know of any actual settler who was compelled to sign any paper to the company depriving themselves of the liberty to bid for as much land as they pleased; and was or was not such paper ever presented to you, or signed by you?

Answer. I know of no such paper being presented or signed, and I know I signed no such one.

Question 12. Was it or was it not your opinion and the general impression at the time, that the register did everything in his power to protect the interest of the United States?

Answer. I never heard anything to the reverse.

Question 13. Were you or were you not a member of the company?

Answer. I was not.

his
MARTIN × LOGGINS.
mark.

Witness his mark, T. G. RINGGOLD.

Sworn to, and subscribed, 2d August, 1834.

THOMAS G. RINGGOLD, *Justice of the Peace, Tallahatchie county, Miss.*

No. 42.—*Captain Titus Howard.*

Question 1. Were you present at Chocchuma during the land sales in October and November last?

Answer. I was at said sales pretty constantly during the first two weeks, and occasionally during the last two weeks.

Question 2. Did you know of the formation of a company of gentlemen to purchase lands at said sales, and what was the object of said company in regard to the settlers?

Answer. There was such a company formed, and its basis toward the settlers was, that each actual settler was to have a quarter-section or an eighth, to include their improvement, at cost; that said company was formed for the double purpose of protecting the settlers in their rights and to purchase for themselves.

Question 3. Was or was it not the general opinion among the settlers that this company had done more for them than the United States in procuring their homes; and was or was not this opinion so general that, at the close of the sales, did not the settlers give the company a public dinner, and, through the honorable Mr. Plummer, return their thanks to the company for the interest they had taken in securing them their lands?

Answer. The general opinion was, that the company had benefited the settlers, and in return for which the settlers did give the company a public dinner, and the honorable Mr. Plummer returned their thanks to the company.

Question 4. Who were the most active persons on the part of the company in behalf of the settlers?

Answer. R. J. Walker, Thomas G. Ellis, R. Jamison, and Malcolm Gilchrist, appeared to take more interest for the settlers than most of the others.

Question 5. Did you know or believe that Samuel Gwin, register, was either directly or indirectly interested in said company, or received any of its profits, either in money or anything else?

Answer. I do not know of his being interested, or of his receiving any of its profits, of my own knowledge.

Question 6. Did you or did you not see anything in Samuel Gwin which tended to favor said company any more than other individuals?

Answer. I did not.

Question 7. Was it the general impression among those who attended at these sales that Samuel Gwin was a member of said company?

Answer. Not to my knowledge.

Question 8. Do you or do you not believe that the United States were injured by the forming of this company, and do you or do you not believe that more of the public lands were sold in consequence of the forming of said company than otherwise would have been?

Answer. I do not believe that the government was injured by the company; and I do believe that much more of the lands were sold in consequence of it than otherwise would have been.

Question 9. By whom were you recently examined on the subject of the above sales; and were you under oath, and who administered that oath to you?

Answer. I was examined by James R. Marsh, who administered the oath to me.

TITUS HOWARD.

Sworn to and subscribed before me,

THOMAS G. RINGGOLD, *J. P*

No. 43.—*William Pruits.*

Question 1. Were you present at Chocchuma during the land sales in October and November last?

Answer. I was occasionally there during the whole sales.

Question 2. Did you or did you not know of the formation of a company of individuals to purchase lands at said sales, and do you know or believe that Samuel Gwin, register of said office, was a member of said company, or in any way connected with it in a pecuniary point of view?

Answer. I do not doubt of there being a company formed, yet I was not a member of it. As to Samuel Gwin being a member of said company, I do not know that he was a member, and I have no reason to believe that he was one, or that he ever received any of the profits arising from it.

Question 3. From your knowledge of the management of the office during the above sales, do you or do you not believe that it was managed as far as it could be done to the interest of the United States?

Answer. I do.

WILLIAM PRUITS.

Sworn to and subscribed before me,

THOMAS G. RINGGOLD, *Justice of the Peace for Tallahatchie county.*

No. 44.

STATE OF MISSISSIPPI, *Tallahatchie county:*

Before me, Thomas G. Ringgold, a justice of the peace for the said county and State, personally appeared Chapman White, of said county, who, being sworn, saith that he was a settler in the new Choctaw district, and attended the late land sales at Chocchuma; that the lands on which he settled, in all three eighths of land, were bid off at the public sales at about six hundred dollars and upward; that deponent applied to Robert J. Walker, (upon the advice of Colonel Claiborne,) to procure the money for him, the deponent, and secure the lands for him, the deponent; when deponent, not having the money, offered said Walker fifty per cent. upon the amount to said Walker, if he would advance the amount to him, the deponent, for a year, which Mr. Walker refused, declaring that he would not loan money to usurious interest; when finally said Walker, rather than see deponent lose his land, advanced the whole amount to deponent, payable in one year, with legal interest only, and secured the lands for deponent, without any charge or compensation whatever, either in money or in any other manner.

C. WHITE.

Sworn to and subscribed before me, this 24th October, 1834.

THOMAS G. RINGGOLD, *Justice of the Peace.*

No. 45.

CLINTON, MISS., *February* 21, 1835.

This is to certify that I was at Chocchuma during the land sales at that place in November, 1833, and that I was clerk to the Chocchuma Land Company; and that, during the operations of that company, attempts were made by some of its members to introduce fictitious names as members, which was the cause of considerable contention, and overruled. And I can positively state that an attempt of that sort was not made by R. J. Walker, nor was he suspected thereof, so far as my knowledge and recollection serve; but that he did introduce a few names of gentlemen well known to us in Mississippi, generally men of business, who it was known by many had sent their friends to Chocchuma for the purpose, and were some of them expected in person; that the question of admitting them as members, they not being personally present, was discussed and decided in their favor; and that I am fully persuaded and believe that Mr. Walker did not therein attempt or in any manner practise fraud on the company. I also remember having a conversation with a Mr. Coapwood, of Alabama, on this subject, and remember several names he objected to; and they were not the names introduced by Mr. R. J. Walker, but were names introduced from Alabama by citizens of that State, in which Mr. Walker had no concern, nor do I believe any acquaintance with. I know that a certain sum of money that could not be got at the first dividend, but was expected, was set apart to pay Mr. Walker and others in part for their services to the company, which sum was afterward received by one of the treasurers, and that Mr. Walker declined receiving his share.

JAMES McLARAN.

No. 46.

STATE OF MISSISSIPPI, *City of Natchez, ss.:*

Before me, W. W. Calmes, a justice of the peace in and for said city, personally appeared Angus McNeill, of the late firm of Wilkinson, McNeill & Co., who, being sworn, deposeth and saith, that Robert J. Walker was authorized to represent four persons at the Chocchuma land sales in the fall of 1833; that Mr. Walker received the money through this deponent for all said persons to invest at said sales, in the same manner that he, said Walker, was to invest his own money, but that said investment was to be for the sole benefit of said four persons, and that said Walker had full control of said money, and was fully authorized to invest said money for said persons with any company, or otherwise, at said sales, and this deponent knows that said Walker did so invest said money, about $8,000, for all said persons, and did fully account, in the presence of this deponent, with all said persons for said investment, and pay or satisfy them, and that said Walker made no charge for his services in investing said money for said four persons.

ANGUS McNEILL.

Sworn to and subscribed before me, this 14th August, 1835.

W. W. CALMES, *Justice of the Peace.*

24TH CONGRESS.] No. 1537. [1ST SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 2, 1836.

Mr. GALBRAITH, from the Committee on Private Land Claims, to whom was referred the petition of George Rowe, reported:

That it appears that the petitioner had acquired, during the Spanish government in Louisiana, an incomplete title to a tract of four hundred arpens of land, situated on the bayou Bœuf, in township 1, south of the 31st degree of north latitude, of range No. 2, east of the basis meridian. After the country was ceded to the United States, he filed with the register and receiver of the land office at Opelousas, acting as a board of commissioners, a notice of his claim, who recommended the same to Congress for confirmation, and was finally confirmed by that body, on the 4th of February, 1825.

The petitioner further states, and the evidence satisfactorily proves his statement, that, previous to the final action of Congress upon his claim, Reuben Parks and Thomas Nutterville purchased of the United States, at the land office at Opelousas, two several tracts of land, embracing all that part of the tract confirmed to the petitioner which fronted on the bayou Bœuf, by which the residue of the tract was materially injured and rendered almost useless, cutting him off from the stream and the roads along it, and taking off the most valuable part of the land. The petitioner asks permission to surrender the tract, heretofore confirmed to him, and to locate the like quantity in any other part of the southwestern district of Louisiana, not otherwise appropriated. Your committee consider the request a fair one, and have accordingly reported a bill for his relief.

24TH CONGRESS.] No. 1538. [1ST SESSION.

OPINIONS AND ARGUMENTS RESPECTING LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 3, 1836.

TREASURY DEPARTMENT, *June* 2, 1836.

SIR: In compliance with a resolution of the House of Representatives, dated the 27th ultimo, I have the honor to enclose a communication from the Commissioner of the General Land Office, accompanied by such opinions and arguments respecting the claims to lands in Missouri, embraced in the reports of the late board of commissioners at St. Louis, as are in possession of the department.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. SPEAKER *of the House of Representatives.*

GENERAL LAND OFFICE, *June* 2, 1836.

SIR: In consequence of your reference to this office of the resolution of the House of Representatives, requiring that that House should be furnished "with copies of any opinions or arguments which may now be on file in the Treasury Department respecting the claims to lands in Missouri, embraced in the reports of the late board of commissioners at St. Louis, and which are now before Congress for their decision thereon," I have the honor to submit herewith a copy of the report of Richard K. Call, esq., assistant counsel of the United States, upon those claims, and copies of the arguments of Judge James H. Peck, dated 13th of December, 1835, and 10th of February, 1836, upon the same subject. I also submit an original letter from Hon. David Barton, dated 18th April last, covering, agreeably to the request of Judge Peck, a continuation of his argument in relation to those claims, with the papers accompanying the same, as mentioned in the enclosed abstract thereof. As the copying of these papers would necessarily prevent a compliance with the resolution for several days, I have decided upon sending the originals, and beg leave to request that they may be returned to this office so soon as the House of Representatives may have acted upon this subject.

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

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

List of papers received with the letter of the 18th of April, 1836, from the Hon. David Barton.

Continuation of the argument of Judge Peck.

Sworn abstract from the "Registre de Arpentage St. Andre A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, &c., &c., marked C.

Translation of the petition, &c., respecting Mackey's claim to 30,000 arpens, marked B.

Copy of letter of 24th of July, 1806, from Antoine Soulard, certified by recorder of land titles, marked BB, No. 127.

Translation of said letter of 24th July, 1806, from Soulard, marked BB.

Copy of letter of 2d of May, 1806, from Antoine Soulard, certified by the recorder of land titles, marked CC, No. 1.

Translation of the said letter of 2d of May, 1806, marked CC.

Translation of the petition, &c., respecting the claim of Delassus to 30,000 arpens, marked Z.

Copy of the petition of Baptiste Janis to the judge of the district court for Missouri, filed on the 11th April, 1825.

Report of the assistant counsel for the United States, on the Land Claims of Missouri, made by the direction of the Commissioner of the General Land Office.

The laws and ordinances of the Spanish government, authorizing grants of the public domain to individuals, were few in number, plain and simple in their character, and where they have been faithfully administered, little doubt or difficulty can arise in deciding on the validity of titles confirmed under them. In taking possession of their American colonies, acquired by discovery and conquest, the successive kings of Spain paid little regard to the rights of the native lords of the soil, many of whom were either destroyed in battle, or became the slaves of the conquerors. By royal ordinances, which constitute a part of the code of the Indies, they proclaimed the dominion of the crown over the lands of the distant provinces, and asserted the right of the King to dispose of them according to his will. In the exercise of this power during the whole period of the colonial history, from the discovery of America until the surrender of Louisiana to the United States, the fixed and settled policy of the government was to invite population, and give encouragement to settlement and cultivation. This policy is fully illustrated by all the laws and ordinances regulating the granting power, and habitation and cultivation were indispensable prerequisites to every estate in land. They were made conditions precedent, and, until performed, no permanent interest could be acquired or enjoyed in the soil. The King, in the exercise of sovereign and uncontrolled power over the royal domain, was capable of making grants of land in any quantity, and for any purpose; but it does not appear that this power was ever delegated to his subordinate officers; on the contrary, all the laws of the Indies, and the royal orders which have come to our knowledge, after diligent inquiry for thirty years, prove that those officers were invested with power to grant lands only in proportion to the ability of the grantee to cultivate and improve them, and in no instance except on the condition of habitation and cultivation.

To comprehend the extent of the granting power delegated to the representatives of the crown in Louisiana, it is necessary to examine the whole system as formed by the laws of the Indies, the royal orders, and local regulations of the province. These, when taken and construed together, will be found to harmonize with each other in all the leading principles, and establish beyond controversy, the limited and restricted rules prescribed for the distribution of the royal domain.

It cannot be doubted by any one who will carefully examine this system, that habitation and cultivation formed the basis of title to lands, and that the grants were required to be made in proportion to the qualification and capacity of the settler. This is generally admitted to be one branch of the system, comprehending one class of grants; but it is contended that there is one other class free from all conditions, and that the governors of the province, and commandants of the post, were authorized, as a reward for services deemed by them meritorious, to grant lands in absolute property, in quantities limited only by the discretion of those officers.

The authority approaching nearest to a grant of this extraordinary power, and on which most reliance is had by those who maintain that doctrine, is found at page 30, White's Compilation, and is expressed in the following terms: "It is our will, and we command that the viceroys of Peru and New Spain be governors of the provinces under their authority, and that they rule and govern the same in our name; that they grant such rewards, and favors, and compensation, as to them may seem fit; and that they fill the offices of government and justice established by custom, and not prohibited by our laws and orders. And all our subordinate audiences, judges, and justices, and all our subjects and vassals, should consider and obey them as governors, and shall allow them freely to enjoy and exercise such offices, giving and granting them all the aid and assistance which they may ask and want."

This law, to my understanding, was intended to be local in its operation; it was intended to confer special and extraordinary powers on the viceroys of Peru and New Spain; and it seems to me to require some ingenuity to make it applicable to the governors of Louisiana, and the commandants of the military posts of that province. The argument in favor of that construction seems to be this: that the law, by constituting these viceroys governors of their respective provinces, and conferring on them power to reward at their discretion, granted the same power to all other governors of provinces. This certainly is a latitude of interpretation not warranted by the language and the object of the law. By constituting the viceroys governors of their respective provinces, it cannot be understood to have been the intention of the King to make all the governors of provinces viceroys. A reference to the organization of the colonial governments will show, that the viceroyalties of Peru and New Spain embraced various provinces under the command and jurisdiction of governors who were subordinate to those viceroys. Now, if this law created those governors viceroys, it made them equals, and destroyed the subordination which, under the colonial system, they owed to their superiors. Such, certainly, never was the design of the King. This law, so far from sustaining the power of the governors to make grants of land as a reward for services, gives conclusive evidence of their want of that power. Had they possessed it, by former grant, or as incidental to the office they held, why was it necessary to confer this power on the viceroys by special grant, after constituting them governors? If the governors had possessed this power, it was only necessary to create the viceroys governors, to bestow on them the same power. To me it is very clear, that this law neither confers on, or recognizes as previously existing in, the governors, any authority to make grants of land as rewards for services; and but for the vast importance given to it by others, I should not have conceived it worthy of comment or argument.

That the viceroys and presidents of the distant provinces were alone authorized to grant rewards for services, and that this power was never delegated to the governors, or other subordinate officers, is fully shown by the repeated reference of the laws to the power conferred on those officers. At page 30, White's Compilation, we find the following provision: "We desire to grant rewards and remunerations, and to distribute the offices and profits of the Indies between persons who have deserved well, and who have most faithfully served us, as is provided in law 2, of this book; and whereas some persons come from those kingdoms to these, to ask for rewards, alleging injuries, and complaining of the viceroys and presidents for not giving them employment, patronage, and other advantages; and whereas it is proper that we should possess a full knowledge of the truth, we command the viceroys and presidents, on all occasions, to transmit to us particular and specific information of all deserving persons who expect rewards for services," &c.

At page 35, of the same work, is found another law, further illustrating the principle for which I contend: "It is our will and pleasure that all who may have served in the discovery, pacification, and settlement of the Indies, be rewarded. And in order that they may the better obtain the reward, without injury to the most meritorious, we command the viceroys and presidents to observe this order, when they shall have occasion to grant such rewards, in those cases, and for those things, to which they are authorized by our powers and instructions. Those who are entitled to rewards shall make a declaration of their merits and services before the audience of the district, having previously summoned our attorney, who, after consideration, shall grant rewards in our name to those who shall have the best title thereto, conforming, in graduating the amount, to law 14, title 2, lib. 3; and they shall order a secret register to be kept, in the custody of the clerk of the government, where shall be recorded, for reference, the names of all the persons applying, with a summary account of their merits and services, together with what they shall do to reward them, and their motives for the same; all which shall be signed by them, and certified by the secretary of government. And there shall be, at the beginning of the said record, a transcript of this our law, in order that the rewards and remunerations be made in conformity thereto, and in no other manner. Each year they shall transmit to our council a statement of all that they shall have done in the year, and entered in said record; which statement shall be signed and authenticated by said secretary, in order that we may know in what manner the provisions of this our law shall have been carried into effect."

These are the principal laws of the Indies, which authorize rewards for services; and they prove most incontrovertibly that this power was conferred alone on the viceroys and presidents, and that even to these high officers, representing the person, and, in some degree, the power of majesty itself, such was the jealous caution of the King that he conferred on them no discretion in the exercise of this trust, but required, imperatively, that, "rewards and remunerations be made in conformity thereto, ('our laws,') and in no other manner." Nor does it appear from these, or any other laws of the Indies, that the viceroys, presidents, or any other persons, save the King himself, was authorized to grant lands as a reward for services, except on the condition of habitation and cultivation, as I trust I shall be enabled fully to show in my subsequent remarks. If doubts could have existed with regard to the true intent and meaning of the law, found at page 30, of White's Compilation, those doubts must be removed by the subsequent laws to which I have referred, showing so manifestly as they do, that the power to grant rewards for services was confined alone to the viceroys and presidents, and not to the governors of provinces.

The next law, by which it is attempted to sustain this power in the governors, is found at page 29, of

White's Compilation, and is in the following terms: "It is our pleasure that services be remunerated where they shall have been performed, and in no other place or province in the Indies."

In this law I conceive there is nothing to aid the principle contended for, and in the whole system, taken collectively, there will be found nothing to justify the conclusion that the governors of Louisiana and Florida, under the laws and ordinances of Spain, were authorized to grant lands as rewards for services, without conditions and without limit.

I am aware that I may be told that this question has already been decided by the Supreme Court of the United States, and that it is no longer open for discussion in our tribunals; but I hope I shall not be deemed wanting in respect for the highest judicial tribunal of our country, and particularly for the memory of the illustrious judge by whom the opinion was delivered, when I attempt to show, that, in the case of Clark, where this decision was made, the subject was not well understood by the court, and that the law has not been properly applied. I feel the less unwilling to enter into this discussion, because I appeared in that case as the only counsel for the United States, and it may have been owing to my own inability to array the authorities in a comprehensive manner before the court, more than to the authorities themselves, that the question was thus decided.

In the case of Clark, a grant was made by the governor of East Florida, in 1816, of 16,000 acres of land, as a reward for the services of the petitioner for a valuable invention, of which he professed to have been the inventor. In 8th Peters, 451, after discussing other questions, the court proceeded "to inquire into the power of the governor of East Florida." "It will not be material," say the court, "to ascertain the rules by which lands were granted to the first settlers of America, or the officers from whom titles emanated. So early as the year 1735, an ordinance was passed by which the King reserved to himself the right of completing the titles given by his provincial officers. The inconvenience resulting from this regulation was so seriously felt, that the ordinance was repealed in 1754, and the whole power of confirming, as well as originating titles, was transferred to officers in the colonies." Now the court has here given, in plain and comprehensive terms, the true meaning and intention of the royal order of 1754. It was, as its preamble professes, and as the court has said, intended to repeal the ordinance of 1735, and to authorize the officers of the colonies to originate and confirm titles to land. But it made no alteration whatever in the laws of the Indies, regulating the quantity, conditions, and purposes, for which the lands were directed to be granted. And without going beyond this royal order, without examining the laws which formed the basis of the granting power, it is quite impossible for the court to comprehend the limited authority conferred on the governor of East Florida, and all other Spanish provinces.

In the case of Clark, (9 Peters, 452,) the court has inserted in its opinion a part of the 12th article of the royal order of 1754, found at page 975 of the Land Laws, which is in the following words: "In the distant provinces of the Audiencias, or where the sea intervenes, as Caraccas, Havana, Carthagena, Buenos Ayres, Panama, Yucatan, Cumana, Margarita, Puerto Rico, and in others of like situation, confirmations shall be issued by their governors, with the advice of the oficiales reales (king's fiscal ministers), and of the lieutenant-general Letrado, where he may be stationed." At page 453, same case, the court gives the construction of this royal order, in which they observe, "the viceroys in New Spain and Peru, who were also governors, possessed almost unlimited power on this and other subjects; but in distant provinces, or where sea intervenes, the right of giving titles to lands was vested in their governors, with the advice of the King's fiscal ministers, and the lieutenant-general, where he may be stationed. No public restraint appears to have been imposed on the exercise of this power." "The royal order of the 15th of October, 1754, confers this power in general terms, without any limitation, or the consideration which may move to the grant. It would excite surprise if, in a monarchy like that of Spain, no rewards in lands could be granted for extra services, and no favors could be bestowed." Thus the court seem to have found, in the royal order of 1754, unlimited power to grant land for services and rewards. Now it will be found, on examination, that the only power conferred on the governors of provinces, by this royal order, is that contained in the 12th article quoted by the court, and that no original jurisdiction whatever is conferred on them over the royal domain. The governors of distant provinces, by this article, were authorized to confirm concessions made by the sub-delegates, but those concessions were still to be made in the manner, for the purposes, on the conditions, and for the quantity of lands authorized by the laws of the Indies then existing, and which remained unrepealed by this order. In the language of the 12th article of the ordinance of 1754, "confirmations shall be issued by the governors with the advice of the king's fiscal minister." To comprehend fully the nature of the power thus conferred, it is necessary to understand that, by the laws of the Indies, (as I shall show hereafter,) concessions were made by the sub-delegates, or agents of the crown, on condition of habitation and cultivation for four years, and that after the performance of those conditions, to be established by competent evidence, the settler became entitled to a confirmation of his grant. By the royal order of the 24th of November, 1735, this confirmation could only have been granted by the king in person, and it was to relieve his subjects from the inconvenience and expense attendant on an application to him, that the King, by the royal order of 1754, authorized the presidents of audiencias, and the governors of distant provinces, to issue these confirmations. That this was the intention of the King in issuing this order, is fully shown by its preamble, and every article it contains. That it did not repeal the pre-existing laws of the Indies, that it did not authorize the governors of provinces to originate grants of land, as a reward for services, or for any other purpose, but merely to confirm those made by the sub-delegates, after proof of the performance of the conditions prescribed by the laws of the Indies, is equally apparent. This order will be found at page 973, of the Land Laws; that it may be well understood, and that it may show how far its true meaning may have been misunderstood, it is here inserted at full length:

Royal Regulation of October 15, 1754.

"Experience having proved the inconveniences that arise to my subjects of the kingdom of the Indies, from the decree issued by royal order of the 24th of November, 1735, that those who would enter upon the royal possessions of those dominions, should necessarily apply to my royal person, to obtain their confirmation within the time assigned, under penalty of losing them, in case of their failure to do so; and many persons having failed to avail themselves of this benefit, from their inability to sustain the expense of an application to this court to obtain the confirmation of what they compromised for or purchased, it being of small amount, or some few caballerias, (lots,) and those who may apply, from their purchases being of greater value, are at great expense, on account of the testimony they must present, the transmission of money, the appointment of agents, and other necessary expenses, that usually exceed the principal sum paid for the composition or purchase of these royal lands before the sub-delegates; and, as a consequence of this, much land is left uncultivated, which might support the provinces in which they are, by being cultivated and grazing cattle; and it is another result that persons occupy lands illegally, through defect of title, without properly cultivating them, for fear of being denounced and prosecuted for it, and my royal treasury also suffering, both in the amount of sales of these lands, and in

the consequent neglect of agriculture and tending of cattle; I have, therefore, resolved, that, in the grants, sales, and compromises of royal cultivated and uncultivated lands now made, or which shall hereafter be made, the provisions of the regulation shall be faithfully observed and executed.

"I. That from the date of this, my royal order, the power of appointing sub-delegate judges to sell and compromise for the lands and uncultivated parts of the said dominions, shall belong, thereafter, exclusively to the viceroys and presidents of my royal audiences of those kingdoms, who shall send them their appointment or commission, with an authentic copy of this regulation. The said viceroys and presidents shall be obliged to give immediate notice to the secretary of state and universal despatch of the Indies, of the ministers whom they shall make sub-delegates in their respective districts, and places where they have been usually appointed, or where it may seem necessary to appoint new ones for his approbation. Those at present exercising this commission shall continue. These, and those whom the said viceroys and presidents shall hereafter appoint, may sub-delegate their commissions to others, for the distant part and provinces of their stations, as was previously done. By virtue of this law, my council of the Indies, and its ministers, are excluded from the superintendence and management of this branch of the royal hacienda.

"II. The judges and officers, to whom jurisdiction for the sale and composition for the royal lands (realengos) may be sub-delegated, shall proceed with mildness, gentleness, and moderation, with verbal and not judicial proceedings, in the case of those lands which the Indians shall have possessed, and of others, when required especially for their labor, tillage, and tending of cattle.

"But, in regard to the lands of the community, and those granted to the towns for pasturage and commons, no change shall be made; the towns shall be still maintained in the possession of them; and those that may have seized, shall be restored to them, and their extent enlarged according to the wants of the population; nor shall severe strictness be used toward those already in possession of Spaniards, or persons of other nations, and in regard to all the requirements of laws 14, 15, 17, 18, 19, title 12, lib. 4, of the Recopilacion de Indies, shall be observed.

"III. The present regulations and the appointment which shall be issued in the form prescribed in the first section, being received by the principal sub-delegate, they shall furnish on their part general orders to the justices of the capitals and chief places of their respective districts, commanding them to be published therein in the manner usual with other general orders issued by viceroys, presidents, and audiencias, relating to my service, so that every and all persons who shall have possessed royal lands, whether settled, cultivated, tilled, or not, from the year 1700, till the day of the publication of said order, may prove, before the sub-delegate, by themselves, their correspondents, or attorneys, the titles and patents in virtue of which they hold their land. For this exhibition an adequate time shall be fixed, proportioned to the distances; and notice shall be given, that they shall be deprived of, and ejected from, such lands, and grants of them made to other persons, if they fail to exhibit their warrants, within the limited time, without just and proper cause.

"IV. If it shall appear from the warrants or writings so presented, or from other legal authority, that these persons are in possession of such royal lands, by virtue of a sale or composition, made by the sub-delegates so empowered, before the said year 1700, although these acts may not have been confirmed by my royal person, nor by the viceroys and presidents, they shall still be suffered to retain free and quiet possession of them, without being caused the least molestation, or deprived of any rights by these orders conformably with the 15th law, title 12, lib. 4, of the Recopilacion de Indies, already cited.

"On these warrants, it shall be noted, that the persons have complied with the obligation of exhibiting them, so that they may not, in future, be disturbed in, or sued for their royal lands, they nor their successors. If persons have not warrants, their proof of long possession shall be held as a title by prescription. If they shall not have tilled or cultivated these lands, the term of three months, prescribed by the 11th law of the said title and book, shall be allowed them, or whatever time may be thought sufficient for this purpose; and notice shall be given them, that, if they fail to cultivate the lands, they shall be granted to those who shall lodge information thereof, under the same condition of cultivating them.

"V. The possessors of lands sold or compromised for, by the respective sub-delegates, from the said year 1700, to the present time, shall not be molested, disturbed, nor informed against, now, nor at any time, if it shall appear that they have been confirmed by my royal person, or by the viceroys and presidents of the respective districts, while in office; but those who shall have held their lands without this necessary requisite, shall apply for their confirmation to the audiencias of their district, and the other officers on whom this power is confirmed by the present regulation. These authorities having examined the proceedings of the sub-delegates in ascertaining the quantity and the value of the lands in question, and the patent that may have been issued for them, shall determine whether sale or composition was made without fraud or collusion, and at reasonable prices. This shall be done with the judgment and advice of the fiscals; after considering every circumstance, and the price of the sale or composition, and the respective dues of Medianata,* appearing to have been paid in the royal treasury, and the King's money being again paid in the amount that may seem proper, the confirmation of the patents of the possessors of these lands shall be given in my royal name, by which their property and claim in the said lands shall be rendered legal, as well as in the waters and uncultivated parts, and they and their successors, general and particular, shall not be molested therein.

"VI. If, by the proceedings that should have been used for the sales and compositions, unconfirmed since the year 1700, it shall appear, that these royal lands have not been surveyed nor valued, as is understood to be the case in some provinces, the confirmation shall be withheld until this be executed, and the King's money shall be regulated by the increased value of the lands, as determined by the survey and valuation, which money must precede the confirmation.

"VII. There shall also be contained, in the general orders to be issued, as before said, by the sub-delegates, to the justices of the chief towns and places of their district, a clause that those who shall have exceeded the limits of the purchase or composition, adding thereto, and entering upon more land than was granted, whether the principal part be confirmed or not, shall necessarily apply to them for the composition of these lands, so that, after a survey and valuation of them, the patents and confirmation of them may be issued.

"Notice shall also be given, that the lands so occupied shall be adjudged, in a moderate quantity, to those who shall inform of them, and that the royal lands occupied without title shall be adjudged to be the property of the King if, within the time appointed, the intruding possessors shall not discover them, and treat for their composition and confirmation. This shall be observed and fulfilled, without exception of persons or communities, of what state or description they may be.

"VIII. A proper reward shall be given to those who shall inform of lands, grounds, places, waters, and of

* First fruits of the half year.

uncultivated and desert lands, and shall be allowed a moderate portion of those of which they shall have informed, as being occupied without title. This shall also be included in the public notice which the sub-delegates to be appointed, shall cause to be published in their respective districts.

"IX. The audiencias shall issue the confirmations by provinces, and in my royal name, after an examination by the fiscal, as before said, without greater judicial expense to the parties than what is required by the regulated prices for such act. For this purpose, they shall collect from the sub-delegates of their district the proceedings that have taken place in the sale or composition of that for which confirmation shall be required. With these, and in proportion to the estimated value of the lands, and considering at the same time the benefit which it was my pleasure to grant to those of my subjects, by relieving them from expense of applying to my royal person, they shall determine the sum to be paid me for this new favor.

"X. To avoid costs and delay in this business, which would happen, if, after the patents have been issued by the sub-delegates, the audiencias should determine upon new surveys, or valuations, or other measures, the sub-delegates shall report to the respective audiencias the original proceedings upon each matter. These they shall consider as finished and prepared for the issuing of the patents, and after being examined by the audiencias, and the opinion of their fiscals being received, they shall be returned, and, if no objection is made, the warrants be issued, or the measures used, that shall be dictated as previously necessary, and in this way shall be facilitated the prompt issue of the royal confirmations, without a duplication of new patents.

"XI. These audiencias shall be a court of appeal for trying the decisions and sentences of the sub-delegates pronounced by them in any suit about the sale or composition of royal lands, the information lodged concerning them, and their survey and valuation. By this provision the expensive recourse to the counsel will be avoided, and the necessity will no longer exist of abandoning claims, which some persons have been obliged to do from their inability to sustain the consequent expense of the recourse.

"XII. In the distant provinces of the audiencias, or where sea intervenes, as Caraccas, Havana, Carthagena, Buenos Ayres, Panama, Yucatan, Cumana, Margarita, Puerto Rico, and in others of like situation, confirmation shall be issued by their governors, with the advice of the oficiales reales, (king's fiscal ministers,) and of the lieutenant general Letrado, where he may be stationed. The same officers shall also determine the appeals from the sub-delegates who shall have been, or shall be appointed in each one of the said provinces and islands, without recourse being had to the audiencia or chancery of the district, unless the two decisions be at variance, and, then, this is to be officially, and by way of consultation, to avoid the expenses of appeal. Wherever there shall be two oficiales reales, the younger in office shall be the advocate of the royal treasury in these causes, and the elder, the associate judge of the governor, using the aid of counsel, where there is no auditor or lieutenant governor, and, if the question is a point of law, by applying to any lawyer within or out of the district. And where there shall be but one oficial real, any intelligent person of the place may be appointed as the advocate of the royal treasury. It shall also be the duty of the governors, with their associate judges, to examine concerning the compositions of the sub-delegates, as provided in respect to the audiencias.

"XIII. The moneys arising from the sales and compositions of each audience and district, and from the King's money paid for confirmations, shall be deposited in the proper office, and an account kept of them in a separate book; and the audiences and presidents thereof, the governors and oficiales reales of the districts, shall furnish me an account, through my secretary of despatch of the Indies, of what this branch of the royal revenue may have produced in each year, so that, upon their information, I may be able to make the proper disposition of this revenue.

"XIV. The sub-delegates who may be appointed for the administration of this business, shall not exact any fees from the parties for what services they may have rendered; I therefore assign to each one, by way of gratuity, two per centum on the amount of their sales and compositions, as was allowed by the council, in their regulation of the year 1696; and the clerks, alone, before whom the proceedings, shall receive the regular fees, which shall be certified at the end of the records. In case of a violation of this rule, the respective audiencias and the governors shall proceed against them.

"I will that all the provisions of this regulation be strictly and punctually observed by my viceroys, audiencias, presidents, and governors of all my dominions of the Indies, and by the sub-delegates and other persons whom its observance does or may concern, and that it be not violated for any cause or pretext, as it is proper for my service, and the good of those subjects. And I command, that notice be taken of this regulation, by the general accompting office of the council of the Indies, by the audiencias and chanceries, governments and cities, by the tribunals and accompting offices of the royal treasury, by their recording it, and by all other offices whom it may concern, so that it may be understood and faithfully observed by all.

"I, THE KING.

"Given at San Lorenzo el Real, October 15, 1754.

"DON JULIAN DE ARRIAGA.

"NOTE.—This royal ordinance is recognized by the King of Spain, June 5, 1814, as applicable to Florida See *post.*"

By the regulations of Morales, No. 3, of chap. 5, in appendix, it will be seen that the above royal ordinance was extended to the provinces of Louisiana and West Florida, on the 24th of August, 1770, to be exercised by the civil and military government; and by the decree of 22d October, 1798, was conferred on the intendant.

As a further evidence of the authority of the government to grant land as rewards for services, the court in 8th Peters, 454, refers to the law found in White's Compilation, page 41, of which it observes, after directing extensive dispositions of territory, "all the remaining land may be reserved to us, clear of any incumbrance, for the purpose of being given as rewards, or disposed of according to our pleasure." Now, no one doubts the power of an absolute monarch to dispose of the public domain as rewards, or for any other purpose he might think proper, but does it follow, as a consequence of his power, that his governors of provinces possessed the same authority. If it does not, I cannot see the application of the law to the present case.

As a further evidence of the discretionary powers of the governors over the royal domain, at page 454, 8th Peters, the court speaks of two letters published in the Land Laws, in the following terms: "two letters of the 3d of April, 1800, from an officer authorized to grant lands, are published in Clark's Land Laws, 989, which would seem to countenance the opinion that they did not consider their power as limited to small quantities, but that they might exercise discretion in this respect." They are written by the attorney-general under Morales. The first addressed to Don Henry Peyroux, is in these words: "I have to reply to your communication No. 9, that I cannot at this time consent to the sale of lands in the manner and under the circumstances requested; and

I have to make the same reply to that of the 6th February last, No. 8, in which you ask for one hundred thousand arpens."

"The language of this letter is rather that of a man who has exercised his discretion on the subject to which his power extends, than of one who might at once repel the application by referring to the orders of his sovereign. The second letter is of the same character." Now, let the second letter speak for itself, and let us see if it does not at once repel the application by referring to the orders "of his sovereign." "*It was never the intention of the king to dispose of the lands in such large quantities,* and under such circumstances, as are stated in your letter of the 9th of February last, No. 9, and the petition of the inhabitants accompanying it." It is true that, in the new regulations, there is provision made for the sale of land, in the manner referred to; but it is only under the previous formalities there specified, and with a reference to the ability and force of the persons desirous of purchasing, because it would not be just, that, for a small consideration, one or more speculators should make themselves masters of a great extent of lands to the prejudice of others coming to settle, and who would consequently find themselves driven to purchase these lands which they might otherwise have obtained free from expense.

"For these reasons I cannot, at present, accord to the before mentioned proposal," &c.

Although the first of these letters may be considered as expressing the authority of the author, the second appears to me to contain the language of one who feels that his power is limited, and to show an unwillingness to transcend that power. He speaks of the intentions of the king as being opposed to large grants, and refers to the regulations of Morales (the new regulations) as prescribing the limit of his power.

I have thus referred to the principal authorities by which it has been attempted to support the unlimited power and discretion of the governors of the Spanish provinces in making grants of land, and I have endeavored to draw from the authorities themselves, how little support they can give by any legitimate rule of construction to the exercise of that power. I will now, by a reference to the Laws of the Indies, which constituted the basis of all the powers conferred on the provincial officers, and which seems to have been left out of view by the court, when discussing this important question, attempt at least to show the imperative rule which they prescribed for the government of those officers. I shall attempt to show, that all grants of land, no matter for what purpose made, were on the condition precedent of habitation and cultivation; and that grants made as a reward for services, grants for pasturage, and grants for agricultural purposes, were all on the same conditions, and subject to the same rules.

The authority to which I shall first invite attention, is law 1, title 12, book 4, of the Laws of the Indies, found at page 967 of the Land Laws. It is found again in White's Compilation, page 38. In the case of Clark, 8th Peters, 457-8, the court recognizes this law as being in force in Florida, and after quoting the first paragraph, they dismiss it without attempting to give it a construction, and with only the following brief remark: "It is not easy to comprehend the influence which this law ought to have on the governors of the Spanish colonies. It was undoubtedly the same in them all." Now, the fact being admitted that this law was in force in Florida, that it was the same in all the colonies, until we can comprehend by fair rules of construction, "the precise influence which this law ought to have on the governors of the Spanish colonies," it is quite impossible to understand the nature and extent of the granting power conferred upon them. This law being the foundation of that power, and being more expressive than any other of the nature and character of the Spanish grants in Louisiana and Florida, that it may receive a proper construction, and have the influence to which it is entitled, it is here inserted at full length, page 38.

"74, lib. 4, tit. 2, law 1, (vol. 2, p. 39.)

"Of the sale, composition, and distribution, of lands, lots, and waters.

"Lands, lots, and Indians, to be granted to new settlers; and what are a peonia and a caballeria.

"In order to promote the zeal of our subjects in the discovery and settlement of the Indies, and that they may live in that ease and comfort which we desire them to enjoy, it is our will that there be distributed among them houses, lots, lands, caballerias and peonias, to all those who shall repair to settle on new lands in the villages and places which shall be designated to them by the governor of the new settlement, making a distinction between gentlemen or esquires (escuderos) and laborers (peones) and those of inferior grade and merit, and graduating such grants according to their qualifications and services, in order that they may attend to working the said land and to the breeding of stock; and when said settlers shall have lived and labored in said settlements during the space of four years, they are hereby empowered, from the expiration of said term, to sell the same, and freely to dispose of them, at their will, as their own property, and the governor, or whoever shall be thereto authorized by ourselves, shall, in the distribution which he shall make of the Indians, and according to the merits and rank of said settlers, grant them said Indians, so that they may enjoy the profits arising from their possession, according to the established rates and the enactments in that behalf.

"And, whereas, it may happen, that in the distribution of lands, doubts may arise respecting the measurement thereof, we declare that a peonia is a lot of fifty feet front, and one hundred feet deep, one hundred fanegas of arable land, fit for the cultivation of wheat and barley, ten for corn, two huebras (a measure equal to as much land as a yoke of oxen can plough in one day) of land for garden, and eight for planting other trees which grow in dry land, with pasture sufficient for ten breeding sows, twenty cows, five breeding mares, one hundred ewes, and twenty goats. A caballeria is a lot of one hundred feet front, and two hundred feet deep, and equal, in all other respects, to five peonias, that is, five hundred fanegas of arable land, fit for the raising of wheat or barley, fifty for corn, ten huebras of land for gardens, forty for other trees growing in dry soils, pasture for fifty breeding sows, one hundred cows, twenty mares, five hundred ewes, and one hundred goats. And we command that the distribution may be made in such a form that all shall participate in the good, as well as in the middling, or all other qualities of land in the tract which shall be allotted to them."

This law provides for grants of caballerias and peonias, to those who shall repair to settle on new lands, in the villages and places which shall be designated to them by the governor of the new settlement, making a distinction between gentlemen, or esquires, and laborers, and those of inferior grade and merit, and graduating such grants according to their qualifications and services, in order that they may attend to the working of said land, and the breeding of stock.

Now, this is the only law to be found in the whole code of the Indies, so far as I have been able to ascertain, which confers on the provincial governors the power of granting land for "services." It directs that the grant shall be "graduated" according to the "qualifications" and "services" of the grantee. The term "qualification" is explained both by the preceding and succeeding provisions of the law, as well as by other laws to which I shall presently refer. "Services" were made the inducement of the grant, but the quantity of land was to be "graduated" by the "qualifications" of the grantee to settle, cultivate, and improve the land. The distinction made in the law, "between gentlemen and laborers," was not with a view of enriching by a grant of the royal domain, the pride and pomp of affluence, to the neglect of the poor and indigent, but for the more

virtuous, wise, and just motive of granting to every class of society, without money and without price, the quantity of land, which each, from their resources, might be able to cultivate. And grants for services, like grants for all other purposes, were incomplete, and conferred no title to the land, until the grantee, in the language of the law, had "lived and labored in said settlements during the space of four years." History informs us that the acquisition of territory, and the extension of dominion in the New World, became objects of primary consideration with most of the powers of Europe; and to maintain their colonial possessions, all held forth inducements to emigrants, and invited the hardy enterprise of the settler, by giving him the land on which his settlement should be made. The rigid policy pursued by the King of Spain, for the accomplishment of this object, is further illustrated by the following law of the Indies, found at page 39, White's Compilation: "It shall not be lawful to give or distribute lands in a settlement to such persons as already possess some in another settlement, unless they shall leave their former residence, and remove themselves to the new place to be settled, except where they shall have resided in the first settlement during the four years necessary to entitle them to fee simple right, or unless they shall relinquish their title to the same for not having fulfilled their obligation, and we declare as null any distribution which may be made contrary to the provisions of this our law." The performance of the condition of habitation and cultivation during the period of four years, as a prerequisite to an estate in land, is here again expressed in the most unqualified terms, and in no part of the subsequent legislation of the Spanish government does it appear that these conditions were ever dispensed with; on the contrary, in all the local regulations of Louisiana and Florida, they were still regarded as necessary to the completion of the grant. Some alteration was made in the length of time during which the habitation and cultivation were required, but in none were they ever dispensed with. In East Florida ten years' habitation and cultivation were required before the grantee could obtain a title in fee simple. In Louisiana and West Florida three years were required, and during that period the greater could exercise no other right than that of occupation.

The condition of habitation and cultivation is further required in the following law of the Indies, found at page 39, White's Compilation:

"The persons who shall accept grants of caballerias or peonias shall enter into an obligation to build upon the lots, and to occupy the houses; to divide and clear the arable lands, and to work and plant them, and to stock with cattle those which are destined for pasture, within a limited time, divided into terms, and declaring what is to be done in each, under the penalty of forfeiting the grants," &c.

At page 40, White's Compilation, the same principle is again advanced:

"All the settlers and housekeepers to whom distribution of lands shall be made, shall, within three months which shall be stipulated, take possession of the same," &c.

The following law provides for grants of large tracts of land to individuals who may undertake to settle a number of families, but it shows the limited quantity that each individual was allowed to possess, and corresponds in this particular with all the legislation of Spain on the subject.

"In contracts for new settlements made by the government, or whoever shall be thereto authorized in the Indies, with cities, adelantado, superior alcade, or corregidor, the person entering into the agreement shall do so likewise with each individual who may enlist to join the settlement; and he will bind himself to grant building lots in the new settlement, together with pastures and lands for cultivation, in a number of peonias and caballerias proportionate to the quantity of land which each settler shall oblige himself to improve; provided it shall not exceed, nor shall he grant more to each, than five peonias, or three caballerias, according to the express distinction, difference, and measurement, prescribed in the laws of the title concerning the distribution of lands, lots, and waters."

The law here alluded to is that found at page 35, of White's Compilation, and is, as I have endeavored to show, the basis of the authority on which grants of land have been made in Louisiana and Florida. The "*caballeria*," which is mentioned in these several laws as the land measure of the provinces, contains thirty-three and one third acres. Three of these seem to have been the largest quantity of land allowed to those who enlisted under a contract to form new settlements. But the common grants to individuals were to be regulated entirely by the "*qualifications*" of the grantee to cultivate and improve the land.

I have thus presented a view of all the Laws of the Indies from which authority can be derived to make grants of land in Louisiana; and from those laws I think it may be said, with some degree of confidence, that no power was conferred by them on any of the provincial officers to grant the public domain, except on the conditions of habitation and cultivation; and that until those conditions were performed, no title in fee simple could be acquired. It was only in cases of this description, where the grantee had actually entered into possession of the land, where he had inhabited and cultivated it during the four years prescribed by the laws of the Indies, that "confirmations" of title could be granted by the "governors of the distant provinces, or where the sea intervened," under the 12th article of the royal order of 1754. To say that this ordinance, professing as it does in its preamble, and proving as it does in every article, that it was intended only to provide for the confirmation of concessions after the conditions were performed, repeals the laws of the Indies, under which the concessions were made, and invests the governors with full power to grant lands, without conditions, and without restrictions in quantity, is to give it a construction which neither its spirit nor its letter will permit. It is true the court has not decided that the Laws of the Indies were repealed by this ordinance; on the contrary, it recognizes them as being in force; but it has given to the royal order a construction inconsistent with the provisions of those laws, by which it should be controlled. A careful examination of the laws and ordinances of the Spanish government will lead inevitably to the following conclusions:

1st. That all grants, without discrimination, were required to be made on the precedent conditions of habitation and cultivation;

2d. That all grants were required to be made for a quantity of land proportioned to the "qualifications" or ability of the grantee to cultivate and improve the land; and

3d. That the grant of "*confirmation*" by which the title in fee simple was required, could in no case be given, until the grantee proved a compliance with the condition of habitation and cultivation during the period of four years.

These were the leading principles of the Laws of the Indies in force in Louisiana and Florida, and the local regulations of the province predicated on, and harmonizing with them, furnished the practical rules for their administration.

In strict accordance with these laws and local regulations, intended to authorize grants of land to the native subjects of the King, is the royal order of 1790, providing for grants of land to foreigners who took the oath of allegiance to the Spanish crown. This order is found at page 996 of the Land Laws, and is in the following terms: "No settlers shall be admitted in Louisiana or Florida, should they pretend to have their transportation to those provinces, and maintenance there for some time, paid by the royal treasury. That those foreigners

alone will be received who may, of their own free will, present themselves, and swear allegiance to his majesty, to whom there shall be granted and measured *lands gratis, in proportion to the working hands each family may have.*" Under this law must be decided all grants made in Louisiana to Americans and other foreigners. Although this royal order does not in express terms require habitation and cultivation, yet it directs lands to be granted to the settler in proportion to his "working hands;" and when he took the oath of allegiance to the crown he became a subject, and his rights must have been governed by the same rules which controlled the rights of the native-born subjects.

The regulations of O'Reilly, Gayoso, and Morales, were the local laws of the province. They furnished plain and comprehensive practicable rules for the commandants of posts, who were sub-delegates, and who possessed no other power of making grants but that conferred by the laws and ordinances of Spain, and these local regulations. Let us now apply these laws, royal orders, and regulations to the claims to land depending in Louisiana, and see how far they will sustain the authority of the several officers by whom they were made.

Have these grants been made to foreigners who took the oath of allegiance to the government, in "proportion to the number of working hands each family" possessed?

Have the grants to native born subjects been made in proportion to their ability to cultivate and improve them?

Have the conditions, prescribed by the laws of the Indies, requiring four years' actual habitation and cultivation, been performed?

The answer to these several inquiries, I conceive, must be in the negative; and if the validity of these claims depend on their being in conformity to the laws of the Indies, the royal orders of the King, and the local regulations, then it is evident they must be rejected.

If it should be said that the grants now depending were absolute and unconditional in their character, and that, therefore, no conditions were required to be performed, my answer is, that such grants were not authorized by the law, and that they are utterly void.

It is admitted that the claims now depending in the State of Missouri were not made agreeably to the regulations of O'Reilly, Gayoso, or Morales, and it is, therefore, unnecessary to search in those regulations for principles to sustain these grants. To avoid the effect of these regulations, which appear to have been essentially violated in the exercise of the granting power, it is contended that they were not in force in Upper Louisiana, except, perhaps, those of Gayoso, which relate to new settlers. Can this proposition be sustained in fact, or by process of reasoning? Can the regulations, issued by those officers whose jurisdiction extended over every portion of the province, and which were designed to be coextensive with their jurisdiction, be considered partial in their operation, and limited in their effect? Could one part of the regulations of Gayoso be in force in Upper Louisiana, without the other part, when it was the evident intention of the framer of those regulations that every part of them should operate in that portion of the province?

It appears to me that the proposition itself is somewhat singular, but the evidence by which it is attempted to be sustained is still more extraordinary. It is the testimony of Delassus, the lieutenant governor of Upper Louisiana, a sub-delegate of the intendancy, in which he acknowledges the receipt of six copies of the regulations of Morales, officially transmitted to him, and which were intended for his government in making grants of land; "that he gave no orders to his inferiors relative to the regulations of Morales, because he did not intend to obey them himself, and had remonstrated against them." That he did not recollect to have had them published, &c. Waiving all the many and weighty objections which might with propriety be urged against the statement of the witness, and receiving all he has said as true, what does it amount to more than proof of his disobedience of the law given for his government. But could the disobedience and insubordination of this officer act as a repeal of the law? Could these regulations have been annulled and abrogated by any power inferior to that by which they were created? If they were not repealed, did they not continue to be the law of the province, whether they were obeyed or not? If they did, then it would be a sufficient objection to the validity of every grant, it was made in violation of that law.

By the royal order of the 22d October, 1798, (White's Compilation, 218,) the exclusive power of granting and distributing all kinds of land in the provinces of Louisiana and Florida was conferred on Morales, the intendant, and upon that order were based his regulations. In the preamble to these regulations, he says that all persons who wish to obtain lands may know in what manner they ought to ask for them, and on what conditions they can be granted or sold, &c.; that the commandants, as sub-delegates of the intendancy, may be informed of what they ought to observe; that the surveyor general of this city, and the particular surveyors who are under him, may be instructed of the formalities with which they ought to make surveys of land or lots, which shall be considered sold or arranged for; this the secretary of the province may know, &c. I have resolved that the following resolutions shall be observed." Will any one say, after reading this preamble and the resolutions, with the royal order on which they are founded, that the commandant of St. Louis, or the lieutenant governor of Upper Louisiana, acting as the sub-delegate of the intendancy, was not bound to obey them, and that all grants made by him in violation of those regulations are not utterly void? Now, if the regulations of Morales were not in force in Upper Louisiana, by what authority did the lieutenant governor make grants of land? He could not create power for himself; he could not, by the exercise of illegitimate authority, have performed a valid act. The power of disposing of the royal domain was a prerogative of the crown, and could only have been exercised by those to whom it was delegated. The laws of the Indies, so far as they are known or believed to exist, the royal orders of the King, the regulations of O'Reilly, Gayoso, and Morales, have all been violated in making these grants, and yet their validity is confidently asserted on the ground that the grant itself creates a presumption in favor of the authority by which it was made. Let us for a moment examine this question. Suppose it is admitted that the grant shall be received as *prima facie* evidence; that its execution shall be considered as creating a presumption that it was made by lawful authority? Is not that presumption fully rebutted by showing that it has been made in violation of all the known rules of the Spanish government? Such certainly would be the result in ordinary cases, and is there anything in this which entitles the presumption to a more favorable consideration? The lieutenant governors of Upper Louisiana, and the commandants of posts within their jurisdiction, were at all times subordinate to the captains general, governors, and intendants of the provinces. These high officers resided at New Orleans, and were the mediums of communication between the King and their subordinate officers.

The lieutenant governor resided at St. Louis, and is it not most improbable that the King should have communicated directly with him, and that he should have conferred on this subordinate more extensive authority over the royal domain than he had given to the captain general and intendant of the province? But even if this had been the case, is it probable that no trace of the royal order by which this extraordinary power was conferred could be found in either Spain or Louisiana? When we find the regulations of O'Reilly, Gayoso, and Morales, in force

in every other portion of Louisiana—when we find them constituting the only rules for making grants of land from the year 1770 until the transfer of the province of the United States—it is quite impossible to believe there was one insulated district within that province governed by different laws, and where those regulations did not prevail. These facts and these reasons, in my opinion, are quite sufficient to destroy every presumption in favor of these grants, made apparently in violation of the known laws of the province.

It is next contended that, according to the usage of the province, these grants were valid, and that they ought therefore to be confirmed. It is only necessary to show what was the law of Spain on the subject of usage, to defeat this pretended right. This law will be found in White's Compilation, page 60: "In order that a use be valid, five things ought to concur: 1st, that it be of a thing from which good may follow; 2d, that it be public; 3d, that there intervene the general consent; 4th, that it be not opposed to any written law; 5th, that it have the consent or order of the king."

If we apply this law to the usage and custom which is said to have prevailed in Upper Louisiana, by which lands claimed under concessions or incomplete titles, were considered as property capable of possessing by devise, and by bargain and sale, what is the result? It is undoubtedly this, that the usage being contrary to the written law of the Indies, and the local regulations of O'Reilly, Gayoso, and Morales, must be considered inoperative, and, therefore, can afford no support whatever to those claims. It cannot be denied by any one the least acquainted with the land titles of the Spanish provinces in America, that the concession or imperfect title granted in the first instance by the sub-delegate on the petition of the settler, was the mere permission to acquire a perfect title, by the process of habitation and cultivation, afterward to be performed; that it did not pass the estate in fee-simple, which remained in the crown, and could not be divested until after the performance of all the conditions prescribed by law. Then, and not until then, were titles of confirmation given by those to whom this power was delegated by the crown.

But it is said, the claimants to land in Louisiana and Florida, have property in the land, which they claim under these imperfect grants, and that the government of the United States is bound in good faith to respect that property, and confirm the title of the claimants. According to the principles settled by the Supreme Court, in the case of Johnston *vs.* McIntosh, 8th Wheaton, 543, "the title to lands depends entirely upon the law of the nation in which they lie."

"The title to land can be acquired and lost in the manner prescribed by the law of the place where such land is situated." The United States *vs.* Crosby, 7th Cranch, 115.

This is the settled doctrine maintained in all our courts. Now, if the laws of the Indies, the royal orders of the King, and the local laws of the province, all concur, as they do, in declaring most expressly, that the grantees shall not be entitled to the land conceded to them until they have performed the conditions of habitation and cultivation, and that until that time the estate in such lands should remain in the King, by what authority can his asserted right of property be maintained? The answer, I presume, will be, the usage of the province. I have endeavored already to show that no usage contrary to law can be urged in favor *of any* right, that such usage must be vicious, and that all acts and deeds performed under it must be utterly null and void. But what is the proof of this usage? Was it a usage adopted by common consent, which prevailed over every part of the province of Louisiana? This is not pretended. It was the usage of a distant and insulated portion of the province, where the laws were disregarded, while in other portions, where the law was respected and obeyed, no such usage ever prevailed.

To say that the claimants under these imperfect grants are entitled to the land they claim; to say that this shall be the rule of decision in our courts of justice, is to shake to the foundation all the land titles of Louisiana and Florida. For it is a fact well known to exist in all those States and territories ever under the dominion of Spain, that there are numerous cases where the land now held by perfect titles had been previously conceded to some other person, who failed to comply with the conditions, in consequence of which the land was regranted to those persons whom we found in possession, and who acquired a perfect title by performing all the conditions prescribed by the law. If this imperfect title conveyed the estate in the land in one case, they must have done so in all cases, and, therefore, he who obtained the first concession will hold the land, although it was afterward regranted in consequence of his own deliquency, in not performing the conditions of his grant.

In every aspect in which I have been able to view these claims, they appear to me not to be entitled to the confirmation of the government, except in a very few cases, where the conditions required by the law have been fully performed.

R. K. CALL.

COMMISSIONER *of the General Land Office.*

ST. LOUIS, *December* 13, 1835.

SIR: By the mail, by which you will receive this, I forward to you a communication relating to the Missouri land claims, in compliance, in part, with a request made from your office in the course of the last spring by your predecessor. In that communication the concessions herewith enclosed are referred to, and for that reason are they forwarded to you.

So soon as it is possible for me to comply fully with all that has been requested of me, in relation to the subject of the communication to which I refer, it shall be done.

With great respect, your obedient servant,

JAMES H. PECK.

Hon. E. A. BROWN, *Commissioner of the General Land Office.*

The testimony of Mr. Primm, and of Mr. Leduc, to which I have referred in my former letters to the chairman of the Committee on Private Land Claims, and that to which I propose to refer in the observations I shall now submit, will, I think, establish satisfactorily—

1st. That, prior to the year 1796, no concession had issued which exceeded *a league square;*

2d. That, prior to the same period, no concession for tracts of land had issued, except upon the condition of *settlement,* and with a direct view to their *cultivation,* or the *raising* of cattle; and

3d. That the concessions previous to the said period do not appear to have issued without a regard, in reference to their extent, to the circumstances of the applicants for them; that is, to those circumstances which would enable him to cultivate, or raise cattle.

Mr. Primm, who had examined the *livre terrien,* from the beginning to the end of it, with a view to the

ascertainment of the facts in relation thereto, states that he saw no concessions in that record which exceeded a league square, nor any except upon the condition of settlement and cultivation.

Mr. Leduc, in his testimony, proves that all the concessions prior to the year 1796 were recorded in the *livre terrien*, with a possible exception of a very few, if any.

This testimony would appear to support the 1st and 2d propositions. In support of the 1st proposition, I refer also, in addition to the testimony mentioned, to a list of all the concessions in the *livre terrien*, exclusive of those under 300 arpens, which list forms a part of the evidence in the record of the case of Wherry and others *vs.* the United States, pending in the Supreme Court. It contains only 37 concessions, inclusive of all that either amount to, or exceed 300 arpens, and, of these 37, but three are of the extent of a league square. The concession to Mathurin Bouvet, mentioned in that list, situated at the bay of St. Charles, being 84 arpens in front, and extending from the hills to the Mississippi, must fall much short of a league square, according to the testimony of Antoine Chenie, to be found in the record of the case last mentioned, who states that the river approaches very near the hills at the bay of St. Charles, where Bouvet lived, and for five or six miles up and down, leaving but a narrow strip between the hills and the river.

Admitting it to be true, as Mr. Leduc believes it to be, in his testimony, that "there were some concessions made anterior to 1796, which were not recorded in the *livre terrien*," but of which he says he is not certain, and that if there were any that were not so recorded, they were issued in the time of Trudeau, subsequent to the year 1792, inclusive.

If there were any prior to 1796, which were not recorded, the presumption would be, that those not recorded had been issued upon principles and conditions the same with those which were recorded; and that if there are any whose date refer them to the same period with the recorded concessions, which are not recorded, and not subject upon their face to the same conditions to which those are subject which are recorded, or in any wise opposed in principle to all the precedents these afford, their exemption from the common condition, or innovation upon the established rule, together with the circumstance of their being unrecorded, would afford, if unexplained, a ground of distrust in relation to their fairness.

The concessions of Trudeau to Delassus Deluzieres, confirmed by the Supreme Court at its last term, is not in the *livre terrien*, as it would appear by the list to which I have referred. This concession is (9th Peters's Reports, 124 and 125) for a league square, and although made with a view to immediate occupancy, that occupancy was for mining purposes, more than that of cultivation; and having been made also without any regard or reference to the means possessed by Deluzieres to cultivate, makes it an exception to the principles upon which others of that, and the previous period, of the Spanish government appear to have issued.

The order of Carondelet, (9th Peters's Reports, 123,) pursuant to which the concession purports to have been issued, recites the contract of Deluzieres with the government, "to deliver yearly, for five years, 30,000 pounds of lead," &c., and directs, "in order that he may comply with that contract," that the lieutenant governor will put him in possession of the land he may solicit for the exploration, benefit and enjoyment of the mines, &c. In the letter of Carondelet to Deluzieres, written simultaneously with this order, he refers to the order, as an order authorizing a grant of lands where he shall have made a discovery of lead mineral, with adjacent lands of sufficient extent for their exploration.

These papers show the inducement to the grant, and indicate the criterion of the quantity to be granted. May not the special order for this concession imply that an order was deemed necessary, and that such a concession for such a purpose would not have been issued by the lieutenant governor under any instructions previously received by him? If the concession was not a departure from the common course, no order would be necessary. The lieutenant governor would have issued the concession on the application of Deluzieres, as he had theretofore done on the application of others, without any particular order therefor, if the concession was merely such a one as had been theretofore authorized, and in conformity to the instructions theretofore given. But there is not only an order for this particular concession, but in that order the precise motive for it is stated. The lieutenant governor, also, in the concession, refers to this order as "authorizing" it. In the petition of Deluzieres for the concession, he states that "at the city of New Orleans, in May, 1793, he resolved to come up into the Illinois country, upon the express assurance given him by his lordship, the Baron de Carondelet, governor general of Louisiana, that he would order and authorize you (the lieutenant governor) to grant him a tract of land for the exploration of lead mines," &c. The acts of all concerned concur to show their common opinion that the concession was a departure from established rule. In the paragraph immediately following that in which Carondelet refers to this order, he informs Deluzieres, "that his son-in-law and sons should have, as he had desired, a plantation in any place they should select in Illinois, of an extent proportionate to the establishment and improvement they propose to make." Here the assurance or promise is of a grant which is consistent with the spirit and intention of O'Reilly's regulations; such as, according to the practice already prevailing in Illinois, and doubtless by authority, would issue, as a matter of course, and therefore no new order authorizing such a grant was necessary; and, therefore, as may be inferred, the special order for the grant to Deluzieres was not made to include that which was promised to the son-in-law and sons. That such is the reasonable inference, will more readily be admitted, after I shall have shown, as hereafter I will show, that the regulations of O'Reilly did not authorize the concession made to Deluzieres, and that those regulations were the *fixed law* in relation to all grants in Louisiana at that date, and the only law in relation to that subject, and were *unalterable*, except by the royal will, by the terms and manifest intention of the royal order of the 24th August, 1770, which order, after reciting the King's approbation of the regulations of O'Reilly, directs the governor general that "he, and his successors in the government, should have the sole power of distributing the royal lands, conforming themselves, in all respects, to said instructions, (referring to those of O'Reilly, by their date and matter,) so long as his Majesty shall not make any other provisions; Carondelet, therefore, must have understood those instructions to be imperative upon him as law, and unalterable by him; and that every departure from them must have a justification in necessity, which would be satisfactory to the King. Possibly that necessity may have arisen in the opinion of Carondelet, as a means of securing the lead which was demanded from the circumstance of threatened war, of which evidence is furnished in the papers of the case of Deluzieres.

That the concession was not authorized by the regulations of O'Reilly, is admitted by the Supreme Court. It was not issued with a reference to any cattle, &c., which Deluzieres possessed, or any proposed tillage which, under the regulations of O'Reilly, would authorize a concession of that extent.

There was, therefore, no authority in law authorizing this concession, if my opinion is right in relation to the authority of the regulations of O'Reilly; and there was no law afterward extended to, introduced, or adopted in Louisiana, which authorized it; there was, of course, no "law, usage, or custom, of the Spanish government, under and in conformity to which it might have been confirmed, or perfected into a complete title, had not the sovereignty of the country been transferred to the United States."

Admitting that Carondelet would have made the grant without authority, and contrary to the instructions of O'Reilly, (which were law to him,) by no other authority than his own will, and upon assumed responsibility, under circumstances of necessity, however, that might have justified him to his sovereign, and have probably obtained his assent to the grant; until that assent was obtained, the grant would convey no property, no title, nothing which could bind the King, or those claiming under him, which the United States do—nothing which the law of nations could protect—nothing which the stipulation of the treaty would protect.

And further, if, with a view to the benefits of the contract and to secure its fulfilment on the part of Deluzieres, Carondelet, in the first instance, would have made the grant, had he been applied to for that purpose, under a conviction that he could have obtained the royal approbation for it, it does not follow that either he or his successors would have made it after the occasion had gone by which was the inducement to it, and after it had appeared that Deluzieres had not fulfilled the undertaking on his part, which was the consideration of the promise of a grant. But the question for the judiciary under the act of 1824, in relation to this claim, was, not what the intendant would have done in the exercise of an assumed responsibility contrary to his instructions, or what the sovereign might have done, or approved, in the exercise of his unrestrained will, but what the intendant might have done under and in conformity to the laws, usages, and customs of the Spanish government.

The evidence which has been relied upon in these remarks, as authorizing an inference that the concession to Deluzieres formed an exception to the common rule, authorizes equally the inference of the existence of some common rule.

What was that common or established rule? The previous practice of the Spanish government from its first establishment in Louisiana, in 1770, a period of twenty-five years, might be relied upon as affording some inference in relation to that rule, i. e., the rule in pursuance of which grants were authorized to be made.

The last paragraph of the letter of Carondelet to Deluzieres, in which he says: "Your son-in-law and your sons shall have also, as you desire, a plantation in any place they will select in Illinois, of an extent proportionate to the improvement and establishment they propose to make," affords evidence of the principles upon which grants of lands were made at that day. It contains a declaration of the principle upon which the grant to the son-in-law and sons would be made; and there does not appear to be anything in the circumstances of this promise which should distinguish the grant thus promised from other grants. The promise is made in reply to the application of Deluzieres on behalf of his son-in-law and sons. There is nothing to authorize the opinion that the grant to them would be made upon principles less favorable than it would be if made to others. From this promise, therefore, may be derived evidence in support of the three propositions with which I set out in this paper.

The promise that the grant should be "proportionate to the improvement," &c., "proposed to be made," supposes that there is an *intention* to make the *improvement*, &c., and likewise necessarily supposes the ability and means necessary to make it.

The proposition to make a grant *proportionate* to the improvement proposed to be made, is about the same, so far as the proposition would relate to the quantity to be granted, with a proposition to make a grant proportionate to the forces and numbers which it were proposed should be employed in cultivating and improving, and either proposition supposes an intention that there shall be directly a settlement and improvement of the land granted.

The promise of the grant proportionate to the improvement to be made, shows that the proposed improvement, &c., is the inducement leading to the grant; the true *consideration* of the grant, and, therefore, the amount of this consideration—of this improvement proposed to be made—regulates the quantity of the grant, which is to be of a corresponding extent, namely, of an extent sufficient for all the purposes of such an improvement as should be proposed to be made.

A further evidence of the principles upon which lands were granted at the period last mentioned, and also, that they were understood to be granted in conformity with O'Reilly's regulations, may be derived from a concession of Carondelet, of the 28th of November, 1793, to De Labeaume, which being in my possession, and certified by the late recorder of land titles, I enclose herewith.

The petition of De Labeaume, which is addressed to Carondelet, asks for a concession of six by forty arpens. The commandant at New Madrid, where the lands are situate, Thomas Portell, states upon that petition, that "the *circumstances* which the *instruction*" (so these regulations are called in the royal order approving them) "*advises*" (requires) "concurring in the petition, he considers him worthy of the favor he solicits." Upon the petition of De Labeaume, and this information of Portell, Carondelet makes the concession; and in the concession imposes upon De Lebaume an obligation in relation to the royal road, such as would appear to be in conformity with the regulations of O'Reilly, it appearing by the petition of De Labeaume, that the land solicited was bounded on one side by that road. The condition of this concession, by its terms is, that it "shall remain null, if at the precise term of three years the land is not established, and that he (De Lebeaume) shall not have power to alien it during the same term." The petition for this concession asks for six by fifteen arpens, but the concession is for six by forty arpens, and these forty mentioned as the "ordinary depth" which by O'Rielly's regulations they are to be. All the conditions of this concession appear to be in conformity with O'Reilly's regulations, and to these Portell, the commandant of Madrid, must be understood to refer in the information he gives to Carondelet.

A later petition of the same Louis De Labeaume to Carondelet, for permission to sell land which he had purchased on the condition that he would perform the necessary labors and improvements, and reciting that he had complied with the required conditions, and the grant by Carondelet of the permission which was prayed for, and the registration of all which, made by Pedro Pidreplan, authorize an inference that the title was not deemed to be fully acquired without a specific improvement; nor legally assigned without permission therefor; and such would be the law according to O'Reilly's regulations. I enclose the certified copy of these acts also herewith

The letter of Carondelet, above referred to, addressed to Mr. Dehault Delassus, above mentioned as Deluzieres (9th Peters's Rep. 123, 124) in the first paragraph, in which he states: "I send you back the primitive titles of concession granted to Mr. François Vallé, of St. Genevieve, who transferred to Mr. Dodge one moiety of which, who ceded it to Mr. Tardiveau, who made a gift of it to your brother, with the approbation and advice you desire." This approbation and advice could have been of nothing else than the several transfers mentioned; for what purpose else could the concession and transfers have been in his hands? and to what else could his approbation refer but to those transfers? There are many instances even of judicial sales made at St. Louis, under the orders or decrees of the lieutenant governor, which have been remitted to the governor general for his approbation, under no other authority, that I know of, than O'Reilly's regulations, such approbation being there declared to be necessary. As the principles, to which all these acts appear to refer themselves, are found in

O'Reilly's regulations, that coincidence, independent of the royal order of 1770, would induce the belief that they were adopted law. If to all these acts we add that of Carondelet's order of 1795, mentioned in the remonstrance of Delassus, which directed that "all concessions should be made in proportion, as to quantity, to the number of the family of the applicant," we shall have satisfactory evidence of the opinion of Carondelet of the principle upon which lands were to be granted, during the period that he exercised the powers of the government.

It does not appear that the larger concessions contained in the livre terrien (which are to be seen in the list of concessions already referred to in the record of Wherry and others *vs.* U. S.) were not made with a reference to the means possessed, or the improvements and establishments proposed to be made by the grantees. Leduc in his said deposition in the case of Wherry and others, states that "Clamorgan, Labeaume, Gratiot, and Cerré, who appear, by the said list of claims, extracted from the livre terrien, to have received large concessions, were men of very considerable wealth, when witness arrived in the country, and all men of families, except Clamorgan. That Vasques, who, by said list, appears to have received a large concession, was a captain in the pay of the King, commanded the post in the absence of the lieutenant governor, and had a large family," &c. These and all the concessions of that day being made upon the condition of settlement, and of course with a view to improvements, &c., to be made; an ability to make such improvements as were in proportion to the grant obtained is to be presumed in favor of the applicant, and the officer who made the concession.

The more I explore the whole subject of the Spanish land claims, as it involves both law and facts, the more fully am I persuaded that the Spanish authorities gave to O'Reilly's regulations, in their application of them to the whole country of Louisiana, that free construction which is supposed to have been given by the district court of Missouri in its opinion delivered in the case of Choteau and others *vs.* United States, forwarded by me to the chairman of the Committee on Private Land Claims. And assuming such to have been their construction by the Spanish authorities, the concessions in the livre terrein, in reference to their extent, would not appear to be inconsistent with their spirit.

According to the testimony of Mr. Primm, some of the concessions, in the livre terrien, were for stock farms. For these purposes, the regulations of O'Reilly and also those of Morales, authorized, in Lower Louisiana, grants of a league square, or of less extent, according to the number of cattle, &c., possessed by the applicant. The sections of country in which those larger grants were authorized were supposed to be adapted to the raising of cattle; and in places so adapted in Upper Louisiana, and those who might choose to raise stock there, the principles of the provisions of the regulations upon those subjects, might, without impropriety, and in pursuance of their spirit and intention, be extended; and the extent of the grant might bear a proportion to the number of cattle possessed, and the improvement and establishment proposed to be made, and for which the means possessed were adequate.

In the deposition of Leduc, he further says, that the "livre terrien contains 176 concessions for tracts of land; 85 surveys of common field lots for the town of St. Louis; 133 concessions for town lots in St. Louis and the village of Carondelet, and perhaps a few elsewhere, and 35 surveys of town lots in St. Ferdinand, and 13 in Marias Des Liard.

"That town lots and common field lots were generally occupied without any concessions, and that he neither knew of nor has heard of any concession in any other town or village, a dependency of the post of St. Louis, except perhaps a very few in St. Genevieve, and a concession from Portage Dessauix. That tracts of land were frequently occupied and cultivated without any concession." This witness, Mr. Leduc, was familiar with the whole subject of those claims. He further states in his deposition that he "was familiar with the records of the office of the recorder of land titles, having assisted Mr. Bates, the recorder, in discharging the duties of that office for many years, commencing with the year 1809, and until the books and papers were delivered over to the present recorder, about the year 1824."

There are but 37 claims in the livre terrien, exclusive of those under 300 arpens, as you may see by the list referred to, and as there were 176 concessions for tracts of land, according to the testimony above, there would remain 139 tracts of land, or concessions for tracts of land, under the quantity of 300 arpens, to 37 which were above that quantity. This will afford some idea of the size of the grants of land during the first thirty years of the government in Upper Louisiana, and the first twenty-five of the Spanish government there.

Including that to Deluzieres, the proportion would be 139 below the quantity of 300 arpens to 38 above it.

The testimony above explains, in part, the reason why the concessions during so long a period were so few in number, namely, "that tracts of land were frequently occupied and cultivated without any concession; and that common field lots and town lots were generally occupied without any concession." It should be added, in further explanation, that under the French and Spanish governments, the inhabitants of Upper Louisiana, and especially prior to 1796, resided mostly in towns or villages, and that each town and village had its common field, in which each inhabitant, who desired to do so, owned and cultivated his separate lot. This lot was always a certain number of arpens in front, varying from one to a greater number, doubtless according to the tillage proposed to be made, by 40 arpens in depth, where the nature of the ground admitted of that depth.

The most of the cultivation, as I apprehend, which was done in Upper Louisiana prior to the time mentioned, was done in those common fields. The lots held in severalty of one or more arpens in front by forty in depth, are the common field lots, of which the witness above speaks as being "generally occupied without any concession."

The facts I have submitted afford a view of the practice in relation to grants of land which prevailed prior to 1796, which embraces the first twenty-five years of the Spanish government in Upper Louisiana.

This view of the practice was deemed material to be offered; for it is presumed to have been authorized, and is therefore evidence of the law or authority under which it prevailed.

Where the authority, or law, under which these concessions were made, is a matter of doubt or of controversy, as in relation to those concessions it is, it becomes material to consider the practice which actually prevailed. If that practice is in conformity with the spirit of that which is insisted to have been the law which regulated it, that conformity of the practice to the alleged law is persuasive that the alleged law of the subject was in truth the law. That there would not in every instance, in the establishment of new settlements, be a precise conformity to the law upon any subject, is to be admitted as probable. The imperfect organization of the government in its infancy, and exigencies innumerable, would reasonably cause departures from exact rules; no precise conformity, therefore, between the law of the subject and the practice under it, should be expected.

I think the evidence to which I have referred does sustain the three propositions to the support of which they have been applied in the preceding observations, and does, therefore, show—

1st. That, prior to 1796, no concession in Upper Louisiana exceeded a league square;

2d. That prior to that time, the concession was made upon the condition of a settlement and improvement, and with that direct view; and I might add further that the improvement to be made, in view of which the concession was given, was the true consideration of the concession, according to its terms upon its face; inasmuch as the concession, by its terms, was to be void if the improvement should not be made; and

3d. That prior to that period also, grants or concessions were made in reference to their extent, with a regard to the improvements and establishments proposed to be made, or, in other words, with a regard to the means of the applicant to raise cattle, or to cultivate.

After the year 1795, comes the period of the controverted grants. Those prior to that date have been generally confirmed, and in relation to them little difficulty existed, except where the same land had been twice conceded, and where the second concession was made because no settlement or improvement had been made under the first.

I propose now to show, from the evidence which may be extracted from the remonstrance of Delassus, mentioned in my former letters, and from other evidence to which I shall refer, that the same three propositions may be sustained in relation to the whole period between the year 1795 and the year 1800, when that remonstrance was written; and consequently, that all the concessions which now purport to have been issued during that period, and which were not issued in conformity to the principles stated in those propositions, are antedated and spurious.

The order which is mentioned by Delassus in his remonstrance, as proceeding from the governors the Baron de Carondelet and Don Manuel Gayoso, is mentioned where he is treating, in the remonstrance, of the 18th, 19th, and 20th articles of the regulations of Morales, and is mentioned as having issued on the appointment of Antoine Soulard to be surveyor of Upper Louisiana, including the district of Madrid.

This order, from what is stated in the remonstrance, required the observance of three things:

1st. That the commandants should observe to put the provisional decrees of concession to the petitions of the applicants, to cause their lands to be surveyed on their applications;

2d. That these concessions should, as to quantity, be proportioned to the number of the family of the applicants, &c.;

3d. That the party who obtained a concession should, after the survey was made in obedience to the decree, solicit of the governor general his title of property.

It is not until about the beginning of the year 1796, that the concessions show a conformity with so much of this order as directed that the concession should be put to, that is, annexed to, the petitions of the applicants. Prior to that time the concessions generally, as they appear in the *livre terrien*, stand alone, and show no petition, further than by a reference to one that had been presented to, or seen by, him who issued the concession; and not until about the same time does the concession require, or intimate to the party obtaining it, that he is to apply to the governor general for his title of property; and about this time also is the previous practice, which had theretofore prevailed, of inserting the condition of settlement, &c., in the concession, discontinued. I infer, therefore, that the order did issue about the time stated in the remonstrance, since about that time the concessions took the new form which the order required. Attention to the circumstances of the previous form of the concession, in one of the respects mentioned, namely, that it did not state or intimate to the party obtaining it that he was to apply to the governor general for his title, will enable the reader to understand what is meant in that part of the remonstrance in which its author states that "his predecessors granted lands without warning the applicants of the steps they had to take;" the grantees not being notified by the terms of the concession, that they had to apply to the governor general for their title. The argument of the author of the remonstrance upon this subject may be thus briefly stated: "It is manifestly true, as stated in the 18th article, (for that article does so state, that many had believed that they held property under their concessions, because ever since the cession of this province to Spain, my predecessors granted lands without warning the applicants of the steps they had to take, or that any further title was necessary beyond that which was delivered to them, or of which sometimes a memorandum only was made in the *livre terrien*,* in consequence of which, and under those ordinary formalities, every inhabitant believed himself to be the peaceable possessor of the lands thus granted," &c.; "and this plain method was followed until Antoine Soulard was appointed surveyor," &c., when the governors the Baron de Carondelet and Don Manuel Gayoso ordered "that the commandant should observe to put the provisional decrees of concession to the petitions of the applicants to cause their lands to be surveyed, and that these concessions were to be proportioned, as to quantity, to the number of the family of the applicant," &c.; "after which, the interested were to solicit their title of property," &c.

It is no doubt true, as stated in the remonstrance, that of those who had obtained concessions prior to 1796, and were in the peaceable possession of the lands conceded to them, many of them believed that they had the title of the property, in virtue of their concessions.

But as to those who obtained concessions after that date, and under the orders above recited, such a belief cannot be attributable, because, in the concession, they are required to apply to the governor general for their titles; or where the concession was after the decree of 1798, which transferred the granting power to the intendant, they were required to apply to him for the title.

The statement in the remonstrance in relation to the time at which it was ordered by Carondelet and Gayoso, as above mentioned, would leave the impression that the author of the remonstrance intends to represent that it was about, or soon after, the appointment of Soulard to be surveyor. This appointment was in February, 1795, as appears by a copy of his commission in the papers of the case of Soulard's heirs, or Soulard and others *vs.* United States, pending in the Supreme Court. Soulard's first surveys, I believe, are early in 1796. Thus then it would appear from the date of the change in the form of the concession, which change must have taken place in obedience to the order, that the order which directed that the concession, as to quantity, should be in proportion to the number of the family of the applicant, was but a little anterior to the large concessions, some of which are in 1796, but most of them of a later date.

I shall now proceed to state some of the reasons which induce me to think that those large concessions, and all those alleged to be made in reward for services, and all the concessions not made with a direct view to the occupancy and improvement of the land, and which are not consistent with the spirit of the order above mentioned, or not embraced within the principles of the three propositions with which I set out, are antedated.

We have seen what the practice was prior to 1796, and now we have the order which Delassus states to

* This part of the remonstrance is not very intelligible. I have given what I suppose is the argument which it was intended to contain. If the author of the remonstrance intends to say, what I have supposed, that "sometimes a memorandum only was made in the *livre terrien*," and to imply that it was not always even given out to the party, or any copy of it, the statement is in conformity to what is understood to have been sometimes practised. But if he intends to say, in relation to the concessions which had been issued by his predecessors, that sometimes only a memorandum of them was made in the *livre terrien*, the statement would be unsupported by the facts, I apprehend, so far as the statement relates to the period prior to 1796. It will be seen, however, by Delassus's deposition, that he had little or no acquaintance with the *livre terrien*. This he repeats several times in his deposition: "he had seen it;" "made no use of it;" and knew little concerning it.

have been issued about the year 1795, and was probably received before, or early in the year 1796, that "concessions should, as to the quantity, be proportioned to the number of the family."

It is to be presumed, in favor of the officer, that this order was obeyed. The presumption of due obedience in this case is stronger than in ordinary cases, because the acts which were to be performed under the order, were, by the terms of the order, to go directly to the officer who gave it for his final action upon it. The order directs that, after the survey, the party will apply for his title to the governor general, and so also does the concession direct; and that direction in the concession is likewise in obedience to the order, as is to be plainly inferred from all that is said in the remonstrance on the subject of the order, as well as from the fact, that the concession in all instances gives this direction after the date at which I have supposed the order was given. A precise obedience to the order in this case becomes further presumable, because a departure from it would not be supposed to be beneficial to any one where it could not be supposed that it would receive the sanction of the governor general; but, on the contrary, must draw rebuke upon the officers who had been guilty of that departure. This is the just presumption: and the presumption of reason further is, that if concessions now have existence, which show a plain departure from the spirit of this order, they were not issued during the period that they were expected necessarily to be referred to the governor general, nor during the period that they were expected to be referred to the intendant, to whom the remonstrance which recites the order was addressed; but that they were issued after the period had passed by that they were to be referred to either of these officers, and after responsibility to them, and to the sovereign, for such acts had ceased; and after the time had arrived when there was a motive to put them in circulation, and when they might be imposed upon individuals as things of value, and possibly upon the government who had succeeded to the right of the Spanish sovereign.

That great numbers of such concessions now have existence is not denied. Had they existence at the date at which the remonstrance was written? Certainly the author of the remonstrance intends to represent to the intendant that there had been a conformity on the part of his predecessor and himself, with the order which he recites, and, upon that conformity and other reasons, predicates his recommendation of the concessions issued by his predecessor and himself to the benefits and protection conferred upon claims of the most favored character, by the 18th article of the regulations of Morales.

What is the argument used in the remonstrance in support of this recommendation? The argument relates to two classes of claims, those prior to the order of 1795, mentioned above, and those subsequent thereto. In relation to those prior to 1795, it is such, I have above stated, namely, that those who had obtained those concessions, not having been informed that any further title was necessary, many of them believed themselves to be the owners of the property of which they were in the peaceable possession; and as relates to the concessions issued subsequent to the order of 1795, it is in effect this: that upon the appointment of the surveyor, it was ordered by the governors, as before stated; and that the concessions had been issued by the author of the remonstrance, and by his predecessor, in pursuance of said orders, and possession given, and surveys made, in conformity with said orders. This is what the intendant would understand as a part of the arguments used in support of the recommendation made of those claims in the remonstrance; and this is the substance of what Delassus intends to say upon this branch of his argument, however much it is made up with other arguments of hardship and inconvenience. Certainly that the concessions in respect to the quantity granted by them were, in some degree, in conformity to the rule which had been prescribed in the order under which they had been issued, would be with the intendant an indispensable recommendation of the claims to the favor and protection solicited for them.

This is the more to be supposed from the circumstance that the intendant had himself prescribed the rule which, in all cases, was to regulate the size of the grant: which rule, in its spirit, is the same with that mentioned in the remonstrance. The author of the remonstrance, with this rule before him, cannot be supposed to have imagined that the concessions granted by him and by his predecessor would be admitted to the favor to which he recommends them, had they not been in some degree in conformity to the rule which he had recited, and which was again reaffirmed in the regulations of the intendant. It may be inferred, therefore, in support of the foregoing interpretation of the argument in the remonstrance, that Delassus did intend that Morales, or the intendant to whom the remonstrance was addressed, should understand from it that the concessions which he referred to as having been issued by his predecessor and himself, after the receipt of the order of 1795, had issued in conformity with that order; and it may be also inferred, that they had been in fact so issued, because they were required by the regulations of Morales, to be presented to the intendant, that the titles should be made out by the intendant. It appears from the remonstrance also, that it was the understanding of Delassus himself, that they were to be so presented; for he says, "looking again to the 18th article, there is no doubt they have to apply, &c.": the "&c." meaning "to the intendant, to have their real titles made out," as is directed in that article. And afterward, again, in the remonstrance, referring to the 22d article, he says in reference to the application which is to be made for the title, "that the term of six months for this purpose is too short;" and thinks "that two years would not be too long," &c. Delassus, therefore, understood when he was making the recommendation in the remonstrance, that the concessions made by his predecessors and himself were to be presented to the intendant, that the titles should be made out by him. All his concessions made after the receipt of the decree of 1798, direct the party "to apply to the intendant, to whom, by royal order, belongs the power to divide and grant all classes of royal lands." Is it to be presumed that under such circumstances he would have made an uncandid statement to the intendant, in relation to the character of the concessions which had been issued? Certainly it is not; but it is fairly presumable that if the concessions had not been issued in conformity with the orders he recites, and also in some degree in conformity with the rules prescribed in the regulations of Morales in relation to their extent, that Delassus, in his remonstrance, would have offered some explanation of the reasons upon which they had not been so issued.

There is further evidence to show what the governors, the Baron De Carondelet and Don Manuel Gayoso, ordered in the instance referred to in the remonstrance. It is proper that the reader should understand the author of the remonstrance according to the fact; that those governors made orders such as he had stated, but made them not at the same time, but each of them at different times, as they respectively exercised the powers of the government. That Carondelet made an order of the import stated in 1795, he being then in the government, and that Gayoso afterward, when he came into the government as the successor of Carondelet, made a similar order. They were not both governors at one and the same time. Carondelet was governor, according to the evidence of his official acts to which I have referred, from the year 1793 to the year 1796; Gayoso, therefore, had not made the order attributed to him in the remonstrance prior to February, 1796, the date of one of those official acts by Carondelet; but on the 9th of September, 1797, Gayoso made his instructions to the commandants of posts, (White's Com. 206–7,) the 9th and 10th sections of which instructions contain the provisions in relation to the extent of the concessions which were authorized to be issued, such as the remonstrance ascribes to the orders it refers to. That this instruction of Gayoso is that to which Delassus in his remonstrance refers, as having been

ordered by him, might be reasonably inferred, because, in his remonstrance, he makes no other mention of that instruction, which must have come to his knowledge, and must have been regarded by him as a rule for his government, it being addressed to all commandants of posts. But in addition to this reasonable presumption, some of his official acts identify and recognise that instruction as authoritative. Two of Delassus's concessions make the truth of this opinion so clear that I shall enclose them herewith; that is, copies of them, certified by the late recorder of land titles. I shall insert one of these concessions here, for the purpose of further illustration, omitting the petition; both of the concessions are substantially the same in form and words, except that they are of different dates, and to different persons; one to Jacob Neal, and the other to Samuel Neal.

The petition of the applicant having stated that he was one of those who had, with his family, been permitted to establish himself in the country at the request of Mr. Moses Austin, proceeds to state the number of his family and the purposes for which he wishes a concession. This petition is addressed to F. Vallé, commandant of the post of St. Genevieve, and is by him referred to the lieutenant governor; upon which the lieutenant governor makes the following concession:

"St. Louis of Illinois, *November* 29, 1799.

"By virtue of the official letter of the Baron of Carondelet, dated the 13th of March, of the year 1798, which grants land to all those who have come to this country with Mr. Moses Austin, the interested will prove, before the commandant of St. Genevieve, within the jurisdiction of which he is, the number of persons composing his family; and after this, the surveyor, Don Antonio Soulard, will put him in possession of 200 arpens of land in superficies for the husband and wife, 50 for each child, and 20 for each negro, provided that the whole shall not exceed 800 arpens for one sole proprietor, as it has been ordered by the regulation of the sor. governor general of the province; after which the party interested shall solicit the title of concession in form from the sor. intendant general of these provinces, to whom, by order of his M. belongs exclusively the power of conceding and dividing all classes of the royal lands.

"CARLOS DEHAULT DELASSUS."

In this concession, the words of the 9th and 10th sections of Gayoso's instructions are adopted, as that which had been ordered by the regulation of the sor. governor general of the province.

The 9th section of Gayoso's instruction provides that, "to every new settler, answering the foregoing description," (previous provisions having prescribed the qualifications which should entitle the applicant to a grant,) "and married, there shall be granted 200 arpens of land; 50 arpens shall be added for every child he shall bring with him."

The 10th section prescribes that, "to every emigrant uniting the circumstances before mentioned, and possessing property, who shall arrive with an intention to establish himself there, shall be granted 200 arpens of land, and, in addition, 20 arpens for every negro that he shall bring; provided, however, that the grant shall never exceed 800 arpens to one proprietor," &c.

This concession to Jacob Neal, by adopting the words of these two sections of Gayoso's instruction, constituting the rule in relation to the quantity to be granted, and designating that rule as that which had been "ordered by the regulation of the sor. governor general of the province, identifies Gayoso's as the instruction referred to in the concession, and is a recognition of its authority. These two concessions being dated in 1799, two years after the date of the instruction to which they refer, and one year before the date, (or a less time, perhaps not more than seven months,) at which the remonstrance was written, must leave the mind to conclude that the provisions of Gayoso's regulations, as to the extent of the grant, was that to which the remonstrance refers as having been "ordered by the governors," &c.

These two concessions would appear to be in all things in conformity to what the orders referred to in the remonstrance would seem to require, the several parts of that paper which refer to those orders being considered.

1st. The concessions are annexed, or put to the petitions.

2d. The concessions direct the surveyor to put the party in possession of the land, &c.

3d. The concessions contain the order to the surveyor to survey the land.

4th. The concession, as to extent, is in proportion to the number of the family of the applicant.

5th. The concession requires after the survey shall have been made and possession given, that the party shall solicit the title of concession in form from the sor. intendant general.

In the remonstrance there are three direct allusions to orders. The last allusion made is where, or immediately after, the author of the remonstrance has recurred a second time to that subject of the 18th article of Mor. Reg.; and after stating that most of the inhabitants had come into the country since the appointment of a surveyor, &c., states "that those inhabitants had no other document to have their lands surveyed, except the decrees of his predecessor and himself, under which they had been put into possession, conformably to the *orders* of the government; and their concessions surveyed by the survey before mentioned, under the obligation on their part, to apply to the governor general for the completion of their titles; that is, where the concession was made before the royal resolve of 1798, but where made subsequent thereto, to apply to the intendant for the completion of their titles." This royal resolve, as before mentioned, being that which transferred the granting power from the governor to the intendant. I have given the meaning of what the remonstrance states upon this subject, because to those not familiar with it, the meaning of that part of the remonstrance is not free from obscurity.

In the first part of the remonstrance, there is also an allusion to the orders which had been previously given, which required or authorized "the commandants to put, provisionally, the new-comers in possession by a decree of concession, and giving orders to the surveyor to survey their lands;" but which, in the remonstrance, its author "doubts whether, according to the 2d article of Morales, he is still authorized to do;" and doubts also, whether the new-comers "are to have recourse immediately to the intendant to obtain the title, as had been formerly required by his lordship, the governor general."

These several parts of the remonstrance allude to orders in terms which imply their import; which import, together with the more specific statement already recited, as given in another part of that paper, shows the existence of orders, such as authorized in all respects the two concessions to the Neals above mentioned; and shows that concessions, to be authorized by those orders, must have been in principle such as those.

When what is stated and implied in the remonstrance in relation to the orders which had been issued, is considered, and when the agreement between the words used in the last-mentioned concessions, with the words used in the ninth and tenth sections of the instructions of Gayoso is considered; and that this agreement establishes that at the dates of those concessions the latter must have had an authoritative character; the reason will be perceived why Delassus did not remonstrate against the limitation, in respect to the size of the grant, which is

imposed in the first article of the regulations of Morales; when he was remonstrating against other provisions in those regulations, of greatly minor import, as they would affect the rights, or hopes, and expectations of the inhabitants, upon the hypothesis that those concessions then had an existence, which, from their dates, purports to have had.

It will be perceived that the reason he did not so remonstrate was, that the same restriction, substantially, had been imposed at least five years before, by the order of Carondelet, and also again in 1797, by the instructions of Gayoso, and that no concession having been issued otherwise then in conformity with the orders received, there was nothing upon that score to remonstrate against. Instead of authorizing the belief that there existed such a cause of remonstrance, we are induced to believe, from the actual remonstrance made, that the concessions issued in conformity with the orders it recites.

The official letter of Carondelet, mentioned in the first part of the concessions last referred to, had for its object, I apprehend, nothing more than to assure to those who had come to the country with Moses Austin, a grant according to the proportions as to extent, authorized by previous orders or instructions, and perhaps to assure to those who had families such a grant, without regard to the several qualifications prescribed; without which, under Gayoso's instructions, they would not be entitled to receive one. It is certain, however, that the reference in the latter part of the concessions, to what had been ordered by the regulation of the senior governor general, was not a reference to this official letter, as that by which it had been ordered; that there should be granted for the husband and wife two hundred arpens, for each child fifty, and for each negro twenty.

The date of this official letter of Carondelet shows, that he had again come into the government as early as the 13th of March, 1798; and as his letter does not interfere with the quantity to be granted, as ordered by Gayoso's instruction, his acquiescence in the instruction in that respect is to be inferred; this acquiescence, and the other official acts to which I have referred, all concur to show the probability that his order of 1795, referred to in the remonstrance, was such as is there stated.

So far I have examined the remonstrance with a view to the evidence it affords, that after the order of Carondelet of 1795, grants were made proportionate, as to quantity, to the number of the family of the applicant; or, in other words, proportionate, as to quantity, to the improvements proposed to be made, or proportionate, as to quantity, to the means to make improvements, &c., where those means were intended to be employed for that purpose. I shall now proceed to consider the remonstrance, with a view to the evidence it affords.

That the concession was made with a direct intention, that the land conceded should be occupied and improved, and that the object of the concession was to give that possession, for the purpose of such improvement.

The remonstrance shows that the orders it recites were first made by Carondelet, and from other facts to which I have referred to establish its date, was made about the year 1795. The letter of Carondelet of the 8th May, 1793, which promises to the sons and son-in-law of Deluzieres a grant, promises one of an extent proportionate to the improvement and establishment they propose to make, which implies that the "improvement, &c., to be made," is the consideration which leads to the grant; and, therefore, that the grant is upon the direct condition, that there shall be such improvement made. The opinion and practice of Carondelet, to be derived from this letter and his other official acts, may be referred to as corroborative evidence of the character of the order stated in the remonstrance.

Prior to this order of 1795, the concessions which were issued contained the condition of settlement and cultivation within a specified time. After this order, and in pursuance of it, as I infer, the practice of inserting this condition in the concession was discontinued, and in lieu of this condition, the concession directs the surveyor to put the party in possession, and survey his land; after which the party is to apply to the granting authority for the title. Does this concession intend to give more title than the concessions of the former period did? On the contrary, it assumes to give less; it assumes to give but a possession.

The concessions prior to the order of Carondelet assumed to give the title; namely, they "grant to the parties and their heirs" the land mentioned in the concessions; but grant it on the condition that the concession shall remain null, if the land is not "established" in the time specified in the concession. This part of the form of the concession being discontinued after the order referred to in the remonstrance, and in pursuance of that order, as I apprehend, would not authorize the opinion that the party was to get a concession conveying equally a title with the former concession, and free from the condition to which the former concessions were subjected. Such is not the intention of O'Reilly's regulations; such is not the intention of Gayoso's instructions, to which the remonstrance is understood to refer. These regulations authorize the grant upon the condition of cultivation: but the concession of the lieutenant-governor is not the grant provided for in O'Reilly's regulations; that grant is to be made by the governor, and in the name of the King; that grant is that which is to convey the title upon the condition of cultivation, as in those regulations is prescribed. Then what is the purpose of the concession authorized by the order of Carondelet of 1795? It is not to give the title; for in that order the party is to apply to the governor-general for the title; nor does it assume to give the title. It merely requires that the surveyor shall give possession to the party, and survey the land, and that the party shall apply to the granting authority for the title. Hear Delassus again upon this point of the subject, as he speaks in the remonstrance: "He doubts whether their worships, the commandants, are still authorized to put provisionally" (temporarily) "the new-comers in possession by a decree of concessions, and giving orders to the surveyor to survey their lands." The power which he here doubts his authority to exercise, after the receipt of Morales's regulations, is that which he had exercised under the order of 1795, and that was by a decree of concession to put the party temporarily in possession, and have his land surveyed. The argument in the remonstrance which follows the expression of this doubt, is further illustrative of the power which he had theretofore exercised, (and of course under the order of 1795,) but which he doubts whether he is still authorized to exercise, according to the second article of Morales's regulation. The argument is, that if he is not permitted to continue to exercise that power, "and the families who arrive in the expectation to enjoy immediately the favorable reception of the government, are compelled, with their almost exhausted means, to wait in a camp until the receipt of the intendant's approbation, or his orders to the surveyor to put them in possession, the shortest time will take at least three months before it can be received, but generally nine or twelve; and that they should be compelled to wait that length of time before beginning their improvements, they could not subsist with their families," &c.

I concur with the lieutenant governor, for the reasons which he assigns, that it was expedient that he should continue to exercise the power of putting the party in possession, that he might "begin to make his improvement;" and I think it was also expedient that he should likewise order the survey to be made; and think it not improbable that Morales may have admitted the force of his argument in relation thereto, and have ordered him afterward to proceed as theretofore he had done in the exercise of these powers. Another part of the remonstrance, to which I have already adverted for another purpose, may be recurred to, to show not only that one of the pur-

poses of the concession was to give possession, but that in practice, the actual possession had been given under the concession. After reciting that the greatest portion of the inhabitants had come into the country since the appointment of a surveyor, &c., the author of that paper states that "they had no other document to have their lands surveyed but the decrees of his predecessor and himself, under which they had been put in possession, conformably to the orders of the government, and their concessions surveyed under the obligation on their part to have recourse," &c., to the granting authority for the completion of their title. Thus from this remonstrance I extract the direct testimony of the lieutenant governor, that the object, or one object of the concession, was to give possession; and the further testimony, that the practice under the order of 1795, was to give the possession, and that the possession had been given under his and his predecessor's concessions, "conformably to the orders of the government." Such, then, from this remonstrance, appears to have been the "orders" of the government; such the object of the concession; and such the practice down to the time that this remonstrance was written. To this evidence of orders and practice, may be added that to be derived from the provisions of the regulations of O'Reilly, Gayoso, and Morales. For although the regulation of Morales did not control or influence a practice which had preceded them, yet they do but embody the principles of earlier laws, some of which were but then introduced, and may be appealed to as evidence of the general policy of the government; and to all this testimony I will add, that I have myself seen one or more instances of which I have a distinct recollection, where the petition for the concession of particular lands mentioned therein recites the fact of a previous grant of the same lands to another, who had not occupied or improved them, and therefore prayed the grant of them to the applicant in the petition, and where the concession had issued upon such second petition, according to the prayer therein; and among the concessions reported for confirmation, such petition may doubtless be found. Such a practice would evince that the object of the concession was to give possession to those who would improve the land, and that if it was not improved by him who had obtained the first concession for it, it would be again regranted to him who would improve it. An argument might be drawn from the statements contained in the concessions themselves, in relation to the ability of the party to cultivate, that the cultivation proposed to be made was the leading motive to the grant. This statement, or some statement, which is intended to vouch for this ability, is common to all the genuine concessions made after the practice of recording them in the *livre terrien* was discontinued. For what purpose is the statement made? The answer is, that the granting authority may be informed thereby that the applicant for the grant is in such circumstances, from his means, or the number of his family, to make an establishment and improvement proportioned to the grant he solicits; and that such improvement may be made, the grant is issued; but issued with the condition that the improvement shall be made, or in default thereof, the grant is to be void, and for this see the provisions of the several regulations, as well as the complete titles, to which, in my former letters, I have referred.

I have shown what the practice was prior to 1796. I have endeavored to show, from the remonstrance and other evidence, what the probable order was, to which the remonstrance refers, as having been issued by Carondelet, about the year 1795. I think it will appear, from an examination of the several matters of evidence which reflect any light by which the character of this order may be perceived, that the power of the lieutenant-governor under it, in relation to grants, was a more restricted one than had been exercised prior to the receipt of it. Must it not then be regarded as greatly improbable, that the lieutenant governor, after the receipt of the order of Carondelet, which he recites, and which restricts the authority which had been previously exercised, should have commenced a new practice, contrary to the previous practice of the twenty-five years of the Spanish government, and in direct violation of the letter and spirit of recent orders, a practice of issuing concessions for a quantity, unprecedented in the country of either Upper or Lower Louisiana; and in many instances upon a consideration (that of services) unprecedented in either place, without regard to any intended occupancy, or proposed improvement, or the means to make an improvement, or to infancy or full age. That he should issue such concessions after the receipt of the orders of Carondelet, and continue to issue them after the receipt of the instructions of Gayoso, and send them by the direction upon their face, to the officers individually whose orders were thus violated, for their approbation and title, and thereafter on the receipt of the regulations of Morales, pen the remonstrance which has been examined, transcends probability.

I think, therefore, that the three propositions with which this paper started have been sustained for the whole period between the years 1795 and 1800; and consequently that the large concessions, and all the concessions, whether large or small, which were not issued proportionate, as to extent, to the number of the family of the applicant, or his means to cultivate, or raise cattle, and with a view to such improvements being made, &c., *had not issued prior to the year* 1800, *when the remonstrance was written.*

Then if they had not issued prior to the year 1800, it remains to be examined whether they were issued after that period, and before the cession of the country by Spain to France, or by France to the United States, had become known in Upper Louisiana. I am impressed with the opinion that they had not been issued, prior to the time at which the cession of the country to France had become known in Upper Louisiana; and with the opinion that a comparatively small number of them, if any, had issued prior to the time at which the transfer of the country to the United States had become known there. The arguments which have been used to show that they had not been issued prior to 1800, apply with augmented force to show that they were not issued after the receipt of the regulations of Morales, and before the transfer of the country by Spain.

Does it appear to be credible that the lieutenant governor Delassus, after the receipt by him of the regulations of Morales, and before he had heard of the transfer of the country by Spain, began to issue those unathorized concessions? If, as it must be believed from his remonstrance, and his official acts, he and his predecessor had complied with the order of Carondelet of 1795, and with the instructions of Gayoso of 1797, and consequently had not issued such concession at the time the remonstrance was written, did he begin to issue such after that remonstrance was written, and before the transfer of the country? In his remonstrance he recognizes, by a necessary implication, the authority of the regulations of Morales. In his official acts, to which I have referred, he recognizes their authority. While he is thus recognizing their authority, and the surveyor and the intendant is acting under their authority, as by one of the complete titles to which I have referred, it appears they did, is it to be imagined that he could be in the habitual practice of issuing concessions so opposed in principle to those regulations? and of sending them by the direction upon their face to the intendant, the author of those regulations, for his approbation and title upon them? Could Delassus have imagined that such concessions would have received the approbation of the intendant? He did not pretend to have received any new authority after the receipt of the regulations of Morales, when examined as a witness in the district court.

To all this it may be added, that an examination of the laws of Spain, having relation to the disposition and grant of the royal domain, will show that grants of greater extent are authorized on the first establishment of new settlements, than are afterward authorized to be made in the same settlements on their greater maturity. The perils and privations incident to the establishment of new settlements require the inducements of larger

grants to attract population to them, than is afterward required for the same purpose. Our reasoning in reference to this policy of the Spanish government, apparent from its laws, would authorize us to suppose that in the earlier settlements of Upper Louisiana larger grants would have been issued, than were afterward issued on a more advanced condition of those settlements; and in accordance with this reasoning we find that in 1798, by the King's decree, which transfers the granting power from the governors to the intendant, the laws are introduced into Louisiana, which authorize the sale of the royal domain; prior to this decree, there was no authority for the sale of the royal domain in Louisiana; no law, no regulations, had authorized it, except in the special case where roads, &c., were not kept in repair upon the lands of the miners; when, therefore, this decree of 1798 was made, it was upon the supposition that in Louisiana the settlements had so far advanced, as to authorize the sale of the royal domain there; and the main purpose of the transfer of the granting authority to the intendancy, was doubtless with a view that the sale of the royal domain should supersede to a great extent the quantities which theretofore had been authorized. The transfer is made, to use the words of the decree, "with a view to the better fulfilment of what is contained in the eighty-first article of the royal ordinance respecting the intendant of New Spain," and the power thus transferred is directed to be exercised "in conformity to the provisions of the laws." The introduction of the eighty-first article of the royal ordinance respecting the intendants of New Spain, drew along with it the royal regulation of the 15th of October, 1754, and the laws cited therein, as will be seen by the latter part of that article. The decree of the 22d of October, 1798, therefore introduced into Louisiana, all the laws having relation to the sale of the royal domain, which are to be found in the Code of the Indies, which had force at the date of that decree. (See this decree, White's Col., 218, and the 81st article, King's Ordinance, *Ibid* 54, and the Royal Regulations, *Ibid* 49.) To give effect to this *intention* to sell lands of the royal domain, manifested by the introduction of the laws in relation to sales, necessarily required that gratuitous grants should be restricted, for if all who wished lands could obtain gratuitously what they desired, they would prefer to obtain them in that mode rather than to obtain them by purchase; if therefore sales were to be effected, gratuities were to be restricted. But in fact the laws introduced, and in conformity to which, by the decree of 1798, the land was to be granted, authorized no other than small gratuitous grants, and those upon the condition of cultivation. Is it, then, after the King had imagined that the settlements in Louisiana had so far advanced as to authorize the opinion, that, in pursuance of that policy immemorially adopted, gratuitous grants should give place to sales of the royal domain, and has, by his decree, introduced laws for this purpose, and has caused those laws to be promulgated, that the lieutenant governor of the post of St. Louis commences his new scheme of granting gratuitously the royal domain in unrestricted quantities, and also, as relates to Louisiana, upon unprecedented considerations, (services,) in direct disregard of all the previous instructions, as well as of the present and prospective views of his sovereign?

Having progressed so far with the proposed discussion that the reader may understand some of the evidences of fraud to which I shall direct his attention, I shall now proceed to examine a few of the concessions with this view. The concession to which I shall first direct his attention is one to Antoine Saugrain for twenty thousand arpens. This concession purports to have been issued by Zenon Trudeau, the 9th of November, 1797. There is another concession to the same Antoine Saugrain for eight hundred arpens, of the 27th of September, 1799, almost two years later in point of date than the former, which shows that the previous concession, or rather the concession of the previous date, is fraudulent. The petition of Saugrain for the concession of 1799 shows that he had received no previous concession, and that he had been "retarded until that time, (1799,) from circumstances which he recites," from presenting his petition for one. This recital in the petition of 1799 must be received to prove that the petition and concession for twenty thousand arpens, of 1797, is antedated. The concession of 1797, for twenty thousand arpens, purports to be made by Trudeau; that for eight hundred arpens, in 1799, by Delassus, the successor of Trudeau. Delassus succeeded Trudeau in the government of the post of St. Louis in July, 1799. The petition of Saugrain to Delassus for the eight hundred arpens alludes to a verbal promise which had been made to him by Trudeau, and prays that, in fulfilment of that verbal promise, Delassus will grant to him for his family the eight hundred arpens. The concession of Delassus recites, that "having seen the preceding exposition, and considering the promise made to the party interested by Don Zenon Trudeau, before his departure from this command, of which he informed me verbally, I grant to him," &c. All these recitals induce the belief that there could have been no concession by Trudeau in 1797. It is important to observe that Trudeau had left the command in July, 1799—so says Delassus in his deposition in the case of Soulard and others *vs.* the United States, now pending in the Supreme Court—and the recital in the concession above shows that he had left before September 27th, 1799, the date of the concession, supposing that recital to be true. If, therefore, the concession for twenty thousand arpens bears the genuine signature of Trudeau, it was not only antedated, but fabricated after Trudeau left the command, and had no longer authority to make such a concession, or any concession. At what point of time was this concession for twenty thousand arpens made? Trudeau, if it bears his genuine signature, had no motive to make the concession after he left the command, until the country had been ceded by Spain; because he could not hope that such a concession would receive the sanction either of the governor general or of the intendant. It is certain, from a comparison of the two petitions for those concessions, that the one for twenty thousand had not been made before Trudeau left the command; my mind is therefore left to the inference that the concession was not made until after the cession of the country by Spain had become known, and consequently after it had become known that the concession could never be presented to the governor general or intendant for the title, and after the possibility had presented itself that the concession might be of some avail.

If the signature to the concession is really not genuine, but the counterfeit of Trudeau's signature, the same reasoning applies; there could be no motive to counterfeit his signature to such a concession before or after he left the command, for the reasons mentioned, until it was known that the country had been transferred by Spain.

A comparison of the two petitions for those two concessions, will leave no doubt that the person applying in both petitions is one and the same; and my inquiries, furthermore, have not enabled me to learn that there ever was more than one man of that name in the country. Independent of the recital in the petition of 1799, there are other evidences of fraud appertaining to the concession of 1797, for twenty thousand arpens, upon which I shall offer a few remarks, as similar evidences of fraud appertain to many of the spurious concessions. The concession is made without attention to what had been precisely solicited in the petition. The petition asks for twenty thousand, and that four thousand of those twenty thousand shall be located at a place indicated, and "the sixteen thousand remaining arpens, as follows: ten thousand in a vacant part of the royal domain, at the choice of the petitioner; and finally, the six thousand remaining arpens in two concessions of three thousand arpens each, in places favorable to the accomplishment of his projected enterprises," &c., "as the petitioner had in view the establishment of mills of divers kinds, distilleries, vacharies," &c. The concession is not made with a view to what had been solicited, but appears to assume that there had been a location of the entire quantity solicited, and directs the surveyor to survey, in favor of the party interested, the twenty thousand arpens of land he solicits

at the place mentioned. This character of discrepancy between the petition and concession may be frequently seen in the spurious concessions. The concession is not made with a regard to the means of the applicant, or with a view to any proposed cultivation, nor is it alleged to be for services, although the petition implies that certain services had been performed; and partly upon those services, and partly upon the promise *in writing* which had been made to the applicant by the lieutenant governor, he predicates his prayer for the twenty thousand arpens. In the petition, however, of 1799, for the eight hundred arpens, *this promise in writing* was *a verbal promise.* That there is no precise location of the land solicited is an evidence of fraud.

I am now fatigued, and fear my reader will be equally so. I enclose, herewith, copies of both these concessions, as I have all the others, in their original language. They can be translated at your office by the government translator. I am compelled for a very few days to attend to my private affairs, after which I shall recommence the labor I have undertaken.

I will merely observe before I close this communication that I wish not to be understood as admitting that the concession of 800 arpens is genuine; on the contrary, I think I shall show hereafter that it is equally a fraud with the other; but it was a fraud that had existence before the other, and is good in the recital to establish the fraud of the other. I think it probable that at the commencement of the work, the first experiments were on a small scale; but that as the work progressed, the minds of those concerned were enlarged, and their labors were conducted upon a scale corresponding to that enlargement of their views. I do not doubt that the instances are frequent where the same individual has a small, and a large concession, equally fraudulent, sometimes from the reason above supposed, and sometimes probably because he wished to have two tickets in the lottery, and draw a smaller if he should not a larger prize.

I have taken and retained only imperfect notes of what I have written. It may be important to me to know hereafter precisely what I have written; allow me, therefore, to request that after you shall have caused this communication to be copied, you will have that copy or this original returned to me, as shall best suit your pleasure.

With great respect, your obedient servant,

JAMES H. PECK.

St. Louis, *December* 13, 1835.

E.—Book C, page 252.

Don Zenon Trudeau, *lieutenant colonel, captain au regiment, fixe de la Louisiane, and lieutenant general de la partie occidentale des Illinois:*

Antoine Saugrain, françois, a l'honneur devous representer qu'apres avoir habité plusieurs parties des E. Unis il entenda parler si avantagensement des se cours que le gour't Espagnol, accordait aux strangers qui venorènt se fixer dans cette partie haute de la Louisiana qu'il concu le projit de se fixer. En consequence il ent l'honneur de vous ecrire à cette egard et la reponse qu'il en reçu en datte Sep 1797, fut si conforme à l'accomplissement de ses desirs que des cet instant, il se considera comme sujet de S. M. et se rendit à St. Louis en attendant de pouvoir y faire venir sa famille, il ne détaillera point la maniere dont il fut jadis employé par son excellance le comte de Galvis gouv'r general de cette province, au service de S. M. pour la partie de l'histoir nature de ces particularités ont été à votre connaissance en d'apres votre promesse par ecrit, il à l'honneur de vous sup'r d'avoir la Bonté de lui conceder, en toute propriété 20,000 arpens de terre en superfi. à prandre 4,000 arpens à 4 milles environ dans le S. o du fleuve Mississippi et à 57 milles de distance de cette ville et les 16,000 arpens restant comme il suit 10,000 arpens, dans un endroit vacant du Dom'e à mon choix finalement les 6,000 arpens, restant en 2 concessions de 3,000 arpens chacun à prendre dans des situations propre à l'accomplissement de cette enterprise projete sans porte prejudice on pretention de quique ce soit et comme le suppt. à en vue des etablissement de moulins de divers espece, distellerie, vacherie, &c. il espere qu'il vous plaira d'autoriser avoir le droit de choisir les dittes parties deterre sus mentionné, dans toute l'etendue du d'ct de St. Louis en de la rive gauche du Missouri. Votre supp't n'ayent d'autre vue que celle d'exercer son industrie avec la fidelité qui est due au go'unt espere obtenir l'accomplissement de la grace qu'jl reclame de votre justice.

ANTOINE SAUGRAIN.

St. Louis, *Novembre,* 8 1797.

Don Zenon Trudeau, *ten'te de gob'n de la partida occidental de Illinois:*

El cig'n Don Antonio Soulard apeara en favor d're intersado, los 20,000 arpens detierra que solicita en el parage citado, yle entreqara proceso verbal de su apeo para que con este decreto le sivira de titulo de propriedad interim se le despacho por el govierno general el correspondiente en forma.

ZENON TRUDEAU.

St. Louis, 9 *de Novembre,* 1797.

Recorder's Office, *St. Louis, August* 20, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify that the within and foregoing page, containing the petition and grant of and to Antoine Saugrain, for 20,000 arpens, is truly copied from record-book C, page 252, on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

E.

Antoine Saugrain's concession for twenty thousand arpens, by Trudeau, 9th November, 1797. 20,000 arpens—Copy certified.

I.—Book A, page 529.

Second claim.

A Don C. D. Delassus, *lieutenant colonel aggregé au reg't fixe de la Louisiane, et lieutenant general de la partie haute de la même province:*

Antoine Saugrain, françois, pere de famille, habitant ce devant le E. Unis d'Amerique, ou il etait venu se fixer dans les vues d'habiter la parti disemb du territoire conu sous le nom de cioto, trompé dans les espérances ainsi que tant d'autres de ses compatriotes, il à vecu dans l'incertitude jusqu'a l'instant ou il à connu tel avantage que le gouv't Espagnol faisait aux etrangers, qui desirervient venir se fixer à la Louisiane, en consequence il ecrivit au Lieut. Col. Du Zenon Trudeau, votre predecessuer pour lui demander s'il pouvoit esperer d'obtenir du gouv't l'assurance d'etre admis au nombre des sujets de S. M. et celle d'obtenir des terres pour lui et sa famille, comme la reponse fut parfaitement à ses desirs, le supp't s'empressa de se rendre de suite, à S. Louis des Illinois ou il esperoit fixer sa residence, divers voyages pour aller chercher sa famille l'ayent retarde jusqu'a ce jour de presenter sa requete, il espere qu'il vous plaira accomplir la promesse verballe que lui fit Don Zenon Trudeau, au nom des gouvernment en consequence et rempli de confiance dans votre justice il vous supplie d'avoir la bonté de lui accorder, pour sa famille la quantité de 800 arps. deterre en superficie, à prendre dans un lieu vacant du dom'n de S. M. comme sous le nom de pointe de Missouri, le supp't n'ayant d'autre vue que de vivre un sujet paisible et soumi, connaissant d'ailleur toute l'étendue des avantages qu'il à trouvé sous le gouvernment Espagnol, espere qu'il vous plaira accomplir la grace qu'il espere obtenir de votre bonté St. Louis des Illinois, le 25 de Sept. de 1799.

ANTOINE SAUGRAIN.

St. Louis de Illinois, 27 *de Sept'r, de* 1799.

Visto el expt's antecedente y ateniendo à la promesa que hizo al interesado el Sor. Don Zenon Trudeau, antes de su saléda de este mando de que me ha informado verbalmente; le concedo a titulo de propriedad para el y sus herederos los 800 a. Planos de terra que solicita, si no perjudica à nadie, y el ag^{or} Don Anto. Soulard, pondra el interesado en possession de la cantidad de tierra que pide en el sitio indicado lo gl evacuado formara plano entre quando à la parte este y certificacion para quele sirva à obtener la concession y titulo en forma del sor intend'te general a quien corresponde privatio à mente por real orden el repartir es conceder toda clase de tierras realengas.

CARLOS DEHAULT DELASSUS.

Recorder's Office, *St. Louis, August* 19, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above, and, on the foregoing page containing the petition and grant of land to Antoine Saugrain, is truly copied from record book A, page 529, on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

I.

Antoine Saugrain's concession for eight hundred arpens by Delassus, 27th September, 1799. 800 arpens. Copy certified.

A Dn. F. Vallé, captne. et cdnt. civil et militaire du poste de St. Genevieve des Illinois a l'honneur d'exposer Jacob Neal, du nombre des familles dou le gouvernement a permi l'établissement en cette partie a la demande qu'en a fait le Sr. Mos. Austin comme il appert par le certificat de Dt. Sieur Austin cy inclu, que desirent . . . faire une habitation pour y faire subsister sa nombreuse famille compose de lui son epouse et neuf enfans ainsi que pour etablir une manufacture de poudre a feu article des plus avantageuse pour eette colonoies, il auroit besoin dune certain quantitee de terre a ce causes le dit exposant se retire de vos bontés et la generosite du gouvernement don vous étes le representant en ce district pour qu'il vous plaise lui accorder pour lui ses hoirs et ayant causes la concession de huit cent arpent de terre en superficie, situes sur le bord, de la riviere dite de la mine à Breton o environ deux lieux du dessus de l'etablissement de la dite mine ce que faisant farite droit a Ste. Genevieve, 20 Exbre. 1799. Jacob Neal.—Vue la presente requete nous la renvoyons pardevant Mr. le lieutenant gouverneur pour en ordonner ce dont il jujera convenable a Ste. Genevieve le 22 Novembre, 1799. Fs. Valle.

St. Louis de Illinois a 29 de Novbré, 1799. En vertue de oficio del Sor. Baron de Carondelet en fecha de 13 de Marzo, del ano 1798, que consede tierras a todos aquellos gl. han venido a este vais con el Sor. Moses Austin el intersado hara constar ante el comandente de Ste. Genoveva jurisdicion de estra de la qual se enquentra el numero de personas de que es compuesta sa famillie y despues de esto el Agrimensor Dn. Anto. Soulard, le pondra en posecion de dos cientos arpanes de tierra en superficies por el marido y la muger cinquenta por cada hijo y vieute por cada negro, sin que el todo pueda exader de ocho cientos arpanes por un solo propriętario como se ha des puestos por el reglamento del sor. governador gral de la provincia y despues de lo qual el interesado dever a solicitar el titulo de concession en forma del sor. intendante grl. de estas provincias a quien por orden de S. M. corresponde privativamente el repartir y conceder todo clase de tierras realangas.

CARLOS DEHAULT DELASSUS.

Recorder's Office, *St. Louis, September* 8, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above to be truly copied from record book C, pages 479 and 498, on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

Compared Sept. 8, 1830. Jacob Neal's concession by Delassus, for two hundred arpens for self and wife, and fifty for each child, and twenty for each negro.—Translated.

K.—Book C, page 498.

A Don François Vallé, captne. and commt. civil et militaire du post Ste. Genevieve, &c. a l'honneur d'exposer Samuel Neal, du nombre de famille dont le gouvernement a permis l'etablissement en cette partie a la demande qu'on a faite le Sr. Moses Austin, comme il appert par le certificat du dit Sieur Austin en datte du 17 de ce mois presente par le Sr. Jacob Neal que désirant d'etablir une habitation pour y exercer la culture des grains et autres ils auront rebour a vos boutés et a la generosite de gouvernement dont vous etes le representant en ce district pour obtenir pour lui ses hoirs et ayant cause, la concession de deux cent quarente arpens de terre en superficie située sur les bords de la riviere dite de la mine à Breton à environ deux lieu et demis au dessons de l'etablissement de la dite mine ce que faisaut font droit. A Ste. Genevieve, le 22 Novembre, 1799. Samuel Neal.—Vue la presente requete nous la renvoyous pardevant Mr. le lieutenant gouverneur por en ordonner de ce qu'il jujera etre convenable Ste. Genevieve, le 22 Novembre, 1799.

FRANCOIS VALE.

St. Louis de Illinois a 29 de Novembre, de ano 1799. En virtue del oficio del Sor. Baron de Carondelet en fha. del Mazo del ano 1799, que consede tierras a todos aquellos qd. han venido a esta pais con el Sor Moses Austin el ynteresado para constar aute el comandante de Ste. Genoveva jurisdicion dentro de la qual sen enquentra el numero de personas de que es compuesta sa familia y despues desto el agrimensor Dn. Antonio Soulard, lo pondra en pos cion de de dos cientos arpanes de tierra de en superficie, por el marido y la muger cinquenta por cado hijo veiente por a da negro, sin que el todo puedar exeeceder de ocho cientos arpanes por un sol proprietario como se ha despuesto por el reglemento del sor. governador grl. de la provincia y nespues de lo qual el interesado devera solicitar el titulo de concesion en forma del sor. intendante grl. de estas provincias a quieu por orden de S. M. corresponde privativamente el repartie y conceder toda clase de terrias realengas.

CARLOS DEHAULT DELASSUS.

Recorder's Office, *St. Louis, September* 8, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above to be truly copied from record-book C, page 498, on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

K.

Compared, September 8, 1830. Samuel Neal.—Translated.

E, page 285.

Sor. governeur é intendante general, Louis Agosto Tarteron Delabeaume, de nacion Frances C A R. Havitante de este puesto à vs. con el mayor respeto hace presente que deseando establecerse en el, supp^ca. à vs. se sirva concederle sies arpanes de tierra de frente con la profundidad de quince, lindando de un lado y del otro al camino real à distancia de tres quarto de legua de este fuerte haciendo frente al largo Sta. Eulalia. Gracia que espera merecer de vs. Lt. à Tarteron De Lebeaume, sor. gov'or e intendente gen. Concurriendo en el suplicante las circumstancias que previene la instruccion lo considere digno de la gracia que solicita: vs. hara lo gl. sea de suagrado.

THOMAS PORTELL.

Nueva Madrid, 9 *de Octubre, de* 1793.

Neuva Orleans, 28 *de Novembre, de* 1793.

El comandante de Nueva Madrid establecera esta parte sobre los sées arpanes de tierra de frente que solicita con la profundidad ordinaria de quarenta en el parage indicado en el memorial antecedente estando vacantes y no causando perjuicio alguno, con la precisas condiciones de hacer la camino y des monte regular en el termino perentorio de un ano y de quedar nula esta concession si al expirar el preciso espacio de tres la tierra no se hallarse establecida y de no poder enagenarla en los mismos, baxo cuyo supuestose extenderan á continuacion las diligencias de apeo que me remitira para proveer al interesado el correspondiente titulo en forma.

EL BARON DE CARONDELET, *Reg'do.*

Recorder's Office, *St. Louis, August* 23, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above to be truly copied from record-book E, page 285 on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

T.

Labeaume, 6 by 15 arpens of land. Concession by Carondelet. Compared August 24, 1830. J. B. W. Prinmo. Translated. Concession to De Labeaume.

A, page 473.

Concession.

Monsieur le Gouverneur De Labeaume, à l'honneur de vous representer qu'etant habitant depuis plus de quatre aus, à la N'lle Madrid, il lui à été concédé une terre située sur le lac St. Eulalia, sur la quelle il à fait des

improvements. Deplus le sup't a fait des traveaux considerable sur une terre située sur le lac Sr. Isidor; concéde à Fois. Laloi habitan du dit poste de N'lle Madrid; le Sr. Laloi s'est desiste de cette concession, en faveur du supp't aux conditions d' y faire les traveaux and improvements necessaire; comme votre S. pourra le voir, par l'acte cy joint passe seulement devant deux temoins, le sup. à rempli les conditions prescrites, mais il n'a pas pu se faire passer une vente legale, ce que le Sieur Laloi est mort dans le temps que le supp'l avoit été envoyé par Dn. Thomas Portell, aux ecores pour y conduire des bestiaux, vivres, &c. En consequence le sup'l desirant ne pas perdre les traveaux qu'il a faite sur la dite terre, and n'ayent pas une titre legale, supplie vs. d l'authoriser and do lui permettre de vendre la ditte concession, avec les improvements qu'il a faite; ou de les conserver pour lui, et les siens, si le sup't le trouve plus à propos pour ses interests. Grace que le supt. attend de votre bonté. N'lle Orleans, 4 Fevrier, 1796. L. Labeaume, Nueva Orleano, 9 de Febrero, de 1796, concedido como se pides El Baron de Carondelet, registrado en el archivo publico de mis cargo con fecha de esta dia.

PIEDRO PIDERCLAN.

Neuva Orleans, 3 *de Febrero, de* 1796.

Recorder's Office, *St. Louis, August* 23, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above to be truly copied from record-book A, page 473, on record in my office.

THEODORE HUNT.

[Endorsement on copy.]

W.

Compared August 24, 1830. J. B. W. Prinmo.
Louis Labeaume. Translated.

St. Louis, *February* 10, 1836.

Sir: I have the honor to acknowledge the receipt of your note of the 13th ult., which acknowledges the receipt by you of my communication of the 13th of the preceding month, respecting the Spanish land claims.

In addition to the view of the law which I had offered from the bench in the opinions which I forwarded to the chairman of the Committee on Private Land Claims, I have been induced, partly in consequence of the doctrines held by the Supreme Court of the United States, and partly because the opinions I had forwarded did not embrace sufficiently all the questions, material to be considered in connection with the present subject of inquiry, to submit the observations which accompany this; which, however alarming their length may appear to the reader, are rather in the form of a brief than an argument; and will necessarily impose upon him, if he would investigate the questions to which they relate, the labor of examining the most of the laws to which they refer.

Aware of the great authority which must be justly allowed to the opinions of the highest tribunal of the nation, and the feeble resistance which the voice of a single individual opposes to them, I could not hope to sustain an opposing opinion, however strong my conviction of its soundness, upon any proofs short of those which should be *clear* and *convincing*. In sustaining my opinions with such proof, my observations have been protracted to a length which I had not foreseen; they, however, will be found, long as they may appear, to offer to him who is desirous to understand the questions which belong to an investigation of the Spanish land claims, the shortest road by which he will be enabled to arrive at truth.

I judged it advisable that the views which are now forwarded, should precede the evidences of fraud, which it is my purpose now to array against the mass of the claims, and to forward to your office.

This I shall do in the course of this month, and as soon within that time as circumstances will permit.

I forward you the original and only draft, as first written, and of which, therefore, I have no copy; not a note: and must repeat, in relation to this communication, the request made in relation to my former one, that you will have it returned to me after it shall have been copied, if it shall be deemed of sufficient importance to cause this to be done.

Allow me to add that the views they contain, as well as many contained in my opinion in the case of Choteau's heirs *vs.* the United States, heretofore forwarded in print, appear never to have been offered to the Supreme Court.

Should the Attorney General think it worth his while to consult them, he would possibly find in the suggestions they contain something that might be useful to him in the argument of the causes, or to submit to the court, although the arguments may have been closed.

With great respect, sir, your obedient servant,

JAMES H. PECK.

Hon. Ethan A. Brown, *Commissioner of the General Land Office.*

St. Louis, *February* 10, 1836.

Before I proceed further in the examination of particular concessions, or the questions of fraud, I will offer some observations to show—

1. The particular laws under which grants of land were made in Louisiana under the Spanish government;
2. Upon what officers the laws having relation to grants of land in Louisiana, conferred authority connected with that subject;
3. What authority these laws did confer;
4. What authority the commandant of the post of St. Louis had, respecting the grant and distribution of the royal domain;
5. What right or title he, as sub-delegate, was authorized to confer.

In offering the observations proposed, it will be necessary to notice some of the doctrines of the Supreme Court upon the same subjects.

I shall offer no apology for controverting the opinions of the Supreme Court, in an inquiry after truth, when, in the prosecution of that inquiry, that controversy becomes necessary.

Among the matters of opinion held by the Supreme Court, which I shall controvert, are the following, viz.:

That each governor general, who succeeded Don Alexander O'Reilly, possessed the same power over the whole subject of grants of the royal lands, which Don Alexander O'Reilly possessed;

That on the transfer of the granting power to the intendancy of Louisiana, that intendancy possessed also the same unrestricted power which O'Reilly had possessed;

That in respect to the governors, no public restraint appeared to have been imposed on the exercise of their power of giving titles to land;

That there is no limitation in the royal orders restricting the power of the governors to a league square in their grant;

That the royal regulation of 1754, confers upon the provincial officers the power of giving titles to land, without any limitation on the quantity, or on the consideration which may move to the grant;

That by the royal order of 1774, the power of granting lands, which had been vested in the intendants by an order of 1768, was revested in the civil and military governors of provinces;

That in 1768 the power of granting and confirming titles to lands was vested in the intendants;

That an order of survey of the lieutenant governor of Upper Louisiana constitutes property capable of being alienated, of being subjected to debts, and is, as such, to be held as sacred and inviolable as other property.

I will now refer to the opinions of the Supreme Court, and transcribe such parts of them as appear to me to contain the doctrine I have imputed to them, and *underscore*, or otherwise point out, those parts which I think erroneous. The Supreme Court say:

"The immense territories held by Spain, affording an almost inexhaustible fund of land claimed by the crown, could scarcely fail to produce large grants to favorites, as well as a regular system of inviting population into her colonies. The viceroys of New Spain and Peru, who were also governors, possessed almost unlimited powers on this subject, but in the distant provinces, or where the sea intervenes, the right of giving titles to lands was vested in their governors, with the advice of the King's fiscal ministers, and of the lieutenant general where he may be stationed. *No public restraint appears to have been imposed upon the exercise of this power. The officer and his conduct were of course under the supervision and control of the King and his ministers, and especially of his council of the Indies.*

"In 1735, this power was withdrawn from the provincial officers, but was restored to them in 1754. (White's Compilation, 49; Clark's Land Laws, 973.) *The royal order of* 1754 *confers this power in general terms without any limitation on the quantity, or on the consideration which may move to the grant,*" *&c.* (8th Pet. Rep., 453. The United States *vs.* Clark.)

"*We do not find any limitations in the royal orders, restricting the power of the governors to a league square in their grant.* The counsel of the United States searches for them in the regulations of colonial officers, established for the purpose of carrying these orders into execution, and in special orders of the crown for specified objects. The first to which reference has been made, were issued by Don Alexander O'Reilly. He recites, among other things, the complaints and petitions which had been presented to him," &c. (8 Pet. Rep., 455, same case.) The court pursue the examination of O'Reilly's regulations, to show that in making them, he assumes to exercise extensive and discretionary powers; and then proceed in the next page to examine Gayoso's regulations for the same purpose.

"The instructions of Governor Gayoso are dated in September, 1799, till which time it may be presumed that those of O'Reilly remained in force. His instructions are for the government of the commandants of posts, who appear to have been intrusted with the power of making concessions. *His regulations, so far as they varied those which pre-existed, constituted, it may be presumed, a new law for the commandants,* but do not prove the existence of restrictions on his own power. They give every indication of proceeding from an officer possessing general and very extensive powers."

"*The same observation applies to the regulations of Morales, who was intendant of Louisiana* and West Florida. They are dated in July, 1799, soon after receiving the order of the King of 1798, which directed that 'the intendancy of these provinces be put in possession of the privilege to divide and grant all kinds of land belonging to his crown; which right, after his order of the 24th of August, 1770, belonged to the civil and military government, wishing to perform this important charge," &c.

The court makes a further extract from the preamble of the regulations of Morales, with a view to establish that he also was exercising a discretionary and extensive power in making those regulations; and remark, that "he (Morales) then proceeded" to regulate with great exactness the course to be observed by those who seek to obtain concessions, the conditions on which they shall be granted, and the conduct to be observed before a complete title will be made. These regulations do not measure his power, but give the law to those who are to execute his orders. (8 Pet. Rep. 456, 457, United States *vs.* Clark.)

In the case of Delassus *vs.* the United States, (9th Pet. Rep., 135,) the court say, "The objection to this plain title is, that the concession is not made in pursuance of the regulations of O'Reilly. This objection was considered in the cases heretofore decided, and especially in 8 Peters, 455. It is apparent that these regulations were intended for the general government of subordinate officers, not to control and limit the power of the person from whose will they emanated; *the Baron de Carondelet we must suppose possessed all the powers which had been vested in Don O'Reilly,* and a concession ordered by him is as valid as a similar concession directed by Governor O'Reilly would have been. Had Governor O'Reilly made such a grant, could it have been alleged that he had disabled himself by his instructions for the regulation of the conduct of his subordinate officers—instructions which the power that created, must have been capable of varying or annulling—from exercising the power vested in him by the crown?

I think these extracts from the opinions of the court evince that the court entertained the opinion that each governor general of Louisiana, in relation to the distribution of the royal domain, possessed the same power that O'Reilly had possessed, until in 1798 that power was transferred to the intendant; and that the court also infer from the regulations of Morales, the possession by him, as intendant, of a power on the same subject equal to that which had been possessed by the governors. That such was their opinion of the intendant's powers, may also be inferred from what the court say in other parts of the opinions referred to. Having treated of the powers of the governors to confirm titles in the distant provinces of the audiencies, or where sea intervenes, as Caraccas, Havana, &c.: "*In* 1768," (referring doubtless to the date of the royal ordinance respecting the intendants of New Spain,) "*this power,*" say the court, "*of granting and confirming titles to lands was vested in the intendants.*" "*In* 1774 *it was re-vested in the civil and military governors of provinces.*" (See White's Compilation, 218.) "*In October,* 1798, *this power was again conferred on the intendant as far as respected Louisiana and West Florida.*" (8 Pet. Rep., 452; Clark *vs.* United States.)

The same opinion concerning the equal powers of the intendant with the governors of provinces, is expressed by the court in the case of Delassus *vs.* the United States. (9 Pet. Rep., 134.) "*By the royal order of* 1774,

the power of granting lands, which had been vested in the intendants by an order of 1768, *was re-vested in the civil and military governors of provinces, who retained it till* 1798." (White's Compilation, 218.)

"If, as we think must be admitted, Delassus was sub-delegate as well as lieutenant governor, the transfer of the power of granting lands belonging to the royal domain, from the governor to the intendant general, did not affect his power to give the order of survey on which the title of the petitioner depends. That order is the foundation of the title, and is, according to the acts of Congress and the general understanding and usage of Louisiana and Missouri, capable of being perfected into a complete title. *It is property capable of being alienated, of being subjected to debts, and is as such to be held as sacred and inviolable as other property.*"

Other views intimated by the court, relating to the powers of the governors to make grants in reward for services, are equally erroneous.

All that I have stated to be erroneous, will, in the observations I shall submit, be demonstrated to be so; and to be errors of importance, in consequence of the influence they must have in misleading the court in their final determination upon the rights involved, in almost every case from Missouri, and probably in many from Florida; and to be errors not less important to be corrected in an examination of the general question of fraud, which is proposed. For by establishing beyond question the precise authority of the officer, when his acts show a glaring departure from that authority, such departure may properly be considered in connection with other evidence of fraud, and may be material to be considered in determining not only the question respecting the legality of the act, but whether such act could have been performed in good faith, or with any honest intention. In this view I thought it advisable to show the law and the authority of the officer first, and then compare his acts with them, and consider whether that which I have regarded as evidence of fraud, and shall advance as such, does explain the character of the acts, or sufficiently establish the fraud.

Before I had seen the royal order of the 24th of August, 1770, which approves the regulations of O'Reilly, or the decree of the 22d October, 1798, which transferred the granting power from the governor general to the intendant general of Louisiana, I inferred from the regulations of these several officers, those of O'Reilly, Gayoso, and Morales, the possession by them of very extensive discretionary powers; I inferred, as the Supreme Court have done, the existence of a power from the exercise of it; and not having before me either the royal order or decree mentioned, which explain those acts, I was misled, as the Supreme Court have been, in respect to the powers of the officers mentioned; my opinion in the case of Soulard and others *vs.* the United States, will show that I was so misled. But my opinion, in the case of Choteau and others *vs.* the United States, delivered after the receipt of the royal order and decree mentioned, corrects the error of the previous opinion, in respect to the power of those officers.

The royal order was obtained from Spain on a call made by me upon the Executive for that purpose, after the duty of adjudicating upon the Spanish land claims had been thrown upon me by the act of 1824. Having observed that this order of 1770, and the decree of 1798, were mentioned in the preamble to the regulations of Morales, and in a manner indicating the importance of their character in reference to the duties I had to perform, I made the call mentioned through the Department of State for those and other papers which I had reason to believe existed; and in answer to that call I obtained the royal order of 1770 only; and from me it was obtained by Mr. White to be inserted in his collection of Land Laws. The delay, however, which attended the procurement of the royal order, and the impatience of the claimants to obtain the expression of the court's views upon their claims, induced it to hear and determine the case of Soulard before the receipt of the royal order of 1770. This explanation of the reasons of the inconsistency between the doctrines of the two opinions to which I refer, is due to myself.

The original copy obtained from Spain at my instance is in the Department of State, and the copy forwarded me was a copy of that copy, as I presume.

The first great error of the Supreme Court, in their reasoning and inferences, in reference to the powers of the governor general of Louisiana, in relation to the grant and distribution of the royal lands, is, that they regard the regulations of O'Reilly as having been made by him in the exercise of the ordinary powers committed to the governor general of Louisiana; and justly inferring the possession of extensive powers on the part of him who had made those regulations, they also infer the possession of like extensive powers in Governor Gayoso, from what the court erroneously regard as a similar exercise of power, in the instructions made by him to the commandants of posts. "The instructions of Gayoso," say the court, "are dated in September, 1797, till which time it may be presumed that those of O'Reilly remained in force," &c. "His instructions, so far as they varied those which pre-existed, constituted a new law to the commandants," &c. (8th Peters's Report, 456, United States *vs.* Clark.) Again the court say, "the Baron de Carondelet, we must suppose, possessed all the powers which had been vested in Don O'Reilly."

The reasons of those erroneous views of the court are, that they did not advert to the extraordinary powers which had been conferred on O'Reilly, nor to the terms of the royal order of the 24th of August, 1770, which directed that the governor of Louisiana, to whom the order was addressed, should "have the sole power of distributing the royal lands, conforming himself, in all respects, in the distribution thereof, to O'Reilly's instruction, so long as his Majesty should not make any other provision."

This royal order having made the regulations the law to the governor in the distribution of the royal lands, he had no authority to supersede or to vary any part of those regulations, more than he had to repeal any other law which might be established by the King.

It will appear, in the course of these observations, that Gayoso's instructions do not vary or supersede O'Reilly's, and that they do not authorize the inference of the assumption of such a power on the part of Gayoso; and that his instructions are consistent with the performance of the duties imposed upon him by the regulations of O'Reilly, and were made doubtless with a view to the performance of those duties, aud to require the aid of others in the performance of them.

Similar inadvertences, on the part of the Supreme Court, will explain the reasons of the erroneous views they entertained respecting the power of the intendant. They did not advert to the terms of the King's decree of the 22d of October, 1798, which transferred the granting power to the intendant. By the terms of the decree this transfer was made "with a view to the better fulfilment of what is contained in the 81st article of the royal ordinance respecting the intendants of New Spain," &c.; and the power transferred is directed to to be exercised "in conformity to the legal provisions of the laws." The duties of the intendant are prescribed by the royal ordinance which created throughout New Spain the officers of that name. The 81st article of this royal ordinance, prescribing to him his duties and powers in the grant and distribution of the royal lands, directs him to proceed in that matter as directed in the royal regulation of 1754, and the laws cited therein. The intendant's *power* on the subject of grants of land, is defined, and his duties prescribed, in the royal ordinance mentioned, and the royal regulations to which he is referred in that royal ordinance. To imagine that the

intendant had power to alter or supersede the laws which created him and defined his duties, involves an absurdity. His regulations will be shown, in the course of these observations, to be consistent with this view of his powers and duties.

The powers of O'Reilly, as conferred by special commission, and in virtue of which he made his regulations, are recited in the last paragraph of those regulations, thus:

"In pursuance of the powers which our lord the King (whom God preserve) has been pleased to confide to us by his patent, issued at Arranjuez, the 16th of April, 1769, to establish in the military, the police, and in the administration of justice and of his finances, such regulations as should be conducive to his service, and the happiness of his subjects in the colony; with the reserve of his Majesty's good pleasure, we order and command the governor, judges, cabildo, and all the inhabitants of this province, to conform punctually to all that is required by this regulation. Given at New Orleans, the 18th of February, 1770." (White's Compilation, 206.)

The powers of O'Reilly are also recited, as conferred by special commission, in his proclamation of the 25th of November, 1769, by which he introduces important changes in the government, and in the laws of the colony of Louisiana. Having in his proclamation stated the causes which had induced him to make those alterations in the government and laws, he thus recites the powers which authorized him to do so: "For these considerations," (referring to the causes he had assigned for the changes he had made,) "using the powers which the King our lord (whom God preserve) has confided to us by a patent, issued at Arranjuez, the 16th of April, of this year," (1769,) "to establish in the army, the police, and in the administration of justice and of his finances, that form of government, dependence, and subordination, which is consonant with his service and the happiness of his subjects in this colony," &c., "and therefore, and under the good pleasure of his Majesty, we do order and command that all judges, cabildoes, and their officers, do comply punctually with all that is prescribed in the following articles." (See this proclamation in a note in the preface to the 1st vol. of the Portidas, page 20, laws of Louisiana.)

The powers here recited are certainly more comprehensive than those ordinarily committed to the governors of provinces. The powers ordinarily committed to them, would not authorize them to change either the government or laws which had been established by the King. The governors of provinces were not lawgivers for their provinces. The King gave the law throughout his dominions. In reference to the Indies, he gave it in general through his council of the Indies, with his advice and approbation. (See White's Comp. 18, 19.)

In the extracts from the institutes of the civil law of Spain, in White's Compilation, page 59, it is said that "no one can establish or publish the law but the King," &c.; that "the lords or vassals cannot make a law without having the royal permission for that purpose," &c.; that "the laws, statutes, and ordinances, which a corporation, an assembly, or college, established for its government, have no force, and are not binding, if they want the royal approbation," &c.; "that all who live under the dominion of the King are bound to obey the laws," &c.; "immediately on its being published it binds," &c.

The governor, therefore, could not make laws, unless specially thereunto authorized, but he was bound to obey them. The oath to be taken by the governor (page 81 of White's Comp.) shows that he was to obey the laws: "You swear," &c., that "you will keep and obey the articles respecting good government and the laws of the kingdom, orders and dispositions of his Majesty, both those which are made and issued, and those to be made and issued, for the government of the monarchy of the Indies," &c. (See what these laws were: White's Collection, from pages 12 to 19; and who had made them, and were to make them, with the consent of the King, &c.)

The powers committed to O'Reilly, as recited by him in the papers to which I have referred, should be construed with reference to the circumstances under which they were conferred. These circumstances were, that Spain had acquired Louisiana in 1762, by a secret treaty, which was not made known until some years afterward. When it was made known, and Spain attempted to take possession of Louisiana, her authority was resisted by the colonists. In 1769, after this resistance, O'Reilly was commissioned, with the extraordinary powers mentioned, to take possession of Louisiana and assert the rights of Spain under the treaty; and to enable him effectually to assert those rights and the Spanish authority in Louisiana, he was sent with three thousand troops under his command. (See preface to the Portidas laws in force in Louisiana, pages 19, 20, 21, also Mr. White's argument, 9th Peters, 766, appendix.)

The resistance which had been made to the establishment of the Spanish authority in Louisiana, the necessity to overcome that resistance, and to provide against its recurrence by every change that might be deemed necessary for that purpose, and the probability that important changes would be necessary, may all be considered in arriving at the motives of the extraordinary powers conferred, which, according to the terms of the commission, as recited, would comprehend all that could be necessary to be exerted by the sovereign himself upon the change of sovereignty.

In the execution of these powers, O'Reilly proceeds as a lawgiver to the province. That in doing so he did not exceed his powers, is to be presumed. That he did not exceed them, is to be also inferred from the approval of his acts by the crown; which approval implies more than a previous authority to perform the acts; it implies the previous authority, and that the trust had been judiciously executed, where the power exercised was that of giving law. For if the law was not such as the King deemed judicious in its operation prospectively, he would have altered it.

When, therefore, the Supreme Court refer to the powers exercised by O'Reilly, for the purpose of ascertaining those which were ordinarily committed to the governor general of provinces, they refer to a criterion of power which must mislead them; that they did make that reference for that purpose is apparent from their reasoning: "We must suppose," say the court, "that the Baron De Carondelet possessed the same powers which Don O'Reilly had possessed." Such supposition on the part of the court evinces that they could not have adverted to the commission under which O'Reilly assumed to perform the extraordinary powers exercised by him; and evinces also that the court had made little inquiry into the powers which the governors were authorized to exercise. That they were not legislators under their ordinary commissions, will appear from the ordinances to which I have referred, in White's Collection, from page 12 to 19. But, if in this opinion I am mistaken, and it should appear that they really were possessed of an extensive legislative power within their provinces, the royal order of 1770 would operate as a veto upon the exercise of such power on the subject of the grant of the royal domain. No one, I presume, will maintain that the governor could supersede the authority of a royal order, that as a law given in the province, his authority was paramount to that of the King, and competent to revoke the King's edict.

The regulations of O'Reilly had been approved as a law made by the King's authority, and the governor ordered to conform, in exercising the granting power, in all things to these regulations "as long as his Majesty should not make any other provisions." Did his Majesty make any other provisions until 1798? Do the instructions of Gayoso authorize the inference that he had made "other provisions," and if so, what other provisions? The provisions of Gayoso's instructions give more definite rules than O'Reilly's regulations give, as to

the quantity to be granted, in each case of an application for a grant; they also restricted the quantity to be granted, to smaller grants than had been authorized by O'Reilly.

If the provisions of Gayoso's instructions be considered as superseding those of O'Reilly, and as authorizing an inference that they had been made in consequence of some new disposition of his Majesty upon that subject, or some new authority to Gayoso for that purpose, we must construe the character of the power from what was done under it. The acts done under the power, if a new power is to be inferred, impose greater restrictions and limitations upon the quantity to be granted. It is to be inferred, therefore, that such new restrictions and limitations were in accordance with his Majesty's directions under the supposed new power. But, in fact, the instructions of Gayoso do not authorize the inference that any new instructions had been given by his Majesty. The opinion of the Supreme Court has also been influenced by the erroneous impression that the instructions of O'Reilly were merely to regulate the conduct of the officers who were "subordinate to" the governor, and were not mandatory to the governor, and do not establish restrictions on his power; whereas O'Reilly's instructions are mainly mandatory to the governor. By the 12th article they direct that the governor shall make all grants; all the articles, therefore, which contain rules for the exercise of the granting power are directions to the governor. In the concluding paragraph of the instructions the governor, as well as others, is commanded to conform punctually to the regulations. The royal order of 1770 also is addressed to the governor, and directs, in pursuance of what O'Reilly had recommended, that "he and his successors in office should have the sole power of granting lands in that province, conforming themselves in all respects to the said instructions;" thus the King imagines that O'Reilly's instructions are mainly, if not entirely, mandatory to the governor. They must be so considered, as he was to exercise the "sole," the exclusive power; and according to the order they were to be so "as long as his Majesty should not make any other provision;" the provision which was to alter, therefore, was to proceed from his Majesty, not from the governor, as Gayoso's instructions did; now it cannot be fully inferred that Gayoso had received any new instructions which authorized him to alter O'Reilly's, because he recites no new authority which would authorize him to vary O'Reilly's instructions, which it is probable he would have done had it been his intention to vary them, inasmuch as they had become the established law by the will of the King, and were to remain such until he should otherwise provide; and if the King had given any new authority to repeal or modify O'Reilly's regulations, it is presumed that he would have given it, as he had to O'Reilly, to be exercised subject to his Majesty's approbation. But Gayoso, in his instructions, makes no such reservation; a reservation which had been made by O'Reilly in all the instances in which he assumed to make law by special authority, and a reservation which I take to be in accordance with the great principles of the Spanish monarchy.

But when it is understood that O'Reilly's instructions constituted the law, and the only rule upon the subject of grants in Louisiana, and that the governor derived all his authority upon that subject from these instructions, and that that authority invested much discretion in the governor; made him the agent of the crown in the distribution of the royal lands, and indicated to him limits which he should not transcend, and in addition, some general rules for his government in the execution of the authority; which rules regarding the general intention of the King as conveyed in the instrument, he would apply in each particular case of an application for grants in the exercise of that discretion, which an authority so indefinite in its application to particular cases, must necessarily invest.

Regarding Gayoso's instructions, as they purpose, to be instructions to his subordinate officers, they neither impose limits upon Gayoso himself, nor imply that new limits had been imposed upon his authority by his sovereign.

For considering Gayoso as intrusted with an authority limited as prescribed in O'Reilly's instruction, and to be exercised in conformity to the principles there indicated, he had the authority to make the instructions to his subordinate officers which he did make; which subordinate officers, as we shall show in the course of this examination, derived no authority to make concessions from O'Reilly's regulations or any royal order, or law, and could exercise none except as it was directly derived from the governor, or after the decree of 1798 from the intendant.

I shall assume, therefore, for the present, with the promise to establish it more fully hereafter, that O'Reilly's regulations constituted the only authority under which lands could be granted in Louisiana, and the only rule in pursuance of which they could be granted until the decree of 1798, which transferred the granting power to the intendancy of that province, and also extended to Louisiana, the 81st article of the royal ordinance respecting the intendants of New Spain, together with the royal regulation of the 15th of October, 1754, and the laws cited therein.

To some of the provisions of this royal regulation of 1754, I will now advert, and will show what grants it authorized; what officers it authorized to make them; and what officers it authorized to confirm them. In showing this I shall necessarily show that the Supreme Court were under a great misapprehension when they expressed the opinion, that this regulation of 1754 conferred upon the colonial officers the power of giving titles to lands in general terms, without any limitation upon the quantity, or upon the consideration which might move to the grant.

This royal regulation is on pages 49, 50, 51, &c., of White's Collection, and on page 973, and pages following, of Clark's Land Laws. I shall make a few extracts from it, and leave to the reader the labor of examining those provisions to which I shall refer him.

The second article of this regulation directs that "in regard to all the requirements of laws 14, 15, 17, 18, and 19, title 12, liber 4, shall be observed." I shall, therefore, consider these laws as forming a part of the royal regulation; their provision forming part of what is directed to be observed in the regulation. The laws cited and required to be observed are in pages 41, 42, and 43 of White's Collection, and in 969, 970, 971 of Clark's Land Laws.

The royal regulation authorizes sales and compromises of the royal lands.

Law 15, cited in the 2d article, and to which I have referred, shows how sales were to be made. That sales were made by offering the land at public sale, and knocking it down to the highest bidder. The translation of the 15th law upon this subject, as it reads in White's Collection, is incorrect; a correct translation of it, however, is in Clark's Land Laws; with this translation, a manuscript translation in my possession, obtained from the Department of State, and certified by the government translator, agrees. The 24th article of Morales's regulations, 214 of White's Collection, affords evidence also, that the translation in Clark's Land Laws is the correct one.

Those who have been in possession of the King's lands without a just title, for ten years, were admitted to a compromise; that is, they were allowed to retain possession of the land of which they were in possession, on paying the reasonable value of the land, and certain other charges specified in the 5th and 9th articles of the royal

regulation. Respecting the terms and conditions of a compromise, and the amount of a composition, and also the cases in which they are admitted to this composition, see 5th, 6th, 7th, and 9th articles of the royal regulation, and the 15th and 19th laws cited, and the 20th article of the regulation of Morales. The 19th law is required to be observed in the 2d article, and is therefore to be taken as a part of the regulation, and as such excludes those from the benefit of a composition who have not been in possession ten years.

The sales and compositions are directed to be made by the sub-delegates. The patents were to be issued by the sub-delegates. Respecting this, see 5th and 10th articles of the royal regulations.

Except in cases where the Indians were a party, as excepted in the 2d article, the proceedings of the sub-delegates were in the nature of judicial proceedings; and from their sentences and judgments upon all questions determined by them, an appeal lay to the authorities to whom the power of confirmation was given; neither the audiencies, nor the governors to whom, by the regulation, the power of confirmation was given, exercised any original jurisdiction, either for the purpose of originating the title, or otherwise. They exercised only an appellate jurisdiction over all the questions which had been determined by the sub-delegates, and supervising control over their acts after they had been performed, see 5th, 9th, 10th, 11th, and 12th articles of regulation.

With a slight exception, which will be hereafter stated, all the lands authorized to be granted by the royal regulation, are to be disposed of, either by sales or compromises; by the latter mode, where the lands had been possessed for ten years, and by the former, where they had been possessed for a less space of time, or were waste or unappropriated; and with a view to such disposition of them, a searching operation is directed for the purpose of ascertaining what lands are held by just titles, that the residue not so held might be disposed of. The 3d, 7th, and 8th articles of the regulation direct this process.

The 3d article directs that general orders shall be published by the sub-delegates, "that every and all persons who shall have possessed royal lands, whether settled, cultivated, tilled or not, from the year 1700, till the day of the publication of said order, should prove before the sub-delegates, the titles or patents in virtue of which they held their lands," &c., by a day to be specified in said orders; with notice, "that they would be deprived of and ejected from said lands, and grants of them made to other persons, if they failed to exhibit their warrants within the limited time, without just and proper cause;" with a further notice (see 7th and 8th articles) that "land would be adjudged in moderate quantities to those who should inform of lands as being occupied without titles;" and also, "that a proper reward would be given to those who would inform of lands, grounds, places, waters, and of uncultivated and desert lands."

A similar searching operation had been directed with the same view, by the 14th law, which is cited in said 2d article of the royal regulation.

In that law the King directs, that having fully inherited the domain of the Indies, the lands which had not been granted by his predecessors or himself belonged to the royal patrimony, and that it was expedient that all the lands which were not held by just titles, should be restored as belonging to him; that after retaining what might appear to be necessary to be granted to villages and councils for public squares, liberties, reservations, pastures, and commons, and to be distributed to the Indians, for their tillage or raising of cattle, according to their just wants, all the remaining lands might be reserved to him clear of any incumbrance, for the purpose of being given as rewards, or disposed of according to his pleasure; and with this view he commands the viceroy, presidents, and pretorial audiencies, to appoint a time for the owners of lands to exhibit before them, or the ministers who they shall appoint for that purpose, their titles, &c., who, after confirming the possessions of such as hold the same in virtue of good titles, or by a just prescription, should restore to him the remainder, to be disposed of according to his pleasure.

The law next following (law 15, cited as before mentioned) shows how it was his pleasure to dispose of the remaining lands. By it he directs, that those who shall have entered upon, and taken up more land than they owned, should be admitted to a moderate composition for the excess, for which patents should be issued to them, and that "all the land that should remain to be adjusted, should be offered at public sale, and knocked down to the highest bidder."

The land, therefore, which was to be reserved from sale or compromise, was that mentioned in the 14th law cited, which should appear to the King and to his viceroys, audiencies, and governors, to be necessary for public squares, liberties, reservations, pastures and commons, to be granted to the villages and councils; and that which should be necessary to be distributed to the Indians, according to their just wants, for their cultivation and raising of cattle; a similar provision in favor of the Indians is also made in the 2d article of the regulation; with only these exceptions, all the royal lands are to be disposed by sales or compromises to be made by the sub-delegates; in relation to which sales and compromises, the authorities to whom the power of confirmation is given, are directed, in the 5th article of the regulation, to examine the proceedings of the sub-delegates, "in ascertaining the quantity and value of the lands in question, and the patents that may have been issued for them, and determine whether the sale or composition was made without fraud or collusion, and at reasonable prices;" and are directed to do this "with the judgment and advice of the fiscals;" "and after considering every circumstance, and the price of the sale or composition, and the respective dues of medianata,* appearing to have been paid into the royal treasury, and the King's money† again paid in, the amount may seem proper, they are authorized and directed to give, in the King's name, the confirmation of the patents," &c.

Such are the terms upon which the royal lands are directed to be disposed of by the royal regulation; and such the motives and the consideration; that is to say, to villages and councils what may be necessary for public squares, liberties, reservations, pastures, and commons: to the Indians what may be necessary for the purposes of tillage and raising cattle, and the residue by sale or compromise at its reasonable value; and in reference to the Indians the 19th law cited, shows that they are liable to the compromising principle.

It appears to me, therefore, that the attentive reader of the royal regulation cannot entertain the opinion that it authorizes grants "in general terms, without regard to the quantity or the consideration which may move to the grant." The Supreme Court, in arriving at this opinion, have probably looked only to the twelfth article of this regulation, which confers upon the governors "in the distant provinces of the audiencies, or where sea intervenes," &c., the same power of confirmation which elsewhere was conferred upon the audiencies, and have not had their attention called to the provisions of that article which confers this power, subject to the same condition of examining into the compositions of subdelegates as provided in respect to the audiencies, and subject also to the same duties as an appellate court which had been imposed upon the audiencies.

The power is confided in preference to the audiencies, but in the distant parts of their provinces, or in the

* "Medianata," first fruits of the half year.

† "King's money," the amount which the king exacts for the new favor which he had conferred by the royal regulation in relieving the purchasers from the expense of applying to his royal person for the confirmation. See 9th article.

islands where it would be greatly inconvenient for the purchasers to apply to the audiencies, the power is given to the governors, to be exercised, however, with associate judges as directed in the 12th article. But being given to him out of necessity, and because the audiencies (a tribunal of great authority and jurisdiction) were too remote to require the application to be made to them, it was not intended to be given free from the limitations which had been imposed upon the audiencies; and such is the intention of the twelfth article which confers the authority.

There is one other view which I must offer, in aid of those I have already submitted in opposition to the opinion that the royal regulation confers upon the colonial officers an unrestrained power to give titles.

The preamble to the royal regulation shows that a decree was issued by the royal order of the 24th of November, 1735, by which the King retained to himself the power of confirmation. This power thus withdrawn from the colonial officers leaves them, in respect to it, as though it never had been conferred upon them; when, therefore, it is again and for the first time afterward conferred upon them by the royal regulation, it is to be considered as a new power conferred upon them, a power derived entirely from the authority by which it is conferred, and to be exercised to the extent authorized, and in the mode prescribed by authority. The royal regulation, therefore, having prescribed the precise articles of the confirming authorities, the cases in which confirmation should be given in the King's name, and the acts which should precede that confirmation, namely, the payment in the royal treasury of "the price of the sale or compromise," the confirmation could only be given as prescribed, and in the cases authorized. The regulation is to be construed as any other letter or power of procuration. In further support of this view the words of the King himself may be employed; after reciting the decrees of 1735, by which he had reserved to himself the power of confirmation, and the motives which moved to the provisions which he was making upon the subject by the royal regulation, he says: "I have therefore resolved, that in the grants, sales and compromises of royal cultivated and uncultivated lands now made, or which shall hereafter be made, the provisions of this regulation shall be faithfully observed and executed." Here is an injunction that the provisions of the regulation should be faithfully observed and executed, and at the conclusion of the regulation there is a more strict injunction to the same effect: "I will that all the provisions of this regulation be strictly and punctually observed, by my viceroys, audiencies, presidents, and governors of all my dominions of the Indies, and by sub-delegates and other persons whom its observance does or may concern, and that it be *not* violated for any cause or pretext, as it is proper for my service and the good of those subjects," &c.

These provisions show that no authority was conferred "in general terms," and without restriction. For the provisions of the regulation are minute, and cover the whole subject of the granting power conferred, and they are here required "to be strictly and punctually observed," and "not violated for any cause or pretext." The provisions of the regulation respecting the confirming authorities, are such as place restrictions upon their power beyond question. Those authorities are not mentioned until we advance to the fifth article of the regulation. By that article it does not appear who are to constitute all the confirming authorities, nor do we discover who are until we arrive at the twelfth article; here it appears that the governors of provinces, distant from the audiencies, together with associate judges mentioned in the twelfth article, are also invested with the power of confirmation. The audiencies had been mentioned in the fifth and in the ninth articles as invested with that power, and also in the tenth and eleventh as invested with powers connected with it, in all which instances their duties are precisely defined; no unrestricted power is given; all the provisions evince that the audiencies are the tribunals who are to exercise this power generally throughout the dominions of the Indies. And the governors with associate judges are to exercise it only in particular provinces.

The regulation having in its 2d article directed sales and compromises, by the reference which it makes to certain laws authorizing them, and the observance which it requires of the provisions of these laws; and having in its 3d and 4th articles, directed certain proceedings for the purpose of ascertaining what lands were held by just titles, and what were occupied without such titles, and liable to be sold or compromised for, or yet remained to be confirmed; the fifth article directs that those who are in possession by titles which have been *confirmed* shall be protected, &c. But those who shall have held their lands without this necessary requisite ("confirmation,") shall apply for their confirmation, to the audiences of their district, and to "the other officers on whom this power is conferred, by the present regulation." These authorities having examined the proceedings of the sub-delegates in ascertaining the quantity and the nature of the lands in question, and the patent, that may have been issued for them, shall determine whether the sale or composition was made without fraud or collusion, and at reasonable prices. This shall be done with the judgment and advice of the fiscals. After considering every circumstance, and the price of the sale or composition, and the respective dues of medianata appearing to have been paid into the royal treasury, and the King's money being again paid in, the amount that may seem proper, the confirmation of the patents of these lands shall be given in my royal name," &c.

Here the power of confirmation is given under restrictions minute and imperative; these restrictions apply as well to the "other officers on whom the power of confirmation is conferred by the present regulation," as to the "audiencies," so that the injunction at the close of the 12th article, that "the governors, with their associate judges, should examine into the composition as provided in respect to the audiencies, was supererogatory," this having been required of them, both as to sales and compositions, by the direction in the 5th article to the "audiencies and the other officers on whom the power of confirmation is conferred by this regulation." The governor and his associate judges, being these "other officers," according to the provisions of the 12th article.

I have seen no law, prior to the royal regulation, which gave to the governor a power of confirmation. It is to be inferred which is made in the 5th article of the regulation, to the confirmation theretofore given, that the power of confirmation, prior to the resumption of the power by the King in 1735, had been intrusted to the "viceroys and presidents of the respective districts." For in the commencement of that article the King says, that "the possessors of lands, &c., shall not be molested," &c., "if it shall appear that they have been confirmed by my royal person, or by the viceroys, or presidents of the respective districts, while in office." To this ground of inference I should have before recurred in connection with the observations I have made, touching the power which could be exercised under the royal regulation, considering it as conferring a new power to the officers authorized to confirm, for, according to the reasonable inference here made, it was, in respect to those officers, a new power which theretofore they had, probably, never exercised.

If, as the Supreme Court say, this royal regulation "confers the power of giving titles in general terms, without any limitation on the quantity, or on the consideration which may move to the grant," it of course confers the power of giving titles to lands gratuitously granted, or to reward services. Would the sub-agents be authorized, after this regulation of 1754, to make such a grant? If such a grant were made by them, would the audiencies or governors, with their associate judges, be authorized to confirm it?

As to the power of sub-delegates to make such a grant, the King declares, in the preamble, that "in the grants, sales, and compromises of royal cultivated and uncultivated lands, which shall hereafter be made, the provisions of the regulations shall be faithfully observed and executed;" and in the conclusion, that they "should

be strictly and punctually observed, and not violated;" now, grants, sales, and compromises, embrace all the modes of disposing of the royal lands which are mentioned in the laws which provide for their disposition.

The royal lands, therefore, are not to be disposed of otherwise than by a faithful observance of the provisions of the regulations.

This distinction is to be observed between the authority of the sub-delegates after the date of the royal regulation, and the authority of the audiences and governors, to confirm under the royal regulation.

The latter derived their power entirely from the royal regulation. The former did not. They had exercised the power of selling and compromising the royal lands, long anterior to the date of that regulation. The 4th and 5th articles of the regulation, show that this power was exercised by them since and prior to the year 1700, and the 1st article shows that they were exercising it at the date of the regulation. They were exercising it, therefore, in pursuance of existing law, and the question as to them would be, under this royal regulation, whether the previous laws were superseded by it, and the sub-delegates consequently limited and confined in the execution of their powers to the precise authority which the regulation would confer upon them, as though no previous authority had been conferred upon them.

In relation to the audiencies and governors, it is certain that they could exercise no power of confirmation, but what is conferred by the regulation, and none is conferred but that specified in the 5th article, and that specified is a power to confirm, after it shall appear that the sale or compromise was made without fraud or collusion, and for the reasonable value of the land, and that reasonable value paid into the royal treasury: as to these authorities, therefore, it is certain, that they could give no confirmation in the case of a grant for services, or as a reward, or as a gratuity; for the sale for the reasonable value, and the payment thereof into the treasury, must precede the confirmation; in the case of services or rewards, there would be no payment into the treasury, within the intention of the 5th article, and in the case of gifts or gratuities, no sale for the value, nor any payment into the treasury.

The regulation thereof does most emphatically regard the consideration, and also the quantity, at least in this, that there could not, under it, be a sale of a quantity which could not be paid for, at its reasonable value, by the purchaser; and in the case of a compromise, there must be a limitation on the quantity where the party is in possession. The limitation of the power of confirmation, which my construction would impose, should have this qualification; that it should not exclude, from the power conferred, that of compromising those grants to villages, &c., authorized in the 14th law cited; and also those to Indians, authorized in the same law; and also in the second article. Because these grants being authorized by the provisions of the regulation, and the reasons for giving the power of confirmation to the colonial officers, applying as well to these grants as to the others authorized in the regulation, and the intention appearing to be, to give the power to confirm to the whole extent to which grants had been authorized, the spirit and intention of the regulation would therefore appear to authorize the confirmation of such grants. This reasoning may also be employed in determining the power of the sub-delegates, under the royal regulation, as the power to grant and to confirm was intended to keep peace with each other, for the reasons appearing in the preamble; the power to confirm being, without doubt, limited to the cases of grant, authorized in the regulation, the inference would be, that if any other cases of grant had been authorized previous to the regulation, the authorities by which those other cases had been authorized, were superseded by the regulation.

The resolution in the preamble, that "in the grants, sales, and compromises, which shall hereafter be made, the provisions of the regulation should be faithfully observed and executed," excludes the idea of an intention that other provisions, that is, provisions inconsistent with those of the regulation, should be observed in the grants, sales, or compromises, which should thereafter be made. Therefore, no officers, except those authorized and required in the regulation, could thereafter make grants, sales, or compromises. The powers of the officers mentioned in the laws 14 and 15 cited, were superseded by the regulation; for its 1st article and 3d article show that the duties connected with sales, &c., were committed to them. The 5th, 9th, 10th, 11th, 12th, and 14th articles, all show, beyond question, that the whole business was exclusively committed to the sub-delegates, subjected to the supervising and appellate jurisdiction of the confirming authorities.

My conclusion, therefore, is, that in regard to the grants, sales, and compromises, which were to be made after the date of the royal regulation, that regulation was to be the exclusive law, in pursuance of which they were to be made. That its provisions covered the whole ground upon those subjects, and by the King's intention, were to constitute the exclusive rules for the government of the granting authorities. "A royal order, emanating from the King is a supreme law, superseding and repealing all other provisions inconsistent with it." This is the doctrine of the Supreme Court in the case of the United States *vs.* Arredondo, 6th Peters' Reports, 714. A different doctrine would place in the hands of the judge two inconsistent rules, with a power to apply the one or the other, as his fancy or favor might suggest. Whereas, the law should be a certain rule, and administer the same measure to every man.

I shall not now consider whether the early laws, which authorize new settlements and establishments by contracts with governors and others, constituted a distinct class, which would not be affected by the royal regulation, they having a different object in view, and applicable to other circumstances than those for which the regulation intends to provide.

It was material to show what was the granting authority, as it existed in the colonial officers under the royal regulation. For that authority, such as it was, the intendant and supreme board of the treasury are authorized to exercise by the "royal ordinance respecting the intendants of New Spain;" and the authority which the intendants of provinces in New Spain were to exercise under this royal ordinance, is conferred upon the intendant of the province of Louisiana, by the decree of the 22d of October, 1798. To ascertain, therefore, what was the granting power of the intendant of Louisiana, it was necessary to ascertain what granting power existed under the royal regulation.

The 18th article of the royal ordinance, respecting the intendants, is in page 56 of White's Collection, and in 972 and 973 of Clark's Land Laws.

This article changes none of the provisions which regulated the exercise of the granting power. It only commits the power to other hands, and directs that it shall continue to be exercised in conformity with the royal regulation of the 15th October, 1754, without losing sight of the wise dispensations of laws cited therein; and of 9th law, title 12, lib. 4, which 9th law is in White's Collection, page 40, and contains only a provision having for its object the protection of the rights of the Indians in the grants which shall be made.

Under the 81st article, the power to confirm, and the appellate jurisdiction, which was to be exercised by the audiencies, under the royal regulation, is to be exercised by the superior junta de hacienda (the supreme board of the treasury.) And the granting or originating powers, as well as the original jurisdiction of the causes and questions arising out of the grant, sale, or composition, of the royal lands, which had been exercised by the

sub-delegates, under the royal regulations, is, under the 81st article, to be exercised by the intendants. The opinion of the Supreme Court, expressed in 8th Peters, 452, that both the "power of granting and confirming titles to land was vested in the intendants," is erroneous, and must obviously appear to be so to every reader of the 81st article of the ordinance, that comment is unnecessary to establish it.

All the powers of the audiencies and sub-delegates, which they were to exercise under the royal regulations, were superseded by the 81st section of the royal ordinance. This is an important fact, concerning which, therefore, I wish to relieve the mind of the reader beyond all doubt. For I propose to show that the sub-delegates in Louisiana had not the power of those sub-delegates who were authorized to be appointed by the viceroys and presidents of the royal audiencies; that the sub-delegates in Louisiana were not appointed by either of these authorities; that the sub-delegates in Louisiana derived all their authority, respecting the distribution of the royal lands, from the instructions of the governors, so long as those officers exercised the granting power, and afterward from the instructions of the intendant; but that the sub-delegates appointed by the viceroys, under the royal regulation, derived their authority directly from the royal regulation; and that, in fact, the authority they derived from the regulation partook of that high character which, in Louisiana, was exercised by the governor himself, and afterward by the intendant.

I deem it, therefore, important to show that the power of the sub-delegates in relation to the whole subject-matter of grants, sales, and compromises, was superseded by the 81st article of the royal ordinance respecting the intendants of New Spain, and was transferred to the intendants.

The 81st article commences with the declaration that "the intendants shall be the *exclusive judges* of the causes and questions which may arise in the districts of their provinces, about the sale, composition and grant of royal lands, and of seignory," &c. This is precisely what the sub-delegates were under the royal regulation. The 11th article of this regulation directs: "These audiencies shall be a court of appeal for trying the decisions and sentences of the sub-delegates, pronounced by them in any suit about the sale or composition of royal lands, the information lodged concerning them, their survey and valuation." If these questions had not been tried and decided by the sub-delegates, the audiencies could not be a court of appeal for the purpose of trying their sentences, and decisions pronounced upon them.

I collect, therefore, from the 11th article, by a necessary implication, that the sub-delegates had exercised in this respect the precise jurisdiction which, under the 81st article, the intendants are "exclusively" to exercise.

The 81st article proceeds, "it being required of their possessors, and those who pretend to new grants of them," (possessors of royal lands, and those who pretend to new grants of them,) "to produce their rights and institute their claims before the same intendants," &c. This the royal regulation had directed to be done before the sub-delegates; its 3d article, after directing publication to be made with this view by the sub-delegates, proceeds: "So that every and all persons who shall have possessed royal lands," &c., may have before the sub-delegates, the titles and patents in virtue of which they hold their lands, &c.

The 81st article further provides, in relation to the intendants, "And they may admit appeals to the *superior junta de hacienda;* or, if the parties interested do not appeal, they shall communicate to it the original proceedings for its information, when they shall judge those proceedings ready for the issuing of the warrant. So the 10th article of the royal regulation requires that "the sub-delegates shall report to the respective audiencies the original proceedings upon each matter. These they shall consider as finished, and prepared for the issuing the patent," &c.

It appears, also, by the 81st article, that the intendant had the assistance in the performance of his duties of the prosecutor or attorney of the royal treasury, and the aid of the opinions of the assessor.

The 81st section, (in pages 57, 58, of which collection,) which purports to be for the instruction of the intendants, similar directions, with little variations, are given to the intendant with that contained in the 81st article. The 81st section shows, perhaps, more plainly, that the proceedings before the intendant assume the form of a judicial trial. In this section it is directed that "the persons in possession (of land of the King, or which are held from him) and those applying for new grants of the same, shall establish their titles and lay their petitions before the same intendants, who, after a legal investigation, conducted by an attorney of the royal treasury, whom they shall appoint for that purpose, shall decide the same according to law, by the advice of his ordinary assistants, (assessors,) and shall grant appeals to the supreme board of the treasury; and in case the parties interested shall fail to appear, he shall transmit the case, together with the original records, whenever he shall deem them sufficient to determine the title, to the said board," &c.

The five articles of the royal ordinance respecting intendants show that they were invested with great authority and jurisdiction in respect to matters of *policy, justice, treasury, war,* and *government.*

It would not appear, from the royal regulation, that the sub-delegates had the assistance, in the trial of the questions before them, of law officers, as provided in relation to the intendants. It appears, incidentally, from the 14th article of the regulation, that they had a clerk or clerks.

The sub-delegates appear to have been appointed exclusively with a view to the disposition of the royal lands. And the 1st, 3d and 4th articles of the regulation show that those lands had been granted and sold by the sub-delegates prior to the regulation, and even prior to 1700; and the 11th article shows that appeals, or recourse by way of appeal, lay from the decisions of the sub-delegates to the council of the Indies; such recourse may have been only during the time the King reserved to himself the power to confirm.

As the office of sub-delegate, with a view to the sale of the royal lands, had an existence long anterior to the date of the royal regulation, it may be that, at its original creation, its organization as a tribunal, that was to determine all questions relating to the grant and disposition of the royal lands, may have been directed, so as not to require that it should be again repeated in the royal regulation.

The grant or patent, I have shown, was issued by the sub-delegate, and not by the audiencies. The act to be done by the audiencies was to confirm the patent, &c.; in relation to the intendant, it is apparent that he is to make the grant. The 81st article, after directing that the intendant shall communicate to the superior junta, for its information, the original proceedings, when he shall judge those proceedings ready for the issuing of the *warrant,* which, "being seen by the junta, they shall be returned, and the *warrant* issued, unless some difficulties occur, and then the measure found by the junta to have been neglected shall be observed."

The proper confirmations shall, in consequence, be furnished by the same superior junta in due time, which shall proceed in the case, as also their sub-delegates and others, in conformity with the royal regulation of the 15th of October, 1754, as far as it may not be opposed to the requirements of the latter, (see 81st section, "as far as the same may not be repugnant to the present law,") without losing sight of the wise dispositions of the laws cited therein, and of the 9th, title 12, lib. 4."

I understand from this provision that after the record is "returned" to the intendant the warrant is to be issued.

The sentence which follows accords with this construction: The proper confirmation shall, in consequence, be furnished in due time." The confirmation is distinct, and is to follow in due time.

The 61st section of the instructions to the intendants must, as it appears to me, be construed to authorize them to grant lands—pp. 56, 57, of White's Collection: "And if to attain so important objects (the culture of hemp and flax, &c.) the intendant should find it necessary to make a distribution of the King's lands or of private domains, I grant them power to do so, giving notice thereof, together with their motives, to the supreme board of the treasury." The residue of the section evinces also an intention that the intendants were to exercise the power to grant.

The intendants, therefore, having been made "*the exclusive judges* of the causes and questions that should arise in the districts of their provinces about the sale, composition, and grant of royal lands and seigniory," and required to perform all the duties which had been required of the sub-agents under the royal regulation, the powers of the latter must be considered as superseded.

The latter part of the 81st article, which directs that the superior junta shall proceed, "as also the intendants, *their sub-delegates*, and others," might leave it to be inferred that the "sub-delegates" here referred to were those mentioned in the royal regulation, if the usages of the Spanish government, which authorized judges to delegate their authority, should be lost sight of.

In the extracts of the institutes from the civil law of Spain, this power of the judges to delegate their authority to others is mentioned. White's Collection, 72. It is said in that authority: "Jurisdiction, in the first place, is ordinary or delegated: ordinary, is that which is vested with every extension in the magistrate by reason or virtue of his office; delegated, is that which is given to one for the cognizance of a certain and determinate cause, which is exercised by all judges who are commissioned or deputed." The idea intended to be conveyed in this sentence is, that the power of delegating authority to decide causes is one that belongs to all ordinary judges; this is plainly the intention from what follows in the same page. In the authority it is further stated: From the different nature of these two jurisdictions, we deduce that the *ordinary* is *favorable* and *perpetual;* and the delegated *odious* and *limited*."

"If a commission is given to an ordinary judge, to take cognizance of any cause over which he possessed ordinary jurisdiction, he is understood to exercise the latter," &c.

"Those who possess jurisdiction delegated to them by a judge superior to one of the district of the place; by reason of which they may inhibit ordinary and other judges," &c.

So in page 74 of White's Collection: "That the prince, lord, or judge, being absent from their territory or jurisdiction, may appoint a person to preside or decide in their name," &c.; also in pages 75 and 76.

"There are three kinds of judges: ordinary, delegated, and arbitrators, or judges of the fact. The ordinary are persons who are ordinarily appointed to perform their offices," &c. In this class are comprehended all judges who are appointed officially by the King as magistrates (corregidors), alcaldes, &c.

"Delegated judges are those appointed to hear and determine certain or specific suits by command of the King, *or of other judges ordinary*. It is to be observed, that he who is delegated by the King may commit to another his delegation; but not he who is delegated by the ordinary judge," &c.

The intendants exercising a high jurisdiction as the articles of the royal ordinance in White's Collection evince, they were to exercise, as ordinary judges, would be invested with authority to delegate their powers as judges to others, and those thus delegated with that authority would be called *sub-delegates, deputies*, or *substitutes*, and are so called in the royal ordinance, and in the sections in White's Collection which are equally instructions to the intendants. At the close of the 81st section, page 58, of White's Collection, it directs "the *intendants, their deputies*, and others," &c.; and in the same page, 58 of White's Collection, section 305, it is declared: "In the same manner that the magistrates in the Indies are liable to be called to account on leaving their employs, it is my will and pleasure that the intendants of said kingdom be likewise so liable with respect to officers of justice, police, and government, which I commit to them as *corregidores*, and this is to be understood as applying in like manner to their *substitutes, deputies*, and other *subalterns*," &c.

By this section it appears that the intendants, as officers of justice, police, and government, were *corregidores;* and from the extracts alone made from the institutes, the corregidores were among the ordinary judges who were authorized to delegate their authorities to others.

In the 6th article of the royal ordinance, page 55, of White's Collection, the intendants are mentioned as ordinary judges, by implication, thus: "The intendants, their sub-delegates, and other common judges;" here also the intendants are mentioned, and also "their sub-delegates," in reference to duties other than that of the disposition of the royal lands, because they are mentioned in reference to cases in which they are to be subordinate to the audiencies; whereas, in the performance of their duties in reference to sales, compositions and grants, &c., they were not to be subordinate to the audiencies, but to the superior junta; and consequently the sub-delegates mentioned in this article as the sub-delegates of the intendants, could not be the sub-delegates mentioned in the royal regulation, whose authority did not extend to the jurisdiction mentioned in the 6th article.

The sub-delegates, under the royal regulation, were authorized by the 1st section of that regulation to sub-delegate their commissions to others in the distant parts of their provinces. This authority being given to them, authorizes the inference that they were not *ordinary judges;* for if they had been, such special power from the regulation would not have been necessary; or it may have been necessary because they were not appointed by the King. The former, however, was probably the reason; for being appointed by the King's authority, they would be considered probably as appointed by the King. But the same reasons for authorizing the sub-delegates to substitute their commissions to others, would exist in favor of like powers being exercised by the intendants, of whom only twelve were to be created, and who, from the various and important duties committed to them, would find it necessary to delegate their authority to others with a view to their performance, and especially in the distant parts of their provinces.

Morales himself was a sub-delegate, as appears by his titles, prefixed by himself to his regulations; he was not however a sub-delegate of the intendant, nor a sub-delegate under the royal regulation of 1754, but was a "*subdelegate of the superintendence.*"

Of the twelve intendancies created by the royal ordinance, eleven of them were intendancies of provinces, and the twelfth the intendancy general of army and treasury; to which intendancy general of army and treasury, was committed the *superintendence* and regulation of the royal treasury in all its branches; which *superintendence*, I apprehend, is that of which Morales represents himself to be "*sub-delegate.*" (See 1st and 2d articles of royal ordinance.)

I think, therefore, that after the royal ordinance respecting the intendants of New Spain, the sub-delegates were no longer to exercise any power in relation to the disposition of the royal domain *within the territorial limits which were embraced* by "*the territories and districts attached to the intendants;*" which territories and districts are described at the end of the royal ordinance, as appears from its first article. The ordinance is made to extend

but to New Spain, exclusive of the Californias, for it is New Spain, exclusive of the Californias, that is divided into the twelve intendencies. The ordinance, therefore, was not intended to Peru, which I understand to have been a distinct viceroyalty; the Indies, originally comprehending all the Spanish American possessions, but New Spain and Peru constituting distinct viceroyalties. That the sub-delegates having been the officers to whom, throughout "the kingdoms of the Indies," the power to grant had been conferred by the royal regulation, would still retain it in all the Spanish possessions not comprehended within some one of the intendencies.

That the power of the intendant to grant and distribute the royal lands *in Louisiana* was to be exercised exclusively of the sub-delegates, recognised or created by the royal regulation, is evident from the terms of the decree of the 22d of October, 1798. For, by this decree, this power is made "*the particular province of the intendency of this province, with inhibition to other authorities,*" &c. White's Comp. 218.

If all the reasons previously offered do not establish that the power of the sub-delegates within the limits of the districts of the intendancies was superseded by the royal ordinance, it is excluded by this "inhibition" in respect to Louisiana.

Now, although the power of the intendant to grant and distribute the royal lands is exclusive in virtue of this "inhibition," if it was not as against the interference of the sub-delegates known to the royal regulation, by virtue of the royal ordinance, the intendant found it necessary to have the assistance of others to enable him to perform the articles required of him, and for this purpose to delegate to them a part of his authority; and among the reasons assigned for his regulations, in the preamble to them, one is, "That the *commandants, as sub-delegates of the intendancy,* may be informed of what *they* ought to observe." Here the commandants are regarded as sub-delegates of the intendancy, and the regulations are to inform them of what they, in that character, are to observe. The regulations of Morales, and not the royal regulation, is to regulate their duties and powers: and what are those duties and powers as prescribed by Morales?

The chief duties which, as sub-delegates they are to perform, are detailed in the 2d article, and are those: "If lands are asked for in any of the posts, the commandant at the same time will state that the lands asked for are vacant, and that the petitioner has obtained permission of the government to establish himself." The 4th, 5th, 7th, 12th, 26th, 31st, 32d, 33d, and 38th articles, impose duties on the commandants, but no power of sale, or compromise, or distribution. These articles contain the authority which the intendant thought proper to delegate. Having an authority which was exclusive, he might have delegated more or less power at his discretion.

This observation is also applicable to the governor, while he exercised the exclusive power of granting and distributing the royal lands, under the royal order of 1770. He having the exclusive authority to grant, &c., had authority, without doubt, to avail himself of the assistance of others, to enable him to perform the duties which were imposed upon him; and, for this purpose, to delegate to them such power as he should think proper.

But it is said in Mr. White's argument, in the case of Delassus *vs.* The United States, that "the royal order of the 28th of January, 1771, incorporates Louisiana into the King's dominions on a footing with his other transatlantic possessions, and adopts *the laws of the Indies;*" that "these laws, upon the principle that *leges posteriores priores abrogant,* control so much of O'Reilly's regulations as are inconsistent with them, being subsequent to the royal cedula which gave these regulations the force of law." (9th Peters, 767, Appendix.)

I have not seen the royal order of the 28th of January, 1771, referred to by Mr. White, and cannot therefore, say what its intention or effect was. But, upon the supposition that it did introduce into Louisiana the laws of the Indies, and among them those which had relation to the grant of the royal lands; those laws would be, according to the views I have submitted, the royal regulation of 1754, and the laws cited therein.

The royal ordinance respecting the intendants, would not be introduced without a special provision creating Louisiana into a new and an additional intendancy. And that it was not so created for the purpose of granting lands, is to be inferred from the fact that the intendant did not exercise that power in Louisiana, until after the decree of 1798, and is in fact to be inferred by that decree itself; the object of which is to introduce the 81st article of it.

But if the royal regulation is introduced in 1771, it does not authorize gratuitous grants. It is less liberal in all its provisions than O'Reilly's regulations, and in its application to the Missouri claims would be fatal to all of them, upon the supposition that O'Reilly's regulations were abrogated by its introduction. It is said, however, that it would only abrogate so much of O'Reilly's as should be inconsistent with it. Then, if it was introduced, it would be in derogation of so much of O'Reilly's regulations as should be inconsistent with it. This would be the sound proposition in relation to the effect of its introduction, in the absence of any special provision upon the subject. In this view, its introduction would have this influence upon the granting power, namely, *to restrict it in respect to gratuitous grants.* The intention of the royal regulation being to require sales and compromises of the royal lands in the Indies, the extension of that regulation to Louisiana would of course require them there; and require *them in the spirit of that regulation;* and so far as *the spirit of that regulation* should be inconsistent with the *gratuitous grants* theretofore authorized by O'Reilly's regulations, it would impose limits upon the authority to make such gratuitous grants, and of course in its influence, improve new limits upon the quantity to be gratuitously granted.

There is another point of view, however, in which this suggestion of Mr. White may be considered, and which will show that he is mistaken in his supposition, that the laws of the Indies, relating to grants, were introduced by the order of the 28th of January, 1771, which is this:

If they were introduced, they would, for the reasons mentioned by Mr. White, control so much of O'Reilly's regulations, as should be inconsistent with them; they would, therefore, control O'Reilly's in respect to the granting authority. The provisions upon this subject in the royal regulation, and in O'Reilly's regulations, being inconsistent, the former requiring, "that the *grants,*" &c., thereafter to be made, should be made by the *sub-delegates;* the latter requiring that the grants should be made by the *governor;* the former requiring also, that the confirmations should be made by the audiencies, or, in the remote provinces, by the governors; the latter make no provisions in relation to the confirmation, the power to make which, consequently, would remain with the King, he not having conferred it upon any other. The introduction of the royal regulation, therefore, into Louisiana, would supersede the power of the governor to grant lands there, and invest him with the power to confirm, and also the appellate jurisdiction mentioned in the royal regulation. The introduction of the royal regulation would doubtless also have been accompanied with the appointment of sub-delegates by the viceroys and presidents of the audiencies, as required by the royal regulations; now the practice, which is evidence of the law, in reference to all these matters of difference between the royal regulation and O'Reilly's regulation, has been consistent with the provisions of the latter, and, therefore, inconsistent with the opinion that the former had been introduced at the date alleged. The grants were made by the governors, and in the name of the king, as required by O'Reilly's regulations. No sub-delegates were appointed for Louisiana, no grants were made there by them as required by the royal regulation; no sales, no confirmations, were made as required by this regulation. The grants made by

the governors were original acts, and not confirmations; they do not purport to be confirmations of the concessions made by the commandants. The governor had not associated with him in the grants which he made, the associate judges, nor had he the assisting officers which the royal regulation requires, when the power of confirmation is to be exercised by him. His grants are not confirmations, as the uninformed upon the subject have sometimes supposed. He had, in fact, not the power of confirmation; nor did, therefore, assume the exercise of that power; and in accordance with this opinion, was that of the King; plainly inferrible from this order for the delivery of the province of Louisiana to France. In that order (15th of October, 1802, White's Collection, 121, 182,) he expresses the hope, from the sincere amity and close alliance which unites him to the French government, and for the tranquillity of the inhabitants, "that said government will issue orders," &c. "that all *grants* of property of every denomination, made by my governors, may be confirmed, although not confirmed by myself."

There is a further suggestion, however, of the learned counsel in the same arguments, that the instructions framed for the lieutenant governor of Illinois, which is mentioned in the royal order as having been framed by O'Reilly, and transmitted in his letter No. 33, may have authorized grants upon terms more liberal than that of the 18th of February, 1770, to which the order subsequently refers, concerning which I will submit some observations.

The copies of the instructions, mentioned in the first part of this royal order, as "framed for the lieutenant governor, established in the Illinois, that of the Natchitoches, and the nine particular lieutenants of the districts of that province," were, I apprehend, copies of instructions which had no relation to the grant of lands. It may well be imagined that, under the change of sovereignty, of the form of government and of the laws which had taken place, the occasion would exist for instructions to those officers, and some one or more of the various subjects of government, independent of that relating to grants of land. The 12th article of O'Reilly's regulations directed that the governor should make those grants; and the previous articles had prescribed the rules pursuant to which he should make them. The royal order shows that O'Reilly had also recommended and "considered it expedient that henceforth the governor alone be authorized by his Majesty to make such grants; and that he be directed to conform, in the distribution of the royal lands, to all the provisions contained and published upon this subject.

"The King having been made acquainted with the dispositions of said lieutenant general," (O'Reilly,) says the order, "has approved the same, and directs that you and your successors," (the order being addressed to the governor, Unzunga,) "in said government, have the sole power of distributing the royal lands, conforming in all respects, as long as his Majesty shall not make any other provisions to the said instructions, dated from this (that) city, on the 18th of February of this year; all of which I communicate to you for your own government and for its fulfilment. San Ildefonso, 24th of August, 1770." ("See the entire order, White's Collection, 152, 153; see also O'Reilly's regulation, White's Collection, 204, 205, and 206, concluding, in the form of a "proclamation, by a command to the governor," &c., and "given at New Orleans, on the 18th of February, 1770," the act recited in the royal order as that of the instructions of O'Reilly.)

If there had been another instruction, this of the 18th of February is that to which the governor is to conform, in the distribution of the royal lands; any other instruction, therefore, which might have been given to the lieutenant governor could not regulate the conduct of the governor, had such related to grants of land. But why should instructions have gone to the inferior officers, mentioned on the subject of grants? Inasmuch as the exclusive power touching that subject had been conferred upon the governor, except as he should think it necessary to employ their services as his sub-delegates, and give instructions himself with this view? And why should it be imagined that instructions had gone to the inferior officers, which should authorize grants upon different principles from those prescribed in the instructions to which the governor is to conform, he having the exclusive power to grant, and, consequently, the inferior officers none? The learned counsel also says that the translation should read "the instructions," and not "these instructions," and that he ascertains this by a recent copy of the royal order obtained from Spain. If, then, the order reads "the instructions framed for the lieutenant governors of Illinois, and Natchitoches, and the nine particular lieutenants of (that) province" (Louisiana,) the instructions thus framed for the superior officers related to the whole of the province of Louisiana.

"For the nine particular districts of that province" would imply that these districts were all which were comprehended within the province. The argument of the learned counsel, then, would be that O'Reilly had been guilty of the absurdity of giving one set of instructions to the governor, for the regulation of his conduct in the exercise of the power conferred upon him, and another set of instructions to his inferiors, (who had nothing to do with the subject,) opposite in principle to the former instructions, and necessarily applicable to every part of the country to which the former is applicable.

The remonstrance of Delassus, the lieutenant governor, to which in my former communication I have referred, shows that the lieutenant governor looked only to the orders he received from the governor, for the regulation of his conduct, as, in point of fact, the governor was the source of all his power upon the subject of grants.

The same learned counsel states also, in his argument (Peters's Reports, 767,) that the regulations of O'Reilly were drawn up by him, after his return to San Ildefonso, pursuant to a request made that he should submit to the council of the Indies his plan of government for the province. It may be that in submitting his plans to the council, in pursuance of that request, that his regulations were also again submitted as a part of them; but if they were so submitted, it is evident that they had been previously drawn up and published as law in Louisiana, and had been so published before O'Reilly left the province, because they bear date at New Orleans, and purport to be published there; not in pursuance of the request of the King, or the recommendation of O'Reilly, but by O'Reilly himself, in pursuance of powers conferred upon him by his commission, (see the last paragraph of the regulations,) and because, in the preamble to them, they appear to have been made by O'Reilly, by the advice of those "well informed in these matters, and in consequence of the petitions of the inhabitants addressed to him, and the reports made by them after having been assembled in the several districts for that purpose by his orders, and were made because he was convinced that the tranquillity of the inhabitants required they should be." The royal order, likewise, which approves the regulations, shows that they had been transmitted by O'Reilly, in his letter No. 33, and refers to them as instructions which had been "published," having previously, in the order mentioned, the instructions enclosed as "one" of the set which had been published. "He encloses one set of instructions, which explain the mode of proceeding in that behalf," &c., says the minister who gives the royal order, referring to what O'Reilly had done; "one set of instruction" implies that there existed other sets, copies, and implies, under the circumstances, a publication independent of the recital of its publication in a subsequent part of the order. If the instruction had been drawn up at San Ildefonso, it could not have been "transmitted" or "enclosed," as mentioned in the order. The true reading and translation of the royal order should be, as I apprehend, "that place," "that province," "that city," instead of "this place," "this province," "this city," as we find it in White's Collection.

If we admit that the regulations of O'Reilly were made by him at New Orleans, in the execution of the trust committed to him, and in pursuance of the powers he recites, as they in fact purport to have been made, and were transmitted by him for the King's approbation, subject to which they purport also to have been made; such admission would present a state of facts with which the recital in the royal order would be altogether consistent. The order being addressed to Unzunga, the governor of Louisiana, would give him the information which it would be necessary that he should have; that the instructions mentioned in the royal order had been approved by the King, and that he would conduct himself accordingly.

In relation to this royal order, it is proper to observe, to remove the undue influence which the opinion of the Supreme Court might otherwise have to mislead, that that court appears not to have been apprized that the objects of it were to approve the regulations of O'Reilly, and give them the force of a royal instruction, and to direct that the governor "and his successors in office should have *the sole power* of granting and distributing the royal lands, conforming in all things to the said instructions, as long as his Majesty should not make any other provision." For, had they been apprized that such were its objects, they could not have entertained the opinion that *Governor Gayoso* had authority to supersede or revoke O'Reilly's regulations, or that he had authority to establish any new provisions on the subject of grants inconsistent with them; nor could they have entertained the opinion that no public restraint had been imposed upon the granting power of the governor, "nor any limitation in the royal orders, restricting the power of the governors to a league square in their grant, "since the royal order in question does impose this limitation by making O'Reilly's regulation, in which that limitation is prescribed, the rule of his conduct in granting the royal lands.

In fact, the Supreme Court have considered this order of the King of 1770, as a general order, extending to New Spain as well as to Louisiana, and as divesting the intendants of the power of granting lands which had been conferred upon them by the royal ordinance respecting the intendants of New Spain, and conferring that power upon the governors as well in New Spain as in Louisiana. In the case of Delassus *vs.* The United States, 9th Peters, 134, the court say, "By the royal order of 1774, the power of granting lands, which had been invested in the intendants by an order of 1768, was revested in the civil and military governors of provinces, who retained it until 1798—White's Compilation, 218." Again, in 8th Peters, 452, The United States *vs.* Clark, the Court say: "In 1768, this power of granting and confirming titles to lands was vested in the intendants."

"In 1774, it was revested in the civil and military governors. (See White's Compilation, 218.) In October, 1798, this power was again conferred on the intendants so far as respected Louisiana and West Florida," &c.

In both the cases from which I have taken these extracts, the court treat this royal order of the 24th of August, 1770, as a general one, divesting the intendants of the power of granting lands, and revesting that power in the civil and military governors of provinces. The court suppose, therefore, that the order extended to New Spain, because there only had the intendants been established, and to that country must it extend if it divested them of power.

They consider the order also as *revesting* the power in "the civil and military *governors of provinces*."

The revesting a power in the governors implies the act of returning to them a power which they had previously possessed, and been dispossessed of. In all this the Supreme Court were evidently under a misapprehension. The order to which they refer did not extend to New Spain, did not invest the intendants of any power which they had anywhere possessed, nor did it revest any power in the governors of provinces, of which they had been divested. The order plainly and simply had for its object the communication of a power where it had not before been communicated, where there was, or had been, no intendant to be divested of that power. The object of the order was to communicate the power to grant royal lands to the governor of a newly-acquired province, where, according to the ordinary principles applicable to the subject, that power would not be possessed by any officer of the King until it should be conferred by the sovereign.

The power conferred by this order is not that which had been exercised by the governors of the provinces of the Indies, under the royal regulation of 1754; this being, as I have shown, a power to confirm; that conferred in Louisiana being a power to grant; the power to confirm, consequently, in respect to Louisiana, not being conferred upon any one, would remain with the King.

The Supreme Court have referred to the royal order of the 24th of August, 1770, as of the date of 1774. They refer to White's Comp., 218, where the recital in the King's decree of the 22d of October, 1798, states the royal order to be of the 29th of August, 1774: but this date of 1774 is a mistake. The royal order itself (152 of White's Collection) bears date 24th of August, 1770. It is also recited in the preamble to the regulation of Morales, as of the date of the 24th of August, 1770, and for the same purpose for which it is recited in the decree of 1798, to show that the power to grant and distribute the royal lands, within the province of Louisiana, since the order of the 24th of August, 1770, belonged to the civil and military government. That the 24th of August, 1770, is the true date of the royal order, which had for its object that which is attributed to it, in the preamble to the regulations of Morales, and also in the decree of 1798, is further established by the reference which it makes to the regulations of O'Reilly, which it says are "dated at this (that) city, (doubtless New Orleans,) the 18th of February, of *this year*." Now, O'Reilly's regulations are dated the 18th of February, 1770; the order, therefore, being of the same year, was in 1770; and I conclude, that the power mentioned in the decree of 1798, having been conferred on the civil and military government in 1770, was not again conferred in 1774; and that this date is a mistake of the transcriber, or translator, or printer.

I think it must appear, from the observations I have made, that the governor had the sole power of granting and distributing the royal lands in Louisiana; and that, in the exercise of this power, he was required by royal order to conform in all respects to the instructions of O'Reilly, as long as his Majesty should not make any other provisions; that there is no evidence that his Majesty did make any other provisions until the date of his decree of 1798; that Gayoso's instructions do not afford evidence that his Majesty had made other provisions.

They do not purport to be new rules to regulate the granting power of the governor; they do not appear to have been made in consequence of new powers conferred. They purport to be no more than instructions to the commandants of posts; instructions which marked out the boundaries of their power as his sub-delegates, and contained the rules which should regulate its exercise. In the legitimate exercise of the power conferred upon Gayoso, as governor, by the regulations of O'Reilly, he could do this, and delegate to his sub-delegates more or less power, as he should think proper. He might in his instructions require that the concessions made by his sub-delegates should be circumscribed by narrower limits than he himself was confined to in the grants he was authorized to make, without violating the trust committed to him; for the power conferred was in the nature of a trust, the limits of which were not to be transcended, but the trust within those limits executed with the view to the attainment of the end for which it was conferred, the agent, however, observing all definite and inflexible rules, so far as these may have been prescribed.

The instructions of O'Reilly, authorizing grants in the nature of gratuities, with a view by such gratuities to attract population and encourage agriculture, may have been considered by Gayoso to authorize him to give less, and in reference to cultivation to exact more, as the interests to be subserved by the gratuities might appear to require, than had been prescribed in the regulations of O'Reilly as the condition of the grant, or authorized in relation to its extent.

Regarding, therefore, the authority to the governor in the nature of a trust, to distribute the King's property, with a view to subserve, in some degree, the interest of the King, they bear to each other in some respects the relations of agent and principal; and the question is, whether Gayoso, considering his authority under this relation, may have thought himself authorized, under the power conferred by O'Reilly's regulations, to give less, or to exact more, as the condition of the grant, than on looking to these regulations he might give or was compelled to exact, so to account for any apparent inconsistency between those regulations and his instructions, rather than upon the supposition that a new power to make them had been conferred.

But if such new power is to be inferred from the instructions, the presumption would be, as I have before said, that the instructions had pursued the power, and therefore that the power intended that grants of narrower limits should be authorized, as this is among the objects of the instructions.

I consider, however, that the reasons I have offered indubitably establish, that O'Reilly's regulations constituted the exclusive rules for the conduct of the governor in disposing of the royal lands, until the decree of 1798. I shall therefore proceed to examine the questions which present themselves under that decree, namely, the power of the intendant, and the laws which should regulate his conduct in the distribution of the royal lands.

The order which communicates the King's decree is addressed to the intendant. That order announces to the intendant that "the King has been pleased to resolve, that, with a view to the good of the service, and for the better fulfilment of what is contained in the 81st article of the royal ordinance respecting the intendants of New Spain, the power of granting and distributing all kinds of lands be restored to and made the particular province of the intendancy of this province, with inhibition to other authorities, in conformity to the legal provisions of the laws; consequently, the power heretofore vested in the government is repealed and abolished, and shall henceforth reside in the intendancy."

In what connection are we to understand the words "in conformity to the legal provisions of the laws?" Certainly not in connection with the "inhibition," and that the "inhibition to other authorities" was in conformity to the legal provisions of the laws, for that construction would make the sentence insensible and untrue; the laws could not be said to require such "inhibition" while the governor exercised the power in pursuance of law. Nor is it to be understood in connection with the transfer of the power, as that the transfer of the power was "in conformity to the legal provisions of the laws;" for this could not be said with propriety, since no laws had provided for this transfer; it is the edict which the order communicates that transfers the power, and another object is mentioned in connection with the transfer, namely, that it is made for the better fulfilment of what is contained in the 81st article," &c., and "with a view to the good of the service." It is to be understood in connection with "the power of granting and distributing the royal lands." "That the power of granting and distributing the royal lands in conformity to the legal provisions of the laws, be restored to and made the particular province of the intendants of that province." This construction makes the sentence intelligible, and is consistent with a proper reading of it, and imposes a duty upon the intendant to conform to the laws in granting and distributing, as the intendants in New Spain were required to do. The power having been regulated by law while it was in the hands of the governor, and having been also regulated in like manner in the hands of the intendants of New Spain, it is not to be supposed to have been conferred upon the intendant in Louisiana free from all restraint or rule. Such a construction as would confer it free from the provisions of the law which in Louisiana had, and elsewhere did, regulate its exercise, would not effect the object for which the transfer was made, namely, "for the better fulfilment of what is contained in the 81st article of the royal ordinance, respecting the intendants of New Spain;" what is there "contained" requiring the intendant in the grant and distribution of the royal lands to conform to the royal regulation of October, 1754, and the laws cited therein.

If it should be considered that my construction gives to the words "in conformity to the legal provisions of the laws" an intention not justified by the connection in which they stand in the sentence, there is another view of the question not to be omitted. Suppose the decree had simply transferred the power from the governor to the intendant, without any direction touching the laws which should control its exercise; what would be the effect of such a transfer upon the regulations of O'Reilly? How far would they be superseded by such a transfer? The power of the governor would be superseded, but the regulations had a twofold object, and so had the royal order which approved them; first, to direct how, to whom, of what extent, and on what conditions, grants should be issued; second, to point out the person who should issue them. Had there been a simple transfer of the power, it would evince only an alteration of the King's intention in reference to the person who should issue the grant. The provisions of the regulations and the royal order would be superseded only to the extent of this alteration of the King's will, the residue remaining in full force. The intendant, under such a transfer, would grant lands pursuant to the same law that the governor had. But the transfer of the power is made "with a view to the good of the service and the better fulfilment of what is contained in the 81st article of the royal ordinance," &c. It might, perhaps, in one sense, be considered a better fulfilment of what is contained in that article, if the intendancy which had already been established in the province of Louisiana should have the exclusive power to grant, which it was the intention of that article they should have wherever they were established, and which in New Spain they had peaceably enjoyed since their establishment there; but it being equally the intention of that article, and equally a part of "what is contained in it," that "the intendants, their sub-delegates and others," should proceed in conformity with the royal regulation of the 15th of October, 1754, without losing sight of the wise dispositions of the laws cited therein, I infer to be the intention of the decree, in making the transfer with a view to the better fulfilment of what is contained in the article mentioned, that the intendant in Louisiana shall conform to the laws to which, in that article, the intendants are required to conform. The motive assigned for the transfer, being the "better fulfilment," must be understood to require the whole fulfilment; and the whole fulfilment requires the observance of the laws which are required to be observed in the article. The conclusion of the order to the intendant which recites the decree, supposes that precise duties are imposed: having recited the decree, "all which," says the order, "I communicate for your information and its due fulfilment."

The intendant being in this manner, by the decree of 1798, referred for his government, in the grant and distribution of the royal lands, to the royal regulations of 1754, and the laws cited therein, how far would that reference affect the authority of O'Reilly's regulations? What influence should it have upon the granting officer in respect to the gratuitous grants which had been authorized by O'Reilly's regulations? Would the new intention to require sales and compromises as required by the royal regulation of 1754, carry with it, necessarily, an intention to confine gratuitous grants within smaller limits, or an intention to authorize them less generally? I

think the intention to enforce the system of sales and compromises prescribed in the royal regulations, supposes, necessarily, an intention that gratuitous grants should be given with less munificence; but does not suppose, necessarily, an intention that they should be wholly discontinued. In what appears to be instructions to the intendants when they were first created, (pages 56, 57, of White's Collection,) there is a direction to them to grant lands to be cultivated and improved; and in this respect a power was conferred upon the intendants, which had not been conferred upon the sub-delegates.

I shall consider, therefore, that O'Reilly's instructions would continue in force; but that the intendants in the exercise of the authority they confer, and in the exercise of the discretion they necessarily invest, would conform to the new intention of the King, necessarily to be inferred, that gratuitous grants should be less munificent.

Upon the hypothesis, then, to which the reasoning would lead, in regard to the laws, which would regulate the grant and distribution of land after the decree of 1798, what would it be incumbent upon the intendant reasonably to do? The royal regulation, and the laws cited therein, which had become, in fact, the laws pursuant to which lands were to be granted, had never been promulgated in Louisiana. It had been twenty-nine years since the publication of O'Reilly's regulations; and, in the meantime, the number of inhabitants had greatly increased in the colony. To have republished the 81st article, and the laws cited in it, and also the regulations of O'Reilly, would not have given the information to the inhabitants, nor to the officers to whom duties are prescribed in Morales's regulations, which it was necessary they should have. The officers who had acted as sub-delegates of the governors, would not stand in that relation to the intendant, except by the intendant's order, and then with more or less power as the intendant should think proper to delegate; the intendant having the exclusive power with inhibition to other authorities, might, or might not, at his election, delegate power to others, and if he should think it expedient to delegate power, it might be to others, exclusive of those to whom the governors had committed it. A new delegation of power was, therefore, necessary from the intendant before the commandants or others would act as sub-delegates.

The intendant might also think it expedient to give, as, in fact, by his regulations he does give, to the surveyor, additional instructions.

He might think it expedient to give information concerning the gratuitous grants which he should thereafter give, in the fulfilment of the King's intention under the new disposition respecting sales; for it might, in his opinion, be important, that the inhabitants should be informed of his views of his own duties and powers in reconciling the provisions on the subject of sales and compromises with O'Reilly's regulations.

He was under obligations to give the general orders and notices, directed to be given in the 3d, 7th, and 8th articles of the royal regulation.

He might think it advisable, to give more explicitly, the intention of O'Reilly's regulations, which it was, without doubt, competent for him to do in the form of instructions to his sub-delegates, and he might think it equally expedient to do the same in reference to the provisions of the royal regulation, which originally had been instructions to officers who had been afterward superseded in the duties they impose.

He had, as a matter of course, to prescribe the manner in which record should be made of all that should be done by him in the performance of the trust.

Now Morales's regulations, under the view of the subject, are such as he was authorized to make in the performance of the duties imposed upon him by the laws which he was to execute.

The royal regulation was originally addressed to the officers, mainly, who were to execute its provisions. The first section directs that an authentic copy of it should be transmitted to the sub-delegates, together with their appointments, and the third section that the sub-delegates, on the receipt of it should furnish on their part general orders, &c., which were to be directions to the inhabitants, in regard to what was to be done by them.

So the royal order of 1798 was communicated but to the intendant and governor; to the latter that he might officially apprize of the transfer of the power; and to the former that he should proceed to execute the trust committed to him; leaving to him the promulgation to the inhabitants of all that related to it, or which it was material that they should be informed of. To ascertain the intention of a particular act, or what is to be inferred from it, we should regard the usage of the country and the form and manner of proceeding which is usual in it.

That the laws which regulate the rights and duties of the subject, and which established his social relations, should have been published under the Spanish government, before they had authority, must be conceded. But this rule, in that sense of *a publication*, which we should understand, is not universally true as to all the decrees and royal orders which went forth as law. The edict which transferred the power in question, and the royal order which communicated it, were probably never in print, or sent forth to the public; nor, as I presume, was the royal order of 1770, which approved O'Reilly's regulations. They went to the officers who were to execute what they commanded.

The provisions of the regulations of Morales, on the subject of gratuitous grants, are drawn from the regulations of O'Reilly, without the addition or subtraction of any one principle. The provisions of the same regulations on the subject of sales and compromises, are drawn from the royal regulation, and the laws cited therein. The provisions which relate to the duties of the surveyor, commandants, and syndics, the intendant was competent to make in virtue of his general power over the subject; and in reference to these he would be governed by local "circumstances."

Morales does not consider that the approbation of the King is necessary to give his regulations the authority of law. He would have thought such approbation necessary without doubt, had he been authorized to establish the law on the subjects to which his regulations relate; for where the law is made by the council of the Indies, it has not the force of law until sanctioned by the approbation or counsel of the King. Had he imagined the approbation of the King necessary to give force to his regulations, he would have ordered obedience to them, with the reservation made by O'Reilly in the acts of his to which I have referred, which he had been invested with the power to establish the law. Instead of commanding an observance of his regulations "with the reserve of his Majesty's good pleasure," as O'Reilly had done, he intends that they "shall have their full and entire effect until it pleases his Majesty to order otherwise," (see last paragraph of regulations of Morales.) The royal order which approved O'Reilly's regulations, required, in like manner, a conformity to them "as long as his Majesty shall not make any other provisions." If the regulation of Morales republished the principles which had been previously established by the King as law, those principles would continue to be law whether republished or not; the provisions established would not require to be again approved, when republished.

It has been somewhere said that the regulations of Morales were protested against by the cabilda, and Morales removed in consequence of having made them. I know not the authority upon which this has been said.

Morales appears to have been in office as late as the 28th of April, 1802; his grant to St. Vrain, which forms a part of the plaintiff's evidence in the case of Soulard and others, against the United States, now pending before the Supreme Court, of that date. His regulations, from the terms of that grant, appear also to have been imposed at that date; consequently, his Majesty down to that time had not "ordered otherwise;" for in that grant the regulations are referred to, and the grant made "under the condition that as well the said named captain of militia, Don James Delassus St. Vrain, or his successors on the said land, which has been given to him without any interest, fee, or any contribution whatever in favor of the royal treasury, they are to observe, comply, and conform with the contents of the third, fourth, sixth, seventh, and ninth articles of the instruction made and published by this intendancy, bearing date July 17, 1799," (the date of Morales's regulations,) "conformably to the locality, quality, and circumstances of the land hereby granted, and of which he is to take notice, and not to allege or plead ignorance, under the penalty imposed on the same, in case of contravention." In the December following the date of this grant, the tribunal of affairs and causes relating to the grant and composition of lands, was closed by Morales, which tribunal was not afterward reopened. The alleged cause of its being closed was the death of the assessor of the intendancy. The true cause was probably the cession of the country to France; but that cession having been made by a secret treaty, it would not be considered expedient to allege the cession of the country as a reason for its being closed; and the first occasion, perhaps, which occurred after the treaty, for discontinuing to grant lands, which offered a plausible pretext for so doing, was the death of the assessor, the real cause being the cession, which was not yet to be made known. (See the order of Morales, White's Collection, p. 218, announcing the death, &c., and that the tribunal had been closed.)

It appears to me, therefore, that, after the decree of 1798, the royal lands in Louisiana were to be granted and sold conformably to the regulations of O'Reilly, the royal regulations of 1754, and the laws cited therein; that a disposition of them, conformably to the provisions of the regulations of Morales, would be also a disposition of them in pursuance of the intention of O'Reilly's regulations, the royal regulation, and the laws therein cited. That the publication of the regulations of Morales was, in fact, a publication of the provisions of the former laws embodied by him, and of other provisions which it was competent for him to make, to regulate the conduct of those to whom he should delegate authority; that in framing the provisions upon the latter subject he would reasonably enough consult the regulations of Gayoso, framed for the same purpose; that the provision of the regulations of Morales not drawn from the laws referred to, or not directory to his subordinates in matters touching which he had a right to give law in virtue of his power to perform the duties assigned to him by the laws referred to, have for their object the protection of the royal lands against trespasses, and may well be supposed to have been a promulgation of what had previously been established upon the subject to which they relate; that his grants, by reference made in them to his regulations, are evidence that those regulations continued to be law so long as grants were issued by the government; that, whether they were in themselves law or not, they contain a sound exposition of the law pursuant to which lands were to be granted.

That, in relation to the powers and duties of the sub-delegates, they were *de facto* and *de jure* law to them, as the regulations of Gayoso had previous, without doubt, been; and as the instructions of those who had the exclusive power to grant, whether governor or intendant, would be, from the first establishment to the final termination of the Spanish government in Louisiana. In all, therefore, that the sub-delegate transcended the authority conferred upon him, by the instructions of those to whom belonged the exclusive power to grant, his acts would be without authority and void; and in respect of those acts, which were performed in violation of instructions, they were criminal. To determine the authority of the act, we have but to consult the instructions, and, at most, it can only be insisted in favor of claims originating with the sub-delegates; that to determine their merits, we have but to ascertain whether they could have been authorized by the regulations of O'Reilly, the royal regulation of 1754, and the laws therein cited, all being construed together, as constituting the authority and legal provisions, pursuant to which lands were to be granted. The former, however, being considered the prior law, and therefore yielding to the later expressed will of the sovereign, that the latter should be observed in preference, so far as they should be inconsistent with each other.

The laws in question contemplate grants upon sales, compromises, or upon condition of cultivation, or the possession of cattle.

No claim is set up, in Upper Louisiana, upon a title pretended to be derived in either of the former modes.

Grants upon condition of cultivation, are denominated gratuitous grants; so also are those authorized to be made, in consideration of the number of cattle which may be possessed by the applicant.

Grants upon condition of cultivation, as authorized either by the regulations of O'Reilly or Morales, would issue, as a matter of course, in the cases specified in those regulations.

The regulations do not contemplate that the cultivation which they require should precede the grant. On the contrary, by the terms of the regulations, the grant was to precede the performance of the conditions; and in practice it did, when applied for, precede them.

The articles of the regulations of Morales, which are referred to in the grants to St. Vrain, which has been mentioned, the contents of which he is to "observe, and comply, and conform with, under the penalties mentioned in the same," require, among other things, the cultivation of a proportion of the grant, equal to one twentieth part of it, within three years, under the penalty of its being reunited to the royal domain. It will appear, therefore, that cultivation is the direct consideration and inducement which leads to the grant. There are other conditions which run with the grant, that of keeping up mounds, roads, and ditches, &c.

In the distant posts, where it would not be practicable to make application immediately for the grant, the cultivation would probably precede the application for a grant; and there, with this view, the sub-delegates were authorized to give the applicant possession, that he might proceed to cultivate, and afterward apply for the grant.

The royal ordinance for the establishment and instruction of the intendants of New Spain, (pages 56, 57, White's Collection,) equally requires cultivation, as the condition of the gratuitous grants which it authorizes the intendants to make; or, to express more truly the intention of the instructions, it authorizes grants of lands for the purpose of cultivation, and as an inducement to the people "to devote themselves to the sowing, raising, and preparing flax, and hemp," &c.; "and if," says the instruction, "in order to obtain so important objects, the intendants should find it necessary to make a distribution of the King's lands, of private domains, I grant them power to do so, giving notice thereof, together with their motives, to the supreme board of the treasury. But this is to be understood, as respects the property of private individuals, as applying only to such as, either from the negligence or inability of the owners, shall remain unimproved; and the aforesaid board shall make compensation for the same out of the public treasury," &c. "And where any shall not apply themselves to improve, in a proper manner, the lands which shall have been allotted to them, the same shall be taken from them (which I command to be done without mercy), and granted to others who shall fulfil the conditions."

The "fulfilment of what is intended in the 81st article of the royal ordinance, would require that the intendant should observe the spirit of this instruction, for that article confers the granting power upon the intendant, subject to these instructions. The authority conferred, to make a distribution of the lands of private individuals, which should remain uncultivated from the inability or negligence of owners, evinces forcibly an intention to give only for the purposes of cultivation, this being a primary object.

When, therefore, instructions were given by officers who were to grant lands in pursuance of the laws and authority mentioned, the instructions given by them to their sub-delegates are presumed to have been in accordance with the laws; and as far as we have any knowledge of them, or information in relation to them, they were so given. We are not, therefore, to presume that the instructions given by the governor or intendants authorized grants of greater extent, or for other purposes, or on other conditions than the laws authorized them to be made.

The instructions or orders of Carondelet, in 1795, which are mentioned in the remonstrance of Delassus, would, as far as their contents are there stated, appear to be in accordance with the law in reference both to the extent of the grant, and to the direct possession, with a view to which the grant was to be made. So are those of Gayoso and of Morales.

The instructions of Gayoso do not show the extent of the authority which he delegated to the commandants; they do not show the acts which they are to perform; they do not inform the commandants that they are to make the grants, as they state in their commencement; they are "instructions to be observed by the commandants of posts in this province, *for the admission of new settlers*," not relating to the grants which those commandants should give, but relating to grants which would be given by the proper authority, the governor. The commandants,under these instructions, could give to the settlers a satisfactory assurance, in relation to the grants which they might expect from the government.

The 17th article of the instructions directs "that" the forms established by my predecessors, in which to petition for lands, shall be followed under the conditions expressed in this order. The genuine concessions will, of course, give these forms, and the acts of the commandants under these instructions. These acts were an order of survey, and of possession, for the quantity of land which the instructions authorized; and also a statement of the party's property qualifications to entitle him to the grants. These acts, and that of the surveyor, accompanied the petition, when it would be presented to the governor for the grant, and would give to him that information which it was necessary he should possess before he could issue the grant. All this matter of form had been prescribed by Carondelet, as I think I have shown in my comment upon the remonstrance of Delassus. It is in relation to all this matter of form that the 17th article refers, and requires it to be pursued. For with all these acts of the commandant and surveyor appended to the petition, the whole was considered as part of the petition for the grant, being the necessary evidence to accompany the petition. Hence the order of Morales, when he announces the death of the assessor, and that the tribunal for granting had been closed, says, (page 218, of White's Collection,) "I make this communication to apprize you of this providence, and that you may not *receive* or *transmit memorials for grants of lands*, until further orders. This order, in White's Collections, was to the commandant at Madrid; a similar one was received by the commandant at the post of St. Louis, (see the evidence of Soulard, in the Supreme Court, letter H, translation,) where the commandant announces the receipt of the order to the surveyor, for his information and that of the inhabitants. In this order of the intendant to Delassus, at St. Louis, the intendant adds the word "*frame*." "I make this communication," says the intendant, "in order that, apprized of this providence, you may not receive, *frame*, or transmit memorials *soliciting* lands until further orders." According to the regulations of Morales, the duty of the sub-delegate, as far as his agency was required, could only extend, under any construction of them, to that of giving information that the party, from his ability to cultivate, was entitled to the quantity he solicited, according to the rules stated in the first article; also, that the land was vacant, as stated in the 2d article, and order the survey and possession that the evidence of the lands being vacant, might also be given by the surveyor and neighbors, which by the 32d article is required to accompany the statement of the commandant. These are the acts and the only acts of the lieutenant-governor, which constitute what is called a concession, according to the practice which prevailed after the order of 1795, or thereabouts, when the change in the form of the concession took place.

With this view of the subject of the concession, the statement of Delassus, in his remonstrance, accords. He doubts, on the receipt of the royal regulations of Morales, "whether the commandants are still authorized to put *provisionally* (temporarily) the new-comer in possession by a decree of concession, and giving orders to the surveyor to survey the lands." It must be inferred from this that the decree was but for the purpose of ordering the survey, and putting *temporarily* the applicant in possession, until he should apply for his title to the granting authority. These decrees are again, in a subsequent part of that remonstrance, called "provisional decrees of concession to cause the lands to be surveyed;" and again, in a subsequent part, these decrees are referred to as those under which the lands had been surveyed, and the parties put in possession conformably to the orders of the government." They are mentioned as being called "*provisional decrees*," in the orders of the governors; and the authority to put the applicants provisionally in possession, is mentioned as having been authorized by the orders of the governor.

Taking then the law and the orders, and practice, as we are to infer the same was from the orders, and also the statement concerning the practice, which is contained in the remonstrance, and the concession would give nothing more than a right to have the possession of the land ceded, and the survey of it made with a view to immediate improvements to be made upon it, and also to apply for the title.

Now, the Supreme Court say that this concession "is property capable of being alienated, of being subjected to debts, and is as such to be held as sacred and inviolate as other property. (9th Peters, 145; Choteaus' heirs *vs.* the United States.) They hold this doctrine without qualification. Let us examine it. Is the concession *property* capable of being *alienated?* O'Reilly's regulations provide in respect to *grants* thus: "The said grants can be neither sold nor alienated by the proprietors, until after three years of possession, and until the above-mentioned conditions," those of cultivation, &c., "shall have been entirely complied with," and to guard against evasion in this respect, the written permission of the governor for the sale is made necessary. (3d article of O'Reilly's regulations, White's Collection, page 204.)

Gayoso's regulations provide, in relation to *granted* lands, thus: "He shall not possess the right" ("the new settler to whom lands have been granted") "to sell his lands, until he shall have produced three crops on the tenth part of his lands, which shall be well cultivated;" and provides, nevertheless, that it may go to his heir, if in the country, &c. (15th section of Gayoso's regulations, White's Collection, page 207.) The regulations of Morales provides, that "during the said term of three years, no person shall sell or dispose of the land which has been granted to him, nor shall he ever after the term, if he has failed to comply with the condition contained in the preceding article;" referring, without doubt, to the condition concerning cultivation. (Morales's regulations, 6th article, White's Collection, page 210.) It would not occur to me that concessions could be alienated, while

these inhibitions against the alienation of granted lands remained, until the lands conceded had also been improved. When the land was granted, or in the case of concession, when it was conceded, the granting authority in the case of a grant, and the commandant in the case of a concession, judged of the propriety of the grant from the property qualifications of the applicant for it, or his means to cultivate; to allow the party to alienate, might defeat the intention of the grant, but much more the concession; the order of survey and possession is in favor of the petitioner for the land. The statement of the commandant refers to his qualifications as those either from the number of family or means, which entitled him to the grant. Should he alienate, and his assignee present himself before the intendant, the commandant's certificate of the assignee's means, would not avail the assignee; it would not prove that the assignee had the property or means equal to the quantity originally conceded to the assignor. The decree of concession was personal, gave the right to the individual applicant, and to him only, in consideration of the means to improve it, and a right merely to enter upon and improve the land, and have it surveyed; the decree gave but the right to that which was inalienable. But after the party had entered upon the land, in pursuance of the permission granted by the concession, and had improved the land, that improvement, made in fulfilment, in part, or in whole, of the conditions which the law would have annexed to the grant, would give him a property in the land, which, after the conditions had been entirely fulfilled, he might alienate by an equitable extension, to concessions of the provisions applicable to grants. The distance of the seat of the colonial government rendered it inconvenient to apply for grants; for this reason, the quantity of lands held by grants in Upper Louisiana, in comparison with that held by concession, was comparatively inconsiderable. Prior to 1795, no surveyor had been appointed in Upper Louisiana, and I believe no grant had been made there before the appointment of a surveyor. The concessions made prior to the order which accompanied, or very soon followed the appointment of a surveyor, of which mention is made by Delassus in his remonstrance, assumed, as I have said, in my last communication, to convey to the *applicant* and his *heirs* the *title* to the lands mentioned in them; with a condition that the concession should be void, if the land was not improved within a year.

No obligation is imposed upon the party to these concessions, nor intimation made of the necessity on his part to apply to the governor for the title; and hence many believed that they were the owners of the lands conceded to them; such belief would evince ignorance on their part of the provisions of O'Reilly's regulations, and consequently ignorance of the provision which prohibited the alienation within three years, and without the consent of the governor. It is not probable that O'Reilly's regulations had been widely circulated, especially in Upper Louisiana, or that the inhabitants there were well informed in relation to them, or to any other matter of law. As the concession which they received purported to grant to them and their heirs the land it described, upon the condition of its being improved within a year, they might well suppose themselves the owners of the land so soon as the condition had been complied with, and of course possessed of the full right to sell it; otherwise, however, after the change of the form of the concession, in or about 1796, the concession then, and afterward issued, not assuming to grant the title, but referring the party to the governor for it, and purporting only to authorize a survey to be made, and a possession to be given, and to inform the governor of the party's qualifications to receive the grant, and that the land was vacant; the party obtaining such a concession could not believe himself to be the owner of the land thus conceded. The concession, it will be seen, was of no value except with a view to get possession of the land, and to apply for the title. But having got possession, and rendered the land valuable and productive by the improvement made upon it, then, and not until then, would it become the object of desire to a purchaser; for as all could obtain wild lands without price or purchase, who desired them for the purpose of cultivation, there would be little inducement to purchase, except when the land had been improved; and it is certain that a purchase of a concession would be of no avail before the governor, or intendant, when the title was applied for; that is, that the assignee would not stand in the place of the party to whom the concession was originally made, so as to dispense with the necessity of showing either his ability to make the required improvement, or that such improvement had actually been made; the governor, or intendant, having the power to approve the sale, and to judge of the propriety of the grant, would, of course, give or refuse the grant to the assignee, as it should or should not appear that he was entitled, from his means, to the particular quantity of land assigned to him; hence the assignment of the concession, or the land it describes, would give no certain right to the assignee; no assurance that he would stand in the place of the assignor, when the title should be applied for; certainly the certificate of the commandant, in relation to the assignor's means, could not avail the assignee; and as certainly would it be necessary for the assignee to establish his ability to cultivate the land, or that it had been approved to the extent required, before he could obtain the title; this plain view of the subject will show how nugatory would be the assignment, unless the party's circumstances were such as would obtain him that amount of land without any assignment or purchase. The assignment, therefore, conveyed no legal or indefeasible interest. The party, it is true, would gain the possession by it, and the usufruct of the land; but he would not gain a right which he could assert before the granting authority, or as against the government; so long, however, as by the indulgence of the government he was allowed to remain in possession, and receive the profit of the lands, he would be benefited by the purchase.

This question of the right to assign the concession has become material in the discussion, not because the Supreme Court has asserted the right to exist, but because most of the concessions have passed from the original owners, and many of them by assignments purporting to be made soon after the date of the concession, and where the survey has been made in the name of the assignee. In many of these instances of assignments made soon after the concession was issued, or before the survey was made, a part of the concession only was assigned, leaving a residue in the hands of the original party, the survey in these cases being made for the assignee, and at his instance; one individual being the assignee of many concessions. This mode of doing business, in this time, having been practised to a very considerable extent, will, when examined, be regarded *as evidence of fraud*. Suppose one of these assignees had presented himself before the intendant for the title, under the assignment, and the promoter, or attorney of the royal treasury, had objected to the emanation of the grant, and alleged that the statement of the commandant, in relation to the ability of the party to whom the concession had issued, did not establish the means of the assignee to be equal to the cultivation of the proportion of the land within the time required by the law; that his being the assignee of many concessions excluded the supposition that he had purchased them all with a view to their cultivation; that without such purchase the assignee had a right to obtain, in his own name, and for himself, a reasonable quantity corresponding to his ability to cultivate; that the assignment by the original party to the concession before they had taken possession, proved by the concurrence of so many assignments to the same individual that they had not obtained the concession with a view to the occupancy and improvement of the lands; that their assignment of all but a small part of the concession was evidence that they did not want all that had been solicited by them; that gratuitous grants were to be made only in consideration of the means which the applicants possessed to cultivate them, and their undertaking implied to culti-

vate within a given time a certain proportion of them; I say then implied undertaking, because the law and the grant, by imposing this condition, and declaring a forfeiture in default of its fulfilment, implies the undertaking to perform the conditions. That, therefore, these original parties to the concessions, having, without entering upon the land, or proceeding one step toward a compliance with the undertaking on their part, alienated the concession in violation of their undertaking; and to one who does not establish that he is able to perform what his assignees were to perform, presents a case destitute of merit, suspicious, and directly forbidden. That in fact the whole proceeding appeared to him to be an abuse of the beneficent intentions of the law on the subject of gratuitous grants, and a total violation of all its rules, and perversion of its objects, which ought not to receive the countenance of the intendancy. If these objections could be made before the intendancy, and would have been sustained there, as I apprehend they must have been in the event of their being raised, it would follow that concessions were not assignable, as a matter of course, because the assignment conveyed no right which the assignee could enforce before the intendancy.

But where the concession, having been made in good faith, was such as the party was entitled to from his circumstances, according to the provisions of the law; and where, in pursuance of the intention in making the concession, he had improved the land, and rendered it valuable; had complied with all that the law would have required had he obtained the grant, to perfect his title; he might, and in practice the inhabitants did, under such circumstances, alienate their lands, even perhaps before the expiration of the three years; for such alienation being such, whether before or after the three years, as might be cured by the consent of the intendancy, the prohibition being to prevent abuses in not making the improvement required, the assignee might take the assignment at his risk, relying upon his being able to establish, before the intendancy, either the improvement made, or the ability to make it.

And as most of the real property held in Upper Louisiana was held under concessions only, it would have been greatly detrimental to trades, and to the interests of the inhabitants of such property, after having been rendered valuable by their labor, had it not been considered alienable, and also liable to the payment of debts. So, if it had not likewise been considered such as would pass by devise, and by descent, after being so rendered valuable, industry would have been deprived of half its stimulus. This practice, therefore, of alienating property which had been rendered valuable by the labor bestowed upon it, may be reconciled with the law, and has ground enough to stand upon consistently with such reconciliation, without inferring a practice inconsistent with the law, and thence deriving, by inference, a right to alienate from the presumed practice.

The instances of assignment to which I have referred, where the assignment was previous to the survey, and where no possession had been taken, and where the survey was afterward made in the name and at the instance of the assignee, will, when examined, appear to be instances of fraudulent concessions and assignments.

The remarks I have offered to show that the naked concession, where there had been no improvement under it, could not, from its object, be assignable, tend also to show the nature of the right which was derived by it, for it was a right, rather than an interest, in the land; a right to enter temporarily upon the land, subject to the decision of the granting authority, to which application was to be made for the title; a right conferred with the intention that the party should, and in consideration of his undertaking that he would, proceed to improve the land as required by the terms of the law; for such purpose only were lands authorized to be given, and to such persons only as had the means so to improve were they to be given, except when given in consideration of tame cattle; I say in consideration of his undertaking that he would proceed to improve the land; because, when the law had prescribed this in the condition, the undertaking to perform the condition, in default of the performance of which the grant is to become void, is implied and understood. It was not intended that the land should be suspended from grant beyond the reasonable time allowed for taking possession of it for the purpose of improving it. The 14th article of Gayoso's regulations allows one year, and those regulations for such a purpose might operate on anterior grants to require possession to be taken within one year after their publication. The remonstrance of Delassus shows that the object of the decree of concession was to give immediate possession.

If I am mistaken in my supposition in relation to the laws which, under the royal order of 1770, and the decree of 1798, exclusively regulated the grant of lands in Louisiana, and also in my supposition in relation to the effect of the royal regulation of 1754, upon the earlier laws on the subject of grants of the royal domain, and that these earlier laws, contrary to what I have supposed, were extended to Louisiana, or gave authority to the governor or intendant to grant, and that we are therefore to recur to those laws to ascertain the granting power, we shall find that they authorize grants under limitations and conditions less favorable to the Missouri claimants than the regulations of O'Reilly do.

Those earlier laws, so far as they are contained in White's Collection, appear to have been arranged in the collection of the laws of the Indies, from which those in White's Collection were extracted, under heads and titles, with a view to bring together those under the same head and title which relate to the same subject-matter

Those, for instance, in White's Collection, from page 31 to 34, under titles 1, 2, 3, liber 4, relate to discoveries, and contain the provisions which point out the several modes of proceeding in that matter.

Those in pages 35 and 34 of White's Collection, under 5, liber 4, relate exclusively to the settlement of new places, and the founding of towns or cities in new places, and regulate the mode of proceeding in that behalf, and the quantity of land which shall be granted as the inducement and reward to be given for such enterprises.

Those laws under title 7, liber 4, pages 36, 37, 38, White's Collection, relate to the same subject, authorize grants with the same view, but provide another rule, or principle, upon which the distribution of land which they authorize to be granted to the first founders or settlers shall be made.

Those under title 2 (12) liber 4, pages 38 and following, of White's Collection, relate to the sale, composition, and distribution of lands, lots, and waters.

The gratuitous grants authorized under this title, with the exception of those authorized by law 4, of this title, are authorized to be made, not as inducement to the founding of new towns or settlements, but as inducements to settle on new lands in settlements or places already established.

In every instance of a grant authorized by the laws of these several titles, as an inducement or reward offered to the founders of new settlements or towns, or to the settlers on new lands, in settlements which have been established, the grant is upon the condition of a settlement and improvement of the land.

Law 6, of title 5, (White's Collection, 34,) establishes the terms and conditions upon which contracts for the founding of towns or cities shall be made. It authorizes a grant of "four square leagues" to be made to the founder when he shall have complied with the contract prescribed in that law; which contract is to require, among other things, that the settlement is to comprise within a prescribed time, *thirty heads of families*, each of whom shall possess the property in (the new place) which is prescribed in the law.

Laws 9 and 10, of the same title, (White's Collection, 35,) and law 7, of title 7, liber 4, (White's Collection, 36,) show that the founder who is to receive a grant of "four leagues square," when he shall have complied

with his contract, is to grant out of these "four leagues square" the lands necessary to reward those who enlist with him to form the new settlement.

Law 9, of title 5, referred to, prescribes that the person who contracts with the government, &c., to make the new settlement, "shall do so likewise with each individual who enlists to join the settlement," and that "he will bind himself to grant building lots in the new settlement, together with pastures and lands for cultivation in a number of peoneas and caballerios, *proportionate* to the quantity of land which each settler shall obligate himself to improve, provided it shall not exceed, nor shall he grant more to each than five peoneas or three caballerios, according to the express distinction, difference, and measurement, prescribed in the laws of the title, concerning the distribution of lands, lots, and waters." This title, concerning the distribution of lands, lots, and waters, is in page 28, and following, in White's Collection. The measure of the peonea, as declared in law 1, of the title referred to, (White's Collection, 38,) is "a lot of fifty feet front and one hundred feet deep, one hundred fanegas of arable, fit for the cultivation of wheat or barley, two huebras, a measure equal to as much land as a yoke of oxen can plough in a day, of land for a garden, and eight for planting other trees which grow in any lands, with pasture sufficient for ten breeding sows, twenty cows, five breeding mares, one hundred ewes, and twenty goats." The caballerios "is a lot of one hundred feet front and two hundred feet deep, and equal in all other respects to five peoneas." A fanega of land is about equal to an acre; a fanega contains several huebras. The quantity of land in a peonea for the cultivation of wheat, barley, corn, and for garden, and for planting trees, would not, in all, exceed one hundred and fifteen acres. The quantity to be allowed for pasture for the number of animals mentioned in the law, is indefinite, and would be varied according to the capacity of the soil; the average quantity would not probably exceed sixty acres for pasture, which would make the peonea contain one hundred and seventy-five acres; the caballerios, being equal to five peoneas, would contain about eight hundred and seventy-five acres. As, therefore, by law 9, title 5, of lib. 4, (White's Collection, 35,) not exceeding five peoneas or three caballerios are to be granted to any one, and as the number of peoneas and caballerios within these quantities are to be granted "*proportionate* to the quantity of land which each settler shall obligate himself to improve;" and with a reference also to the express distinction, difference, and measurement, prescribed in the laws of the title concerning the distribution of lands, lots, and waters. Adverting again to law 1 of this title, (White's Collection, 38,) it is there stated that, "in order to promote the zeal of our subjects in the discovery and settlement of the Indies, and that they may live in that ease and comfort which we desire them to enjoy, it is our will that there be distributed among them houses, lots, lands, caballerios, and peoneas, to all those who shall repair to settle on new lands in the villages and places which shall be designated to them by the governor of the new settlement, making a distinction between gentlemen or esquires (escuderos) and caballerios (peoneas) and those of inferior grade or merit, and graduating such grants according to their qualifications and services," &c. It would appear, according to the distinction of this law, to which we are referred, and the rule of *graduating the grants*, which it prescribes, that there would be granted to laborers, and to those of inferior grade and merit, between one and five peoneas, inclusive, according to his services, merit, and the quantity which he should obligate himself to improve; and to gentlemen or esquires, from one to three caballerios, according to his merit or service, and the quantity he should obligate himself to improve. The greatest amount thus authorized to gentlemen being two thousand six hundred and twenty-five acres, no matter how great their merit or services, or means to improve; and the greatest quantity to be granted to laborers, about eight hundred and seventy-five acres.

This limitation upon the size of the grant has been overlooked by the Supreme Court. Had it been observed by them, they could not have said that there appeared to be no public restraint upon the granting power of the governor—"no limitation restricting the power of the governors to a league square in their grant."

The founder of the new town or settlement, who makes the contract for that purpose with the government, in pursuance of the provisions of the law 6, of title 5, of lib. 4, after having granted to those who enlisted with him to form the settlement, the quantity to which they would be entitled, would retain a considerable part of the grant; but his liabilities under his contract, should he fail to comply with it, are made by the terms of the law very onerous.

This law 6, of title 5, it should be observed, prescribes the terms and conditions of contracts to be made for the founding of new settlements, &c., and the quantity to be granted where the new settlement shall comprise thirty heads of families. Law 7, of the same title, provides that a proportionate quantity shall be granted when the settlement consists of more or less than thirty heads of families.

Law 10, of the same title, authorizes a contract with particular individuals who shall unite for the purpose of founding a new settlement.

The laws of title 7, lib. 4, direct another mode of distributing the lands or tract granted by agreement to the founder of a settlement.

Law 7, of title 7, lib. 4, (White's Collection, 36,) provides that "the tract of territory granted by agreement to the founder of a new settlement shall be distributed in the following manner: they shall in the first place lay out what shall be necessary for the site of the town and sufficient liberties, (exidas,) and abundant pasture for the cattle, to be owned by the inhabitants, and as much besides for that which shall belong to the town, (propias.) The balance of the tract shall then be divided into four parts, one to be selected by the person obligated to form the settlement, and the remaining three parts to be divided in equal portions among the settlers."

Law 11, of the same title, provides that "the lots shall be distributed among the settlers by lot, beginning with those adjoining the main square;" and that the remainder should be reserved to the King, to be by him given as rewards to new settlers, or otherwise according to his pleasure.

Laws 13 and 14, of the same title, make further reservations of commons; and the latter law contains further provisions as to the manner of distribution, and after providing for the distribution of lands to the first settlers, provides further that "the remainder shall remain vacant, that the King may grant them to new settlers."

The provisions of the laws 11 and 14, of title 7, lib. 4, which reserve to the King the lots undisposed of, and the lands undisposed of to the first settlers, to be given to *new* settlers, as distinguished from *first* settlers, will assist us in understanding the provisions of law 1, of title 2, (12,) lib. 4, (White's Compilation, 38,) which declares that, "in order to promote the zeal of our subjects in the discovery and settlement of the Indies, &c., it is our will that there be distributed among them lots, lands, and caballerios and peoneas to all those who shall repair to settle on new lands in the villages and place which shall be designated to them by the governor of the new settlement, making a distinction between gentlemen or esquires (escuderos) and laborers, (peonas,) and those of inferior grade and merit, and graduating such grants according to their qualifications and services, in order that they may attend to the working of said land, and the breeding of stock," &c.

The law 1 of this title of 12, (which by mistake in White's Collection is stated to be title 2, as the paging given of the work from which the laws are extracted shows,) so far as it authorizes gratuitous grants, authorizes

them in settlements which have been established. The provisions of the law being in favor of those who shall repair to settle on new lands in the villages and places which shall be designated to them by the governor of the new settlement, presupposes the settlement formed to which they are to repair. The provisions of the laws 11 and 14, of title 7, which reserved lots and lands vacant, to be given to such new settlers or to be given as "rewards to new settlers," concur to sustain this construction.

The gratuitous grants, therefore, authorized by the laws of title 12, being authorized in districts previously settled, and as an inducement to settle new lands in such districts, would reasonably be less than those grants which had been given to the first settlers of such districts, who, encountering greater difficulties than those who should follow them, would require greater inducements as their reward therefor.

Another reason for believing that the gratuitous grants authorized by law 1, of this title 12, were to be of less extent than those authorized to be given to the first founders of a settlement, and were not to be given with a view to the founding of settlements, but as inducements to repair to settle new lands in established settlements, is, that the laws of the same title which follow, (pages 41, 42, 43, White's Collection,) relate to the sale and composition of lands, and refer to the condition of a populated country. The laws of this title afford an instance of a system of gratuitous grants, sales, and compromises, operating over the same country at the same time, not dissimilar to the system prescribed by Morales's regulations. The 800 arpens prescribed by Morales, might have been considered by him about equal to the caballerios of the laws of the Indies.

Law 3, of title 12, (White's Collection, 39,) shows, that the grants authorized to be given to the new settlers by law 1, of the same title, were to be proportionate to the means to improve, &c., and consequently not large. It provides that "the persons who shall accept caballerios, or peoneas shall obligate themselves to divide and clear the arable lands, and to work and plant them, and to stock with cattle those which are destined for pastures within a limited time, divided into terms, and declaring what is to be done in each, under the penalty of forfeiting their grants of lots and lands, and besides a certain number of maravedas for the republic; which obligation shall be in due form, and with good and sufficient sureties.

Law 9, of title 5, which relates to the founding of new places, requires also that an obligation to improve shall be entered into by those who enlist to form the new settlement, but it does not appear that the obligation required so much on the part of the founder. The establishment of the new place probably entered into the consideration of his grant, as a part of the consideration thereof. In relation to the gratuities authorized by title 12, in established settlements, the cultivation required was the inducement to the grant.

Law 11 of the same title (White's Collection, 40) declares that "all the settlers and housekeepers to whom distributions of lands shall be made, shall, within the three months which shall be stipulated, take possession of the same, designate their confines and boundaries, by planting in the proper seasons willows and other trees," &c., "under the penalty, if after the expiration of said term they shall not have planted the aforesaid boundaries, of forfeiting the land, that the same may be granted to some other settlers: this shall be done not only with regard to the lands, but likewise with regard to the settlements and improvements which they may hold and be possessed of within the limits of the towns and villages." In explanation of this forfeiture being made to extend to the property possessed in the towns and villages, as well as to the lands which should not be taken possession of, it is to be observed that the caballerios and peoneas, each of them consisted of a lot of a certain number of feet in front, by a certain number in depth, which were in the villages or towns: that the inhabitants generally resided in villages, &c., and the forfeiture was intended to include the whole peonea or caballerio which had been granted, if the land was not taken possession of, &c., within the specified time.

It would follow, from the provisions made on the subject of gratuities, the object of the gratuity, &c., that not more than one gratuitous grant would be made to the same person, until the conditions of the first at least had been complied with. The provisions of law 2, of title 12, of liber 4, (White's Collection, 39,) more particularly authorize this opinion. The provisions of law 1, title 2, (12,) liber 4, (White's Collection, 38,) require a residence on the part of those who have obtained grants, of four years, &c., to authorize them to sell their lands.

Thus it appears, that the earlier laws of the Indies, so far as these are given in White's Collection, do not authorize grants to settlers, even where these settlers are the original founders of new settlemenis, or places of greater extent than five peoneas or three caballerios. That this is the limitation upon the extent of the grant to such settlers, no matter what their "services" or "merit," or the difficulties attending the establishment of the new place, either arising from its remoteness from settled districts, or hostility from the Indians. It shall not exceed this quantity, says the law, but it may be less, for the grant is to be graduated under this quantity to the rank, and merit, and services, and means of the settler, preserving the distinction between gentlemen or esquires, and laborers. With all these circumstances to increase the size of the grant, it is limited to laborers to a quantity between 175 and 875 acres, and to esquires to a quantity between 875 and 2,625 acres, to be graduated between these amounts according to their merits and means to cultivate it, &c.

Those grants authorized by law 1, title 2, (12,) (White's Collection, 38,) which are to be made in districts of country previously settled, would, as I apprehend, be more restricted, and limited to one *peonea*, or one caballerio, except where particular merit, means, or services, appeared to demand one of greater extent.

Another reason for believing that the gratuitous grants authorized by the last-mentioned title are to be made in settled districts of country, is, that the application to be made for those grants is to be made to the viceroys or governors, *who shall be thereto authorized by the King*, and that the viceroys and governors, so authorized, are required to distribute the lands by the advice of the cabildo (council) of the cities or villages, (see law 5, title 12, liber 4, White's Collection, 39, law 8, title 12, liber 4, White's Collection, 40,) referred to in cases of applications being made for lots or lands in any city or village where the audiencies reside.

This law 8 also shows the importance, the form and consideration, which was to be given to these applications for gratuitous grants. The petition was first to be addressed to the cabildo, who, having considered the same, appointed two deputy regidors to inform the viceroy or president of the opinion of the cabildo, which having been seen by the viceroy, president, and deputies, the order for the grant was to be signed by all in the presence of the clerk of the cabildo, who entered the same in the record of the cabildo. This form or mode of proceeding is directed where the lands or lots solicited were in the cities or villages where the audiencies should reside. Where the lands asked for were more remote from the residences of the audiencies, and of course from viceroys, presidents, &c., the same personal communication between the officers would be inconvenient, and the opinion of the cabildo would probably he transmitted, but it is to be inferred that the application was to undergo equal scrutiny.

The "four square leagues" which are authorized to be granted to thirty heads of families by the laws of title 5, for founding a new place or city, or which is authorized to be granted to the founder of such new place, and by him to be distributed, as required by law 9 of that title, is to be understood as stated in the law. One square league would contain 7,056 arpens, and four square leagues four times that quantity, 28,224 arpens, which, being

distributed as required in law 7 of title 7, liber 4, (36, White's Collection,) that is to say, reserving for the site of the town, for liberties, pastures for the cattle of the inhabitants, and for commons for the town, and subtracting such quantity from the four square leagues, say 10,000 acres, the founder's one fourth from the residue being also subtracted, would leave to each of the other thirty-nine heads of families, the residue being equally divided among them, about 700 arpens.

But if, instead of this equal distribution, the distribution should be made by graduating the grant to the merit and means of the first settler, as directed in title 5, the result would be as I have before stated.

The Supreme Court countenances the opinion, that, if there is a limitation upon the extent of the grant, there is no limitation to the number of grants which may be made to the same person. They say: "The objection drawn by the United States [meaning the counsel of the United States] from the concession made on the 24th of January, 1798, is not, we think, entitled to more weight. The eighth regulation made by O'Reilly, is not, that no individual shall receive grants for more land than one league square, but that no grant shall exceed one league square; the words of the regulation do not forbid different grants to the same person; and so far as our information goes, it has never been so construed," &c. It does not appear that the grant on the 24th of January, has been established, and the records show that it was rejected by the board of commissioners for reasons on the sufficiency of which we do not now decide. But it is conclusive, that the concession of the 24th of January was subsequent to that of the 8th, and consequently could not affect it. (9th Peters, 154.)

This doctrine, that the words of the regulation do not forbid different grants to the same person; that the regulation which declares that no grant shall exceed a league square," &c., "is not that no individual shall receive grants for more land than one league square," deserves to be examined. It occurs to me to be one which authorizes that to be done indirectly which is forbidden to be done directly. It occurs to me, also, to be a doctrine which would render nugatory all the limitations which the law has placed upon the extent of the grant; that it loses sight of the rules by which the extent of the grant is to be graduated, and the reasons upon which these rules were established.

The grants were to be in proportion to the means of the cultivator; in proportion to the improvement he proposes to make. A grant having been given of an extent proportionate to the improvement proposed to be made, and to the means to make it, it had occurred to me that no one would contend that a grant of the same amount, in consideration of the same means, and the same and not any additional proposed improvement, could be given, and repeatedly given, and multiplied, without a violation of the intention of the law. What could have been the object of the limitation of the grant, in proportion to his means, if it was also intended that he might have two or a dozen grants, each of which should be equal to his means.

The same reasoning applies to the grants authorized in consideration of the cattle which may be possessed by the applicant, for which see 9th and 10th articles of O'Reilly's regulations, White's Collection, 205, and the 10th article of the regulation of Morales, 211. O'Reilly's regulations provide, that "no land in the Opelousas, Attakapas, and Nachitoches, shall exceed one league in front by one league in depth; bnt when the land granted shall not have that depth, a league and a half in front may be granted, by a half-league in depth."

"To obtain in the Opelousas, Attakapas, and Nachitoches, a grant of forty-two arpens in front by forty-two arpens in depth, the applicant must make appear that he is possessed of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them—a proportion which shall always be observed of grants to be made of greater extent than that declared in the preceding article."

Why give this proportion between the grant and the number of cattle, but for the purpose of directing with certainty the quantity of land which the applicant should receive in consideration of the cattle he possessed. The intention appears to me to be, that the applicant should have granted to him only the quantity of land proportioned to his cattle as directed. The rule would be nugatory, rendered void of object and sense, if, after the applicant had received one grant, in proportion to his cattle, grants of the same extent might be multiplied in consideration of the identical cattle.

Morales directs, in his regulations, that in the posts of Opelousas and Attakapas, the greatest quantity of land that can be conceded, shall be one league in front by the same quantity in depth, and where forty arpens cannot be obtained in depth, a half a league may be granted; and for a general rule it is established, that to obtain, in said posts, a half a league in front, the petitioner must be owner of one hundred head of cattle, some horses and sheep, and two slaves, and also in proportion for a larger tract, without the power, however, of exceeding the quantity before mentioned.

It is to be observed, that eighty-four arpens by eighty-four makes a league, and consequently, that forty-two by forty-two arpens would make but one fourth of the area of a larger square; to obtain a league square by tho rule given by O'Reilly, the applicant should possees four hundred head of tame cattle, &c.

The same rule, I presume, was intended to be continued under the regulations of Morales. Now, the regulations do not, in every instance, use the words, "no grant," &c., upon which phraseology, I presume, the Supreme Court hang the question. The first article of O'Reilly's regulation says: "There shall be granted to each newly-arrived family," &c., "six or eight arpens in front (according to the means of the cultivator) by forty arpens in depth," &c.; (see the 9th and 10th articles of Gayoso's regulations;) directs that to every new settler answering the foregoing description, and married, "there shall be granted two hundred arpens of land," &c.; "to every emigrant, &c., there shall be granted two hundred arpens," &c. The first article of Gayoso's regulations provides that "if the new settler comes from another post in the province, where he has obtained a grant of land, no other grant shall be made to him; and if he undertakes to fix himself down, he must buy land, or produce my special permission for the grant," &c.

The 1st articles of Morales's regulation provides that "to each newly-arrived family," &c. "there shall be granted, *for once*, if it is on the bank of the Mississippi, four, six, or eight arpens in front on the river by the ordinary depth of forty arpens, and if at any other place the quantity he shall be judged capable to cultivate," &c., "understanding that the concession is never to exceed 800 acres."

All these provisions evince the intention to be to designate the quantity of land which each applicant shall be entitled to; whether he is to obtain that quantity by one or more grants is immaterial. The difference between the intimation of the court, therefore, and that which occurs to me to be the true construction, would appear to be this: that the Supreme Court consider the quantity of land in the mind of the framer of the regulations immaterial, and that the prohibition was levelled, not against granting any quantity of land that the applicant might solicit, but against his obtaining more than a certain quantity by any one grant; whereas, in the opinion I entertain, the quantity of land to be granted to any one individual was exclusively in the mind of the framer of the regulations when he framed the rules by which he intended the extent of the grant should be graduated; and that he did not deem it material whether he obtained that quantity by one or more grants. The provision of Morales, "that there shall be granted *for once*," &c., is emphatic, and that such grant would not

again be made to the same party, as I should render it, even after the performance of the conditions of the first grant. In the 10th article of Morales, the phrase is, "the greatest quantity of *land* that can be conceded, shall be one league in front, by the same quantity in depth."

The negative form of the phrase in the 9th article of O'Reilly's regulations, that no grant shall exceed, &c., was probably occasioned by the circumstance that, in the districts to which this article refers, larger grants than a league square had been made under the French government. Morales, in copying the provisions of this article, has also adopted the negative form of the phrase.

The records of the General Land Office furnish evidence that, under the French government, a very few grants did exceed a league square.

J. H. PECK.

Hon. E. A. BROWN, *Commissioner of the General Land Office.*

ST. CHARLES, *April* 18, 1836.

SIR: I am requested by Judge Peck to enclose to you the accompanying papers, in compliance with the call on him for proofs of fraud in the grants made by the Spanish government in this country, &c., and to inform you, that from much sickness and interruption during the winter, he had been unable to further comply with the call when he left St. Louis, to hold court at Jefferson city, on the first Monday of March last. The ride to Jefferson and back, thus far, during the inclement weather we had in this country, brought on him a most violent attack of sickness, under which he has been languishing, several times at the point of death, until the present time. He is now barely convalescent, and will not be able to attend to business for weeks yet.

I have been with him for a week, during which he has suffered anxiety, on account of the non-compliance with the call, and requested me to address this letter of explanation to you, with the papers referred to, in their unfinished state.

Respectfully, your obedient,

DAVID BARTON.

Hon. E. A. BROWN, *Commissioner of General Land Office.*

With my communication, which preceded the last one, I forwarded two concessions made to Antoine Saugrain; one dated in 1799, the other in 1797. The former for 800 arpens, the latter for 20,000 arpens. The recital in the petition, for the former of these concessions, showing, conclusively, that, at its date, 1799, the concession for 20,000, dated in 1797, had not been issued, and consequently, was not issued by Trudeau, by whom it purports to have been issued, while he was authorized to issue concessions, he having left the government prior to the concession of 1799. The facts stated in the same petition rendering it furthermore very improbable that Saugrain had even arrived in the province as early as the date of the concession for 20,000 arpens.

In the communication, to which I refer, I expressed the opinion that both of these concessions were fraudulent.

I have before me a list of the surveys, exclusive of those under 300 arpens, which were executed under the Spanish government. The correctness of the list is sworn to by two of the clerks of the office of the surveyor of Illinois and Missouri. It contains the dates of the concessions, and of the surveys, as these appear upon the record of surveys, the quantity of each survey, and the officer by whom, and the person to whom, the concession was issued.

It appears by this list of surveys, that, during the month of February, 1804, seventy-seven concessions, each for 800 arpens, were surveyed; this number of seventy-seven concessions, for 800 arpens each, were surveyed in the short month of February, the most inclement season of the year, exclusive of a great number of concessions, both larger and smaller. This number of these 800-arpent concessions, I should state, were surveyed during the month mentioned, within the dependency of the post of St. Louis, exclusive of the post of Madrid and its dependencies, which were also within the jurisdiction of the surveyor of Upper Louisiana.

The transfer of the possession of Upper Louisiana, it will be recollected, was made on the 4th of March, 1804; the surrender of the province having previously been made on the 20th of December, at New Orleans, by the commissioner of the French Republic.

A considerable number of concessions for 800 arpens, purport to have been made also during the months of December and January preceding the transfer of possession in Upper Louisiana. The concessions surveyed, during the three months mentioned, purport to have been issued, the great majority of these of 800 arpens, in the years 1799 and 1800, and some few of them in 1801, and a fewer number in 1802, and one or two in 1803.

How should it occur, that just at the close of the Spanish government, when the treaty had become known, the province had been surrendered, and the possession was passing to the government of the United States, that so great a proportion of the concessions, which were surveyed, should be for the precise quantity of 800 arpens? The proportion surveyed within the last month of the Spanish government, between the concessions for 800 arpens, and that of any other number, is in favor of the former more than nine to one. I mean the number of concessions for 800 arpens, surveyed during the last month of the Spanish government, is more than in the proportion of nine for this quantity, for one of any other quantity. It is to be observed that the tenth section of Gayoso's regulations, and the first section of the regulations of Morales, limit concessions, except in parts of Opelousas and Attakapas, to 800 arpens. I think it eminently probable, that those who issued, and those who obtained, those concessions of 800 arpens, were under the apprehension that the government of the United States might adopt those regulations as the rule by which to test the validity of the concessions; and, in that event, they imagined that as there would not be a palpable excess of quantity, they would be likely to pass the ordeal to which the claims might be subjected. It is remarkable that many others, besides Antoine Saugrain, obtained a small concession of 800 arpens, besides a large one; neither the small nor the large one having been obtained with a view to the possession or occupancy of the land, neither the one nor the other surveyed until near the close of the government, although the date of the concession is many years anterior.

The smaller concession of Saugrain, does not appear to have been surveyed until the 30th of January, 1804; and although it has been confirmed to John A. Scits, as assignee of Saugrain, as well as a league square of the concession of 20,000, neither of them had been occupied or improved. These two claims, you will perceive by the records in the General Land Office, are reported by the recorder of land titles as confirmed to the extent mentioned. In the column of the report appropriated to the notices of possession, habitation, and cultivation, none is stated in relation to either of these claims. The deed of assignment to Scits bears date the 18th of October, 1803, although the survey is made in 1804, and purports to be made in the presence of Saugrain, and is stated as made for him. This assignment before the survey, or purporting to be before it. The survey being

made for the original party, no possession having been taken of the land, to which may be added the assumption, on the part of the lieutenant governor, to grant the land to the party and his heirs, and the vagueness of the location of the land in the petition for the concession; for the point of the Missouri is a name applicable to a large extent of land between the rivers Missouri and Mississippi, at their junction. The petition, moreover, appears to make almost too strong a case for the occasion. No doubt Dr. Saugrain, had he been desirous to cultivate a farm, would have obtained a concession, and possibly of the extent of 800 arpens. But he was, as I understand, a practising physician; he lived in the city of St. Louis; and, without doubt, never intended to practise medicine, at that day, in the point of the Missouri. I have said more in relation to so unimportant a concession than of itself it merits, for the purpose of making those suggestions which are applicable to others.

In the list of surveys before me, I see thirty-five of those concessions for 800 arpens each, surveyed for Louis Labeaume and Santiago de St. Vrain, as assignees of the thirty-five persons to whom these concessions purport to have been issued. The survey purporting to be made on the 20th of February, 1804, and the days following. The certificate of survey being made on the 28th of March, 1804; also six concessions for the same quantity of 800 arpens, each, surveyed for Santiago de St. Vrain, on the 11th of February, 1804, as assignee of the six persons to whom these concessions were issued; also one concession for 1,600 arpens, surveyed for Santiago de St. Vrain, as assignee, on the 10th of February, 1804; also two other concessions for 800 arpens each, surveyed on the 19th of January, 1804, for Santiago de St. Vrain, as assignee; also another concession for 2,500 arpens, surveyed for Louis Labeaume, as assignee, on the 14th of February, 1804; also two other tracts for 800 arpens each, surveyed for Louis Labeaume, as assignee, on the 4th of January, 1804; also five other concessions, surveyed for Santiago de St. Vrain, as assignee, on the 6th and 7th of January, 1804; also one tract of 4,000 arpens, surveyed for Santiago de St. Vrain, on the 14th of February, 1804; the concession in this instance having been made in his favor, purporting to have been issued the 18th of November, 1799. Louis Labeaume appears to have had also a previous concession for 8,000 arpens, the survey and date of which purport to have been much earlier; also a small one for 374 arpens; also another concession for 4,200 arpens, issued the 28th of February, 1800, and surveyed the 25th of December, 1803.

Santiago de St. Vrain likewise appears, by said list, to have had a previous concession jointly with Antoine Soulard for 3,675 arpens.

There appears, also, by the same list, to have been ten tracts for 800 arpens each, surveyed on the 13th of February, 1804, for Albert Tison, as assignee; also one tract for 7,056 arpens, surveyed for him on the 15th of February, 1804, purporting to have been conceded to him on the 17th of December, 1800; also one other tract for 800 arpens, surveyed for the same person on the 16th of February, 1804, having been conceded on the 5th of August, 1799.

Six concessions for 800 arpens each appear, by the same list, to have been surveyed for Santiago Rankin, as assignee, on the 12th of February, 1804; also one tract, for the same quantity, surveyed for the same person, on the 28th of March, 1803.

Suit was instituted before me to obtain the confirmation, among others, of many of the identical 800-arpent claims above mentioned. I have turned to the papers in a number of the cases. Some of the assignments appear to have been made but a short time before the date of the survey, others purport to have been made during the previous year, &c.

The consideration expressed in the instrument of sale in a number of instances is, that the assignee should incur the expense of the survey, and should then reconvey to the assignor 200 arpens of the 800; no other consideration being mentioned. In other instances the sale purports to have been made in consideration of money paid. In the instances of sale where the consideration was the payment of the expenses of the survey, and the undertaking to reconvey 200 of the 800 arpens after the survey should be made, the parties appear to have lost sight of the necessity of obtaining the title from the intendant, and have made no stipulation in relation to the trouble and expenses which might be incurred on that account.

But in relation to these 800-arpent concessions, there are two remarkable facts which should be considered with reference to each other. The first is, that the surveys made for these assignees, were made by including a number of these 800-arpent concessions in the same survey, no more than the out boundary line which includes them having been run. Thirty-five of these tracts are thus thrown together in one survey; ten in another, &c., &c., of which instances are to be seen in the record of the case of Wherry and others *vs.* the United States, where plats of several of these surveys appear, together with the notes of the surveyor; in these notes or certificates the surveyor states that the out boundary line only had been run, but that the tracts were separated by dotted lines of intersection upon the plats, with the names of the vendors upon their respective tracts, which he states was to facilitate both to the vendor and to the vendee the knowledge of the conditions contained in the instruments of sale, intending to refer no doubt to the stipulation for the reconveyance of 200 arpens, &c. The other remarkable fact is, that these concessions call for no specific lands, nor do the petitions by which they are solicited; they ask but for lands of the royal domain. It will be perceived that if these 800-arpent concessions had called for specific lands—had been for lands which had really been selected by those who applied for the concessions with a view to a settlement upon, and an improvement of them, they could not have been surveyed in this manner, unless the applicants had previously consulted the plan of such a settlement, of which there can be no pretence that they did; that they did not settle them, that they sold them in the manner mentioned, and other circumstances connected with their residence and means, which we shall presently advert to, rebut the presumption of such previous concert with a view to a settlement of the concessions in question. I am induced to believe that the petitions, for these concessions, thus asking for lands of the royal domain, were framed, and the concessions made, with a view to the sale, or rather assignment afterward made, and the manner of the survey which has been described. The consideration of the assignment which I have mentioned, countenances this opinion; so do the facts stated by Mr. Leduc in his testimony to be found in the record of the case of Wherry and others, before mentioned. He says, that "he was acquainted with most of the persons whose names appear on three several plats of tracts of land, of which Louis Labeaume, Jacques de St. Vrain, (in Spanish, Santiago de St. Vrain,) and Albert Tison, appear to be the assignees of the said persons; said plats being marked in tracts of 800 arpens each; that, about the year 1800, and before and since, said assignees were generally villagers, with the exception of about six; and that many of them cultivated the common field lots; says that some of the excepted number were farmers; that since some of the villagers have removed to their common field lots, particularly those of St. Ferdinand." It cannot be supposed that these villagers, thus cultivating each of them a small lot in one common field, had the means necessary under the regulations to obtain a tract of 800 arpens. The earlier grants on this list of surveys, to which I have referred, a majority of them are for a much smaller quantity, and between three, and five, or six hundred arpens. The actual surveys, also, under three hundred arpens, all of which are excluded from this list, being considerable in number.

The mode of surveying to which I have referred, and of obtaining assignments with a view to such survey, was reserved for the latter period of the Spanish government. It appears to me to connect itself with the limitation of the quantity of the concession which is contained in the regulations, both of Gayoso and of Morales. So many concessions, supposing them fraudulent, could scarcely have been obtained for the precise number of 800 arpens, unless the application for that quantity had been influenced by the limitation imposed in the regulations; and if obtained under the influence of such limitation being so imposed, how forcibly would it prove that those regulations had, within the knowledge of those concerned in these concessions, really constituted the rule to the conceding officer.

I shall advert to a few other cases where concessions were obtained for 800 arpens, and where the same persons obtained larger ones, all being fraudulent, as I think, beyond doubt; one appears to have been surveyed for Marie P. Leduc, 24th of February, 1804, purporting to be issued the 5th of August, 1799, for 800 arpens. Another for the same person, surveyed the 18th of February, 1804, purporting to have been issued the 7th of January, 1800, for the quantity of 15,000 arpens.

One for 800 arpens appears to have been surveyed for David Delaunay, (in Spanish, Delaunia,) on the 3d of January, 1804, and to have been issued the 18th of January, 1800; and another to the same person, purporting to have been surveyed the 25th of December, 1803, and issued the 9th of May, 1800, for a league square, 7,056 arpens; other instances occur which I shall not particularize. He who will read the petition of David Delaunay for the concession of the 18th of January, 1800, for 800 arpens, will not believe that he could have applied for that of a league square on the 9th of May following; and the same remark is applicable to the petition for the concession to Mr. Leduc for 800 arpens, purporting to be issued the 5th of August, 1799. They would not imagine that on the 7th of January, 1800, Mr. Leduc would apply for 15,000 arpens And the same remark is applicable to the petition of Albert Tison, for his concession of August, 1799, for 800 arpens. They would not believe that in December, 1800, he should have applied for 7,056 arpens.

With the knowledge I have of the history of those three persons, and the little correspondence which is to be perceived between the facts stated in the petition for the concessions (which facts are partly vouched for in the concessions) and that history would furnish a ground upon which alone those concessions might be impeached. Mr. Leduc was a single man until August, 1802, notwithstanding the recital of his numerous family, which is contained in his concessions. Independent of all considerations connected with the actual vocation of the other two claimants, there is enough upon the face of these concessions upon which to impeach them. They call for no specific lands, but for royal domain. None of the concessions of these claimants were located until after the treaty had become known, and then on the north side of the Missouri river, where they, at that day, had no thought of immediate settlement. But as I cannot believe that the large and the small concessions to either of these claimants can be both read, with a belief in the genuineness of either of them, I shall leave them with the remark, that the concessions to Delaunay and to Tison, for a league square, have been confirmed, and that a league square of that to Mr. Leduc has also been confirmed.

There are other instances of assignments of concessions where the survey was made after the assignment, but in the name of the assignor, and others again where no survey has ever been made.

By my list of surveys, a concession to Francis Tison appears to have been surveyed the 6th of February, 1804, having been issued according to its date, the 15th of October, 1799. Although it appears to have been surveyed in the name of Tison, it appears by the petition of Pierre Choteau, presented to me for its confirmation, that it had been assigned by deed to him in January, prior to the date of the survey. Another petition presented to me by the same party, for the confirmation of another claim to him, as assignee of Etienne St. Pierre, by deed or instrument of writing of the 3d of January, 1804, founded upon a concession of the 8th of October, 1799, issued to said St. Pierre, which is thus described by boundaries, as follows: "The first line to begin at the foot of the hills below the mouth of the river Bergen, following the same for about a league, more or less, from the point of beginning: 2d. From said point by another line, to extend to the foot of the hills opposite l'isle Maline, (island Maline,) so as to take in a part of the course of the river and the bottom, the superficies to be included in a circular angle, closed by both lines above described, and the third line to be formed by the Missouri river;" said tract being further described as situated on the right bank of the Missouri river, sixty-six miles above its mouth. In this concession the lieutenant governor grants to St. Pierre and his heirs, the above lands, being satisfied that he possesses the means required for the improvement of them. The lieutenant governor in the concession of 10,000 arpens to Tison, above-mentioned, vouches, in like manner, for his means to improve the 10,000 arpens, as the petition presented before me states. Mr. Choteau appears, by the petitions presented to me, to have been the assignee of sundry other claims, to which I shall not advert. In addition to the many claims of which this claimant is assignee, there appears to have been a concession made to him, (by his name in Spanish, Pedro Choteau,) of 7,056 arpens, surveyed the 17th of December, 1803, purporting to be issued the 8th of January, 1798; also, another concession made to him for 30,000 arpens, purporting to be issued on the 20th of November, 1799. There are many other instances of assignments bearing date during the time of the Spanish government, to sundry other persons to whom I shall not refer, having referred to those above-mentioned for the purpose of subjoining a few remarks applicable alike to all of them, where the assignment was made prior to any improvement.

According to what appears to me as a reasonable supposition, assignments could only have been made under the Spanish government, where there had been an actual improvement, which would offer to the purchaser a motive to obtain the possession of a place improved, or where the land conceded might, for particular reasons, asising from its locality or other causes, be desirable to a purchaser. But in either case of assignment, as such assignments were forbidden, the circumstances of the assignee must be such as to induce the intendant to believe that the conditions of the grant would be complied with; otherwise it is not to be supposed that he would approve the sale, or recognize the assignee as having any right to the grant upon such assignment. The assignee's circumstances, therefore, must be such as would have obtained for him the grant of the lands assigned, whether he had obtained them by assignment or not.

The intendant, under the law, would look to the circumstances of the party, and not to the assignment, in deciding upon the propriety of issuing the grant. The assignment would operate only as against the assignor, so that the assignee, in obtaining a grant for the land assigned, would not be chargeable with interfering with his rights; and this would be the only effect of the assignment before the intendant. If the improvement had been made, which would have been required as the condition of the grant, the intendant, of course, could have no objection to approving the sale, and issuing the title to the assignee. Then, according to this mode of considering the rights of these assignees, can it be supposed that they would have obtained a grant for all the lands of which they were assignees, in addition to that which had been directly conceded to them? It would appear, that as assignments were prohibited, the fact that an applicant for a grant was assignee of all or of a part of the lands

for which he was an applicant for the grant, would place him on more disadvantageous ground with the intendant than if the whole amount had been conceded directly to him. Certainly the inquiry with the intendant would be, whether he was authorized by the law to issue the grant to the party for the quantity applied for; whether any part of that quantity was held as assignee or otherwise; and if he should be authorized to issue the grant for such quantity, the further inquiry would be, whether the quantity exceeded the means of the applicant to improve it; or, in other words, whether the applicant's means authorized the grant for the quantity. It cannot be supposed that the assignee would obtain the grant exempt from the condition of cultivation. In fact, the assignee would take the assignment, subject to the condition of cultivation, subject to the objection of the intendant to such assignment, and subject to the inconvenience of establishing before the intendant the adequacy of his means to cultivate that for the grant of which he applies; for the certificate of the lieutenant governor, which relates to the assignor's means, does not establish the assignee's.

Indeed, to me it appears that the argument which maintains the right to assign the concession, necessarily supposes that the grant or concession, or the land which is conceded or granted, is a bounty conferred in consideration of the *possession* of the means to improve it, instead of being conferred in consideration of the *improvement to be made.*

The assignments were forbidden; they were a violation of the intention of the concession. Their frequency at the close of the Spanish government, furnishes evidence of fraud: so many of them being made to the same individuals, is strong evidence of fraud. The same assignees having also large concessions to themselves, of which they had not taken possession, and which in many instances appear to have been obtained, with the ostensible view of a possession to be taken at a future day, or at a distant or uncertain period, is evidence of fraud. No specific lands being applied for, is evidence of fraud. The concessions with the right to locate parts of the concessions at various places, &c., is evidence of fraud. When we look back to a period of the Spanish government prior to the period to which grants were antedated, no such practice obtained.

The evidence of Mary P. Leduc, in the case of Wherry and others, to the record of which I have before referred, is, "that the lieutenant governor continued to issue concessions, after notice of the intendant of the death of the assessor, in the year 1802, and his order not to receive further petitions for lands, down to the change of government, and down to this period continued to issue them about in the same proportion that he had issued them before the said notice. Cannot say what proportion of the concessions made after the said notice of the intendant were made to bear date anterior to said notice, and in the years 1799, 1800, 1801, and 1802, but believes about sixty were made to bear date during those years. Witness was absent from this place from May to December, in the year 1803, and does not know that more concessions were issued toward the close of the Spanish government here, than had been at any time before."

This order is contained in the record of the case of Julia Soulard and others against the United States. I have before referred to it. It appears by that record to have been announced by Delassus to Antoine Soulard, the surveyor, for his *information*, and that *he might communicate it to the inhabitants whose concessions had been surveyed, and who would solicit their titles from the intendancy, to the end that they would await the further order of the intendancy.* "*In the meantime,* (says Delassus in his announcement of this order of the intendancy,) *I understand that they shall continue in secure possession of the said lands.*" This order is announced by Delassus, on the 18th of May, 1803, having been written by Morales, the 1st of December, 1802. I call it an order, because it is directory to Delassus; it mentions the death of the assessor, and that the tribunal of affairs and causes relating to the grant and composition of royal lands, had been closed in consequence thereof, there not being a learned man in the province to supply his place; and the 81st article of the royal ordinance respecting the intendants of New Spain, having provided that, for the conducting that tribunal and substantiating its acts, the concurrence of that officer should be necessary. "I make this communication," says Morales to Delassus, "in order that, apprized of this providence, "*you may not receive, frame, or transmit memorials for lands until further ordered.*" When Delassus announced this order to the surveyor for his information, and that of the inhabitants whose concessions had been surveyed, *to the end that they might await the order mentioned,* he shows a disposition to obey the order himself, and appears to expect that others would. In the manner in which Delassus announces the order, he shows that he understands these very papers which we call concessions, are those which, in the order of Morales, he had denominated "memorials soliciting lands," which Delassus is neither *to receive, frame, or transmit, until further orders.* When did Delassus commence again to receive, frame, and transmit these memorials? for in fact upon their face they purported to be transmitted by the party to the intendant, for the party is required by the concession to apply to the intendant. When, I say, did Delassus again commence to issue concessions? As Delassus derived no authority from the law to do any act relating to the disposition of the royal domain; as the authority of Morales was exclusive; as Delassus had derived all his authority from the intendant, it was competent for the intendant to revoke or suspend the authority; and when he does recommence issuing concessions, why does he antedate the concessions, so as to make them bear date of a period earlier than the receipt of the order? Was it merely to deceive the intendant? No; for he continues thus to antedate them down to the time of the exchange of flags in the country, and therefore long after he was apprized that his concessions were not to be presented to the intendant, to whom, by the direction on their face, he sends them. Did he issue those which he thus antedated to those persons who wanted concessions for the purpose of commencing improvements—to those who wished actually to settle the lands? No, not to those persons; not to those who desired to settle them, for they have not yet been settled under the concessions, in a vast majority of instances of these concessions; nor in issuing them did he conform to the orders which his remonstrance recites as the orders of the governor general upon the subject, or to any other provincial regulation which had been made; nor did he make his certificates or statements, as to means, conform to the facts as they existed. That he did not issue them with a view to their immediate settlement, appears in many instances by the statements in the petitions which solicit the concessions, which express only an intention to settle them at some future period. He did not issue them all with a view to their being surveyed, to the end that the title might be applied for so soon as the office should be open for the purpose of again granting lands, because he issued more than could possibly be surveyed, and in many cases excepts the party from the obligation of making surveys within any short period; and it is remarkable that, while he is thus issuing concessions to those who have no immediate use for the lands, who frequently do not even want them surveyed, but who avow in some instances that they ask for them with a view to a future support, &c., while he is issuing concessions to such persons under such circumstances and to others who immediately assign them, he omits to issue them to the great body of actual settlers on new lands. The settlement rights actually confirmed to such settlers, amount, as appears by the records of the General Land Office, to five hundred and sixty; such is the statement of a note furnished to me by one of the clerks of that office. Yes, it would appear by the records of confirmation, that 560 families had settled in the country without confirmations.

In the case of Soulard and others, in the Supreme Court, there is evidence relating to this subject, but it is not very satisfactory. The evidence to which I refer is to be found under the "letter P," in the arrangement of the evidence in that record. It is taken from the record of the proceedings had before the commissioners for the adjustment of land titles. The evidence is this: "Philip Fine, being duly sworn, says that, speaking with the Spanish lieutenant governor, Mr. Delassus, early in the year 1802, on the subject of settling on vacant land, was informed by said lieutenant governor that no concession could be granted at that time, but that any person coming to the country might settle on vacant land; that his brother, the claimant, arrived shortly after in Louisiana, and was informed by him the witness, of what had passed between him and the lieutenant governor; in consequence of which his brother settled on the land claimed in the year 1803, built a cabin, and raised a crop that year; and has inhabited and cultivated the same ever since, and had at that time a wife and six children." This witness has at least mistaken the date at which the suspension of the authority to issue concessions took place, inasmuch as the order of the lieutenant governor upon that subject to the surveyor was not until the 18th of May, 1803. Now, let it be observed that, prior to the 18th of May, 1803, the date of the announcement, and therefore about the probable date of the receipt of the intendant's order suspending the issuing of concessions, there could have existed no motive for antedating concessions; consequently, about the same number of concessions would be issued in the years 1801, 1802, and 1803, down to the receipt of the intendant's order, and would bear the date of those years, that had been issued of the previous years of 1800, of 1799, of 1798, and of 1797. If, therefore, there were no antedated concessions, the number of concessions issued in each year would not vary very much. They would reasonably be supposed to increase in each successive year; in 1801 and 1802, we should expect to find that more had issued than had been issued in 1800 and in 1799. I have looked over my list of surveys before mentioned, which include all the surveys made under the Spanish government of the quantity of three hundred arpens and upward, and I find by this list that in 1803, posterior to the receipt of the order mentioned, two concessions were issued; that in the same year, prior to the receipt of the order, six appear to have been issued; that, during the year 1802, only fifteen purport to have been issued; that, during the year 1801, sixteen only purport to have been issued; that, in the year 1800, one hundred and twenty-four appear to have been issued; that, in the year 1799, one hundred and ninety-eight concessions appear to have been issued. This is the proportion of the *surveyed* claims above the quantity mentioned, which were issued during the last four years and better, during which concessions were authorized to be issued under the Spanish government. Mr. Leduc states that some of the antedated claims were made in 1801 and 1802; yet still it would appear, by the high testimony of the record, that of the *recorded surveys* above the quantity mentioned, only thirty-seven were of concessions which bear date during a period of two years and four and a half months, immediately preceding the suspension of the lieutenant governor's power to issue them; while the surveyed concessions of the two years immediately preceding amounted to the number of three hundred and twenty-two. How shall we account for the extraordinary difference between the number of surveyed concessions which purport to be issued in 1799 and 1800, and the number of surveyed concessions which purport to be issued in 1801 and in 1802, and that part of the year 1803 prior to the suspension of the authority to issue them, upon any other consideration than that of the great proportion of those purporting to be issued in 1799 and 1800 being antedated, and, being antedated, their survey had been hastened, to give to them the greater appearace of validity?

The order of Morales was intended to suspend all surveying as well as issuing concessions; and this was one of the objects of its announcement to the surveyor by Delassus. "I transmit you the above" (the order which has been recited by Delassus) "for *your information*, and you may communicate it to those inhabitants whose concessions *have been surveyed*," &c., and not to those whose concessions should be *thereafter surveyed*. The intention is thus shown to have been, what in fact was the object of the order of Morales, to arrest the whole business of surveying as well as that of issuing concessions; and it is pretty apparent that the surveys afterward made were perhaps exclusively of concessions afterward issued.

When it is considered that the great body of the French population in the country resided in the villages, and confined their cultivation to the common fields; that a considerable proportion of them also were employed in the trade which was carried on with the Indians in their country for their furs and peltries, and in navigating the rivers in barges and keel-boats; and that the actual settlers who had obtained no concession were numerous, as appears from the number of settlement rights which have been confirmed; and that those who obtained concessions were told by the lieutenant governor that "their best titles were their axes and their hoes," as the witness, Leduc, in his deposition, to which I have referred, says they were, we shall not be surprised at the small number of concessions which were issued in the years 1801 and 1802. When these concessions informed them that they were to go to the intendant at New Orleans to obtain their titles, the inconvenience to them of going there, the expense of the survey, &c., doubtless operated to prevent many from applying for concessions before the power to make them had been suspended.

When, I must repeat, did the business of making concessions and surveys, thus suspended, recommence? The evidence of Mr. Pierre Choteau, who I have before mentioned as a claimant, may serve to hang a conjecture upon. It is this: "Witness was in New Orleans in the year 1802 and 1803;" says that "he applied to Morales, the intendant, in May, 1802, for a complete title for certain lands north of St. Louis; that Morales, in reply to his application, informed him that the treaty had confirmed that with other incomplete titles, and that it was not necessary that he, witness, should have the complete title asked for, and that he might tell the people of this country that they might make themselves easy about their titles, as precaution had been taken to confirm them by the treaty; and that, on his return from New Orleans, he informed many of the inhabitants to that effect; that Mr. Soulard, the surveyor of Upper Louisiana, was with witness in New Orleans, in May, 1802, but was not present when Morales told him the above." (See this testimony in one of the cases of Choteau and others *vs.* the United States, in the Supreme Court.)

This witness is also mistaken, I apprehend, as to the date at least. The tribunal for granting lands was not closed until December, 1802, and the grant to St. Vrain by Morales, in the record of the case of Soulard and others *vs.* the United States, is dated the 29th of April, 1802. I shall offer no comment upon this testimony; but I must believe that the motive which led the lieutenant governor and the surveyor to commence their work of issuing concessions and making surveys, and antedating both, arose out of the treaty, of which they had obtained a knowledge, and that, in antedating concessions, it was supposed to be a wise precaution to throw them as far back as possible, to lull suspicion. Delassus, it is to be observed, succeeded to the government of the post of St. Louis and its dependancies on the 28th of July, 1799, and therefore could not throw his concessions back to a period earlier than this date; and for these reasons so many more concessions bear date in the years 1799 and 1800 than are to be found of the date of 1801 and 1802. The concessions which bear date in 1799 and 1800, so much exceed the number which bear date in 1801 and 1802. The interval of years which also intervene so generally in the surveys made during the latter part of the Spanish government, between the date of the concession

and the date of the survey, authorize it to be inferred that the number of antedated claims greatly exceed the amount mentioned by the witness, Leduc. This witness, however, states that "he was absent from St. Louis for six or seven months prior to the month of December, 1803, and that on his return he first heard of the treaty of cession to the United States." He does not say, however, that he then for the first time heard of the treaty of cession by Spain to France.

While, as I have said, Delassus made his antedated concessions bear date for the most part in 1799 and 1800, for the purpose of covering up all matters handsomely, and preserving fair appearances, that no excess should appear to have been committed by him near the close of his official career; Trudeau, his predecessor, in the antedated concessions made by him, after he had left the government, and of course, not until after the treaty of cession by Spain to France was known, was compelled, for different reasons, to make them bear date toward the close of the period of his government, and within about the last three years of it; so that it will be perceived by looking at the concessions of the Spanish government, issued at the post of St. Louis, nine tenths, possibly near nineteen twentieths of the quantity of land conceded during the thirty-three years of the Spanish government, was conceded in a little more than four years; conceded neither at the first, nor at the last of the government, but in the years 1797, 1798, 1799, and 1800, and a few of the antedated claims in 1796.

Before I proceed to show why it was that Trudeau made his antedated concessions bear date toward the latter part of his government as commandant of the post of St. Louis, allow me to inquire, whether it was not incumbent upon Colonel Delassus, possessed, as we are to presume he was, of that refined sense of honor which belonged to his rank and station, and to the military character he sustained, to explain these appearances; to repel the charges of fraud, and antedating, long and publicly made, and believed, and so strongly believed that it influenced the legislation of Congress in a number of their acts passed, with reference to the adjustment of these claims, and also influenced the instructions given by the Secretary of the Treasury to the commissioners for the adjustment of these claims; charges which had furthermore the decision of those commissioners, repeatedly made in various cases to rest upon. Delassus has often been in St. Louis, spending years of his time here since 1808, and perhaps during a part of that year; was doubtless here while the commissioners were branding those claims, at least some of them, by their decisions, with marks of fraud. It was due from Delassus to the claimants to explain what was suspicious, and due to himself to give such explanation, and to denounce the forgeries of his signature, if such existed. These observations are applicable to Mr. Antoine Soulard, the surveyor; he was here during all the time the commissioners set; most of the concessions which had been issued were *in his handwriting;* so says Mr. Leduc in his testimony in the case of Wherry and others, to which I have referred. Mr. Leduc had been the translator to the board of commissioners, and had been in the recorder's office, and was familiar with all that related to these claims, as he states in the same deposition. Mr. Soulard's surveys themselves, and his official conduct, was also impeached, and by the commissioners for the adjustment of those titles, as I infer from his letter, to which I shall presently advert; he had also been continued in his office of surveyor under the change of government to a period as late as the 24th of July, 1806, at least, as appears by one of his letters, to which I shall refer; possessing this high trust he had a powerful motive to explain all that was susceptible of explanation, which had been impugned in respect to his official conduct, or to acts in which he had participated, and which participation would evince how unsafe it was that the records of his office should longer remain in his possession. Does he, under all these circumstances, volunteer and make haste to make explanations? Does he, when called upon by the commissioners for that purpose, make explanations of transactions which are within his knowledge? Does he answer, when called upon as a witness by the commissioners? No; he refuses to answer when sworn as a witness, to all questions relating to the antedating of concessions; he refuses to answer upon this subject, in relation to a particular concession which he admits to be in his handwriting. He so refuses, on the 2d of May, 1806, the concession then before the board of commissioners, and in relation to which he was called, being that to David Delaunay for 800 arpens, to which I have before made reference. The following is the examination and evidence of Soulard: "Anthony Soulard being duly sworn true answers to give, &c.:

"*Question.* Were you the surveyor of Upper Louisiana under the Spanish government?

"*Answer.* Yes.

"*Question.* Was it any part of the duties imposed on you by the Spanish law, and the functions of your office, to obey the orders of the lieutenant governor of the province, without any regard to their legality or illegality?

"*Answer.* Yes; the lieutenant governor was accountable for it.

"*Question.* From whom did you receive your appointment?

"*Answer.* From the governor general of Lower Louisiana, the Baron De Carondelet.

"*Question.* Is that your handwriting? [showing him the aforesaid concession.]

"*Answer.* I believe it is.

"*Question.* Do you recollect when that was written, and is it your belief that it was written at the time it bears date?

"Here the witness refused to answer; whereupon he was asked by the board whether he intended to give similar answers to the questions in all similar cases; and answered, yes. The board not being still satisfied, required further proof of the date of said concession, which not being adduced, they reject this claim.

"The same (meaning the same claimant, David Delaunay), claiming 7,056 arpens of land, situate in the district of St. Charles, produces a concession from Charles D. Delassus, without any condition expressed in the same, dated May 9, 1800, and a survey of the same dated December 25, 1803, and certified the 20th of January 1804, the same questions were put to Anthony Soulard, who gave the same answers; the board being not satisfied, required further proof of the said concession, which was not adduced."

Such is the evidence afforded by the record of the proceedings of the board of commissioners for the adjustment of land titles in relation to Mr. Soulard's disposition to explain, what to the commissioners appeared to be necessary to be explained. This testimony, certified by the recorder under the authority of the act of Congress of 1824, was in evidence, in the case of Wherry and others, now in the Supreme Court, and is to found in the record of that case.

It further appears that Mr. Soulard, on the same day of his examination before the board of commissioners, 2d May, 1806,) addressed to them a letter, in which, among many other matters, he states to them, "that if he be summoned" (I give the translation) "before them to answer on oath in relation to facts or acts which have eventuated since the taking of possession *and which have not a reference to particular cases,* he is ready and submits himself to answer all questions which may be proposed to him by the honorable tribunal; but he invariably and formally refuses to answer on oath questions that may be put to him at present, or for the future, which have a reference to facts or acts which have transpired under the Spanish authorities, in which facts or acts he may have participated in his quality aforesaid," (as surveyor,) "and while dependant on an authority superior to his own,

and the sanction of which discharges him from all responsibility. This formal refusal to answer, arises from what he considers a union of his own interest, with all the functions which he has performed under the aforesaid government, and from the fact that the constitution of the United States does not allow that a citizen should be put to his oath in any case in which he is interested."

"If this honorable tribunal admits or supposes that the Spanish government can have had secrets; if they believe that I have in any case been the depository, or even have had a knowledge of those secrets; can I be so unfortunate as that officers of a character so fearful to offend should suppose that I could stoop to act as an informer? I fondly indulge the belief that, in this case, their generous hearts and their justice will award all that belongs to me," &c.

"If my formal refusal to answer on oath to questions that might be propounded to me at present, or for the future, in relation to facts or acts dependent on the Spanish authorities, be inconsistent with the deposit of the archives (records) of surveys now in my hands, I offer to deliver everything belonging to the public now in my hands to the person that may be pointed out to me, provided a sufficient discharge be given me," &c. In conclusion, the letter requests that it may be annexed to the records of their proceedings.

I shall forward herewith a copy of this letter, and also one of the 24th of July, 1806, from the same person, addressed to the same board, on the subject, or rather explanatory of the antedated surveys.

I shall make no comment on this letter, from which I have made extracts, except to remark that "the authority superior to his own," to which he refers as that "upon which he was dependent, and the sanction of which discharges him from all responsibility," was of course the lieutenant governor, who had issued the concessions; for they, nor his surveys, had not been submitted to any authority whatever for its sanction, nor would they be until presented to the intendant by the claimant for the title.

In the same record of Wherry and others there will be found the evidence of another instance of another officer of the Spanish government refusing to answer a similar question to that which Mr. Soulard refused to answer, but having relation to a different concession. It also appeared in evidence in that case, by a certificate copy of the record of the proceedings of the commissioners, that James Mackay, who had, under the Spanish government, been commandant of the post of St. Andre, was called before the commissioners on the 17th of April, 1806, and, therefore, previously to Mr. Soulard's being called, when these proceedings took place: "William Meek, assignee of Francis Woods, claiming 240 arpens of land, situate on the river Tugue, district of St. Charles, produces a concession from Charles D. Delassus, dated on the 21st of September, 1799, and a certificate of survey of the same, dated December 27th, 1803, and a deed of transfer from the said Francis Woods to claimant, dated 3d June, 1804. James Mackay being also sworn, and being interrogated as to the handwriting of the petition of the said Woods, said he believed it to be his. Being asked if the said concession was signed at the time it bears date, refused to answer, but said that the facts stated in the petition were mere routine. The board being satisfied that the aforesaid concession is a fraudulent and antedated one, reject this claim: they, however, think it a case of hardship." (See the record of the case of Wherry and others for this testimony, certified and proved by the late recorder of land titles.)

This same James Mackay was a claimant before the board of commissioners for more than 55,000 acres of land, partly as assignee, but for the most part in virtue of concessions issued to him, one of which is for 30,000 arpens.

In one of the cases tried before me, brought by the heirs of this same James Mackay, for the confirmation of a concession which had been issued to him for 800 arpens, the petition for the concession which had been drawn by Mackay, and was in his handwriting, as proved on the trial, called for the lands of Choteau, on the north, as the northern boundary of the tract prayed for; whereas the concession to Choteau, for the land thus called for in Mackay's petition, had not been issued until the year following the date of Mackay's petition, and had not been surveyed until the year following that again; and in the survey of this land of Choteau, the lands on the south are mentioned in the notes, and on the plat of survey made by the surveyor, are called lands of the royal domain. This concession to Mackay, thus proved to be antedated, was, moreover, in the handwriting of the surveyor, Soulard, by all which it appeared that three of the Spanish officers, Mackay, in whose favor the concession was made, Soulard, who had written it, and the lieutenant governor, Delassus, who had issued, had been concerned in that fraud. I am inclined to think that this was among the cases taken to the Supreme Court, to the record of which I refer for these facts: they are contained in the bill of exceptions. Having heard the case of Choteau, in which he claimed the lands for which Mackay's concession called, immediately preceding the trial of the case of Mackay, and recollecting the date of Choteau's concession, when Mackay's concession was read, and the evidence of the petitioner heard, which proved the concession, I called the attention of the counsel on both sides to the evidence of fraud which I have mentioned.

But even in this case the court did not decree against the party on the ground of fraud, inasmuch as there were other grounds, upon which, according to the principles previously established by the court, a decree would go against the claimant. It was not until the extraordinary developments made in the case of Wherry and others that the court placed its decree upon the ground of fraud.

Having adverted to the evidence which shows how far Mr. Soulard and Mr. Mackay evinced a disposition to communicate, unreservedly and fully, all which they knew in relation to these claims, and to explain and repel all that had been alleged against them, let us turn to Mr. Delassus, and see whether his course in relation to them was laudable. He came before the district court as a witness in the case of Soulard and others against the United States. This was a case brought for the confirmation of a claim of ten thousand arpens of land, in which it was alleged that the concession, "through error, had been committed to the flames;" and where, therefore, it was necessary to prove the previous existence of the concession. The concession was alleged to have been issued to Soulard by Trudeau in 1796.

The witness was introduced to establish not only the previous existence of the concession and its genuineness, but also to prove what had been the authority and the law under which concessions had been issued; and he proves *all—all* that was necessary to be proved, in point of authority, to establish the legitimacy of any concession that had been issued. The witness, Mr. Delassus, it should be observed, was then a suitor before the court for the confirmation of a league square, derived from his father. He had been the claimant of twenty thousand arpens, under a concession alleged to be issued to him by Trudeau, the 18th of June, 1796, which he had previously conveyed, when, I know not, to Madame Sarpy, who, before or after this time, sued before me for its confirmation. He was then also a claimant under a concession, made to himself by Trudeau, dated 10th of February, 1798, for thirty thousand arpens. It was important to the success of the claimants to get rid of the regulations of Morales. Delassus testifies to his power and authority to suspend these, or any other order which to him should appear to be prejudicial to King or people; and to establish not only his power to do so, but that he had exercised it in reference to the regulations of Morales, he or his counsel, Mr. Lawless, for him, brings before the court the remonstrance in which he informs Morales that he should defer a compliance with those

regulations until new orders, and that he never received any new orders upon the subject; and to corroborate this testimony, he brings also the official letter of Morales, which accompanied the regulations, with a note in the margin thereof, or rather initials, indicating that the regulations were suspended; this entire paragraph relating to the suspension of the regulations of Morales being a forgery of recent date, and in the handwriting of Delassus; and in relation to the note in the margin of the letter mentioned, I now state that while at Jefferson city, where this letter is on file, with the records of the clerk, I examined it and the note in the margin of which Delassus speaks, and was, and am of opinion, after an inspection of the paper, that the note referred to was also in part forged to make the initials purport what they do, and of this opinion was the clerk who examined the paper with me: and, with the same view of showing that he had never regarded the regulations of Morales, he swears that, not intending to obey or regard those regulations, he gave no order concerning their publication. Having shown that he did give such order, by showing that they were actually published before the government house, being written out and posted up; and having shown by the tenor of the remonstrance that it evinces a purpose to comply with them, and asks but for a modification of them in some respects, and an explanation of them in others; and having shown from his official acts that he did obey them, and, from Soulard's official acts, that he also obeyed them, and that the intendant, Morales, from his official acts, also considered them authoritative in Upper Louisiana; and, above all, having shown that Delassus derived all his power, as sub-delegate, from Morales, his compliance with the regulations until the fraudulent purpose was conceived of antedating these claims, must be considered as established by every presumption, as well as by proof.

In relation to the last concession of ten thousand arpens, he proves also precisely enough. He states that he was frequently at St. Louis during the government of Don Zenon Trudeau; that he was intimate with him, and frequently at his house during said time; that at various times, when witness was at the house of Don Zenon Trudeau, he heard him mention a concession of ten thousand arpens of land, which he, Trudeau, said he had made to Antoine Soulard, the petitioner, &c.; that he saw the concession, of which witness has spoken, in the possession of Mr. Soulard, on his table, or among his papers, &c. Now, although Mr. Delassus proves this, and more corroborative of it, Mr. Soulard, in his said letter of the 2d of May, 1806, which will accompany this, says, "I would observe to the honorable tribunal that, of the former Spanish officers that have passed under the dominion of the United States, I claim the smallest quantity of land; which quantity does not amount to more than 9,129 and some arpens," &c. May it not be conjectured that it was about the time that this letter was written—for in his affidavit he describes it as somewhere about this time—that Mr. Soulard, "through error," committed his concession to the flames; and that this "error" was one of judgment, in becoming unnecessarily alarmed at the examination which the board of commissioners had commenced.

There is another consideration connected with the great number of concessions purporting to be issued by Delassus in 1799 and 1800, in comparison with what were issued in 1801 and 1802. Delassus came into the government, as I have said, the 28th of July, 1799. He received the order of Morales about the 18th of May, 1803, which directed him not to receive, frame, or transmit, further memorials soliciting lands. According to what has already been stated, it appears that nearly nine tenths of the concessions, which purport to have been issued during this interval of a little less than four years, purport to have been issued in the earlier part of it, and within a period of much less than two years, and these short of the one half of the whole period during which he was authorized to issue concessions. Now, when we direct our minds to the period at which he received the regulations of Morales, and, consequently, at which he wrote his remonstrance, we shall see that that remonstrance was written about the middle of that period during which his concessions fall thickest upon us; that it was written about the latter end of March, or the first of May, 1800, at a period near which, and on both sides, fall his largest concessions. I repeat that we cannot read this remonstrance, and believe that these large concessions then had existence; for, in the remonstrance, he informs the intendant that the orders of the government had been that the concessions should "be proportional, as to quality, to the number of the family of the applicant." We cannot believe that concessions had been issued without a view to the applicants taking immediate possession; because he says that they had been put in possession conformably to the orders of the government; and from his argument in the first part of his remonstrance, in which he urges upon the intendant the necessity of allowing him to continue to put them in possession, as theretofore he had done under the orders of the governors, that they might begin to make their improvements, we are to understand him as intending to represent that they had been put into the actual possession. We cannot believe that after the receipt of the regulations of Morales that he should become less regardful of the rules prescribed to him. The doubts he expresses in his remonstrance, whether, according to the provisions of the second article of the regulations, he is still authorized to put, provisionally, the new comer into possession by a decree of concession, evinces no disposition to act counter to the rules of the regulations. His concession to Battes Janis, to which I have before referred, which was as late as the 10th of November, 1800, shows that down to that period he was acting under the same doubts, for in this case he makes not the ordinary decree of concession which he had done under the orders of the governors to which he refers in his remonstrance. There is in this act of his, upon the application of Battes Janis, no "*giving order to the surveyor to survey his land*," which, in his remonstrance, he doubts whether he has a right to do; but says only that "leave is given to the petitioner to establish himself, provisionally, under the condition and charge, on his part, to demand his concession to his lordship, the intendant, according to the provisions of the regulation," meaning, certainly, those of Morales.

Having got back to this concession of Baptiste Janis, allow me to show that although he recites in his petition, which solicits this concession of November, 1800, that he had not therefore asked for any concession for lands, yet, lo! and behold, this same Baptiste Janis brings suit before me on a concession purporting to have been made to him in 1796, four years earlier than this one of 1800, which recites that he had never theretofore asked for lands. The concession which is solicited in good faith, in 1800, is for 250 arpens, but the concession, which, by the recital, contained in the petition of 1800, is proved to be spurious, is for 8,000 arpens, and dated 26th September, 1796. Both these concessions are to one and the same person, without doubt. The petition of 1800 recites that the petitioner had resided in St. Genevieve "since a great length of time," &c.; that of 1796 recites that "he is an inhabitant of St. Genevieve," &c. I have made inquiry of old inhabitants of St. Genevieve, and have not been able to learn that more than one man of that name answering the description, or being such as could have received either concession at that period, lived there. General Ashley or Doctor Linn can afford information upon this subject. The concession for 250 arpens is for specific lands, but that for 8,000 is for vacant lands of the royal domain, at the choice of the petitioner. The petition and concession for the 250 arpens may be seen in the record of the case of Soulard, in documents under the letter O, translation. The concession for 8,000 has doubtless been reported to Congress by the late board.

Another instance in which the recital contained in one concession will show that another one of a previous date had been subsequently made and antedated, will be found in the concession of latest date, which was made

to M. Couzins. I had occasion to see those concessions just about the time the board, under the late commission, were making their first report to Congress. They had been translated to accompany the report, and the translations were obligingly handed to me, that I might read them. There were three concessions to M. Couzins. I neither recollect the dates of the concessions, nor the quantity of each. I think one may have been for 6,000, one for 8,000, and one for 10,000 arpens, all for services. That of latest date, I mean the petition which solicited it, that recited the petitioner had received no concession for his services since the date of the first concession, which induced me to believe that the concession which stood second in point of date, was thus established to be antedated. But it is, to my mind, equally certain that each of them was. I did not call for the purpose of detecting any evidence of fraud in them. I mention the fact in relation to these concessions, that they may be referred to, that it may be ascertained whether my memory deceives me.

I shall now proceed to state the probable reasons upon which the antedated concessions, made by Trudeau, were dated in the years 1796, 1797, 1798, and 1799, until in that year he was succeeded by Delassus. Trudeau, as you will see from the evidence of Leduc, in the case of Wherry and others, assumed the government in 1792. Now why did he not date back a part of his antedated concessions to a period as early as that at which he had come into the government? Why did he not distribute them equally throughout the whole period of his government? The reason was, that the livre terrien stood in his way. To a period as late as 1796, all the concessions were upon condition of settlement and improvement within a year, or a year and a day, except in a very few instances in the case of stock farms, where the time of settlement was extended to three years. If, therefore, the grants had been thrown back to a date prior to 1796, and in the years 1793, 1794, and 1795, and had contained the same condition that the recorded grants of that date contained, they would have been void by the very terms of the conditions; for it would appear that they had not been settled within the year, nor within the three years of their date, nor within eight years of it; for they were not settled at the date of the transfer of the country, nor even yet, by the claimants under the concessions, in the great majority of the cases, perhaps almost all of them. They could not, therefore, be thrown back to the time I have mentioned, with the common conditions of the concessions in that day, without making them fall dead and void by their conditions. They could not be thrown back to the same period without those conditions, without furnishing evident grounds upon which they might be impeached. For it would be inexplicable that a portion of the concessions of the same period should be recorded—should contain the conditions which required a settlement and improvement within a year and a day, and to be void in default thereof, while the unrecorded concession of the same period contained no such conditions, and had never been settled. Such a circumstance would strike every mind as affording evidence of fraud. The change, however, which had taken place in the form of the concession in 1796, on the appointment of the surveyor, and which had been required by the orders to which Delassus refers in his remonstrance, the particulars of which change I have before stated, afforded a cover not so easily penetrated for the perpetration of fraud. The concessions of 1796, and from that onward, contained no condition which required cultivation; no record was made of them; they went into the pockets of those who asked for them, and from those pockets they went, when the holder chose, into the hands of the surveyor, who, after the survey made under them, made a record of that, and in this way the record of surveys became the substitute for the former livre terrien, and shows the date of the concessions, to whom issued, and the quantity, and the date of the survey. Thus the form of the concession, in and after the year 1796, which imposes no condition of settlement, would relieve them from one insurmountable difficulty. If they could get rid of the regulations which require settlement, and show that the long interval which intervenes between the date of the concession and the date of the survey, is no ground upon which to impeach the concession, the career of fraud would have no check, no restraint; and if the surveyor could be induced to fall into the measure, and to antedate surveys also, the frauds would be sustained by record evidence, and at the same time the wide interval between the concession and the survey narrowed, and one of the grounds of objection to the concession removed. It is true they might have destroyed the livre terrien back as far as Trudeau's time; but all may not have consented to that measure, and to have done so might have raised up injured witnesses; that would also be to risk what was already safe, as well as that which was intended to be secured; besides, the new form of the concession could only be accounted for from the time of the appointment of the surveyor, and his surveys do not begin until about with the year 1796.

The beginning of the year 1796, would be about the middle of the period of his government. Let us compare the quantity of land conceded by him during the first half of the period of his government, with the quantity conceded during the last half of it. The first half being within the years of the livre terrien, the last half the years of the antedated concessions. During the first half, according to the livre terrien, there appear to have issued only thirteen concessions, exclusive of those under three hundred arpens, amounting probably to less than fourteen thousand arpens. During the last half of his government his concessions amount in numbers to hundreds, embracing probably more than a million of arpens, and are more remarkable for the quantity they contain than for their numbers. The list of surveys before me, and to which I have referred, show concessions amounting in number to about 250, which bear date in 1796, 1797, 1798, and 1799, prior to July; a very few only in 1799, issued by Trudeau. This number being independent of the unsurveyed claims of that date, a considerable list of which may be seen in the record of Wherry and others; and in comparing the number of concessions issued during the last three years of Trudeau's government, with the first three years of it, and more especially the quantity of land granted by the greater part of those concessions, with what had been granted by previous concessions; we should bear in mind that these large concessions make their appearance in point of date, immediately after Trudeau received the orders to which Delassus refers, "that the concessions as to quantity should be in proportion to the number of the family of the applicant; and that Delassus refers as well to Gayoso's orders as to Carondelet's, and makes no distinction between them; and as we have Gayoso's regulations or instructions dated in 1797, which give the proportion of the concession to the family of the applicant, in its 9th and 10th articles, we can have no difficulty in ascertaining it, and in perceiving the great departure from those orders which the large concessions evince. If it should be doubted whether the instructions of Gayoso, of September, 1797, be the same to which Delassus has referred; it is nevertheless to be presumed that, as they must have been about the same date with those, they were not dissimilar in the respect mentioned. For the purpose of enabling the reader to make the comparison between the number and size of the concessions issued prior to 1796, with those which purport to have been issued afterward, I refer again to the list of the concessions in the livre terrien, which is in the record of Wherry and others, and which embraces all the concessions in the livre terrien exclusive of those under 300 arpens, and which make in all but the number of 37. I refer also to the deposition of Mr. Leduc in the same record, which states that the livre terrien contains 176 concessions for tracts of land, exclusive of town lots and common field lots; consequently 139 concessions of the 176, which are contained in the livre terrien, are for a quantity less than 300 arpens. I refer also to the list of unsurveyed claims, which is in the same record of Wherry and others, proved by the recorder; and to the list of surveyed concessions to which

I have before referred, and which I will forward herewith, that the reader may have a view of the number of the concessions issued in and after the year 1796, and the quantity for which they were issued. But these lists, it is certain, will not contain all the concessions purporting to be issued in and after the year 1796, because the list of unsurveyed claims are claims within the district of St. Charles only, and does not include the claims unsurveyed in the districts of St. Louis, St. Andre, St. Genevieve, or New Bourbon, and may be also distinct from the district, on the left bank of Missouri; all which districts you will see mentioned in the surveyed claims herewith forwarded. I understand, however, that the quantity of unsurveyed claims not included in the district of St. Charles, are in the other districts in point of quantity, small in comparison with the quantity in the district of St. Charles; many concessions, it may be added also, had never been presented to the recorder.

It will be seen by the list of concessions in the livre terrien, and by Mr. Leduc's testimony, that the livre terrien contains concessions of the years 1796 and 1797. Those, however, which it contains of that date are very few in number; and that these are any of those dates does not weaken the argument which I have used to show the probable reason which the antedated concessions, purporting to be issued at the post of St. Louis, have not been thrown back to a period earlier than 1796; for it is certain, notwithstanding those few concessions in the livre terrien, of the date of 1796 and 1797, that the new form of the concession was adopted about the beginning of the year 1796, or early in that year. Why some of the concessions of that and the subsequent year should have pursued the old form, and contain the condition of settlement within a year, and to be void in default thereof, is, with the information I possess at present, more than I can explain. If the orders had issued which Delassus recites, such concessions would not be in conformity to them. They neither require a survey, nor that the party apply to the governor general for the title.

I shall now proceed to submit some observations upon four concessions; two of which purport to have been issued to Jacques Clamorgan, alias Santiago Clamorgan, and the other two to Charles Dehault Delassus, the commandant of the post of St. Louis, but before he had been appointed to that command, and while he was commandant of the post of Madrid.

Each of these concessions to Clamorgan greatly exceed five hundred thousand arpens; one of them purports to have been issued by Trudeau, on the 3d of March, 1797, the other by Delassus, while he was commandant of the post of Madrid, on the 9th of August, 1796.

The two concessions issued to Delassus, purport to have been issued to him while he was commandant of the post of Madrid, by Trudeau; one of them on the 18th of June, 1796, for twenty thousand arpens; the other on the 3d of February, 1798, for thirty thousand arpens.

If it shall appear that these concessions are fraudulent and antedated, having been issued to and by the officers mentioned, and bearing their signatures; such a disclosure will show what little reliance can be placed on any fact which may be vouched for by their signatures. I apprehend it was established before the former board of commissioners, that these concessions bear the genuine signatures of the officers by whom they purport to have been issued. One of them has been confirmed to Delassus, assignee, to the extent of a league square, and Delassus is still a claimant under the other; and in relation to the two made to Clamorgan, they were not rejected by the former board upon the ground that the issuing officers' signature was not proved.

If, therefore, these concessions, or any concessions bearing the genuine signatures of either Trudeau or Delassus, shall appear to be fraudulent and antedated, suspicion must attach to such signature when found to any concession. In the eye of reason, more faith and credit cannot attach to it than would be given to a witness who has deliberately, and in reference to a material fact, testified falsely.

In relation to one of these concessions, there is a more important consideration connected with the disclosure of its fraudulent inception, to which I shall, in its proper place, call the attention of the reader, and shall state the reasons upon which it appears to me to impeach the record of surveys made by Antoine Soulard, and to establish the startling fact that the frauds which appear to pervade the great mass of these Spanish claims pervades also the record of surveys made by Soulard under the Spanish government.

The concession to Clamorgan, which is dated the 3d of March, 1797, will be first examined. In reference to the whole form of these concessions, however it may be first remarked, that the common lists applicable to every concession equally impeaches every one of these. The size of the concessions antecedently issued for a period of twenty-four years of the Spanish government; the orders to which Delassus refers in his remonstrance; the provisions of all the regulations; the Spanish laws to which I have referred; the authority of the lieutenant governor, being that, and that alone, which he had derived from the governor general, no possession having been taken, or an intention expressed or implied immediately to take it; nor survey having been made in either of the cases but one; nor in that until long after the alleged date of the concession, all stand in array against these concessions.

To support the concession of Clamorgan of 1797, four documents were produced before the former board of commissioners: 1st. A letter from Carondelet of the 18th September, 1796; another letter from Carondelet of the 8th of November, 1796; a letter from Morales of the 24th of May, 1797; and a letter from Trudeau the 3d of July, 1797. Now it is remarkable that the *letter of Morales is subsequent to the date of the concession*, and, therefore, could have had no influence upon Mr. Clamorgan when he obtained his concession, or upon the facts he states in his petition, in which he solicits this concession, if it was solicited at the date it purports to have been. And it is further remarkable, that this same letter of Morales shows that the event to which Clamorgan refers in his petition could not have taken place until some time after the date of that letter; which event was that Morales, the intendant, had declined to employ the funds which his Majesty had confided to him in the manner which Clamorgan had solicited that they should be employed. For Morales, in this letter, states to Clamorgan that he had written to Mr. Dehault Delassus, and that on his categorical answer he would order what should appear to him to be most suitable.

Now until he should receive this answer which he expected from Delassus, the event would not take place to which Clamorgan refers in his petition. The letter could have been adduced by Clamorgan in support of his claim, for no other purpose than that of giving color to his statement in his petition, in reference to the subject mentioned; and when the letter is examined, both the letter and the final refusal of Morales to employ the funds as solicited was subsequent to the date of the concession. Whether, therefore, the letter is adduced by Clamorgan to show a fact leading to the refusal which he mentions, or whether it is adduced as containing what he alleges, namely, the pretence of "the Intendant Morales that there were not at that time in the coffers of the King any funds destined to be so employed," the letter being subsequent in date, shows the petition and concession to have been antedated.

If the letter had even been earlier in date than the concession, it would appear to be extraordinary that Clamorgan should make the application for the grant upon such a ground, before he had really learned the final

determination which Morales should make after he should receive the answer of Delassus, which was to determine him in respect to the solicited employment of the funds.

If we look at the date and the contents of the letter of Carondelet of the 18th of September, 1796, and compare these with the statements and pretences set up in the petition of Clamorgan for the concession, we shall be equally obliged to reject the concession as antedated. The letter of Carondelet of the 18th of September informs Clamorgan that he, the Baron of Carondelet, had "just received the agreeable news of the approbation of the Spanish Company, formed in 1794, to make discoveries west of the Missouri." Let us inquire here what approbation, and whose approbation, does Carondelet refer to? I answer, the King's approbation of that company, and of course of their objects, that of making discoveries west of the Missouri. Toward the conclusion of the Baron's letter, he says: "The house of Todd," (meaning a trading company,) "is also approved by the King." The letter at its commencement, in parenthesis, mentions that it was giving "the very words of the royal note, despatched in the council of state held the 27th of May last." All showing that it was the King's approbation of the company formed for the purpose of making discoveries west of the Missouri, and which had been formed in 1794. Now let it be remembered that this letter first announces to Clamorgan the King's approbation of the project of making discoveries west of the Missouri; and that that letter is dated at New Orleans, the 18th of September, 1796, five months and a half prior to the date of the alleged concession. The mode of communication at that time between New Orleans and St. Louis would not permit this letter to be received by Clamorgan in less than three or four months from its date. See M. Leduc's testimony, and Delassus's remonstrance in respect to the time necessary to receive communications from New Orleans, especially those made in the fall. Can it, then, be admitted as possible, that in the short space of one, two, or two and a half months, all the failures and disappointments could have happened, and expenses been incurred, of which Clamorgan speaks in his petition for the concession? On the contrary, if the reader will again recur to the letter of Morales, the intendant, he will see that it is in answer to Clamorgan's letter of the "15th of April last," (1797.) Thus he will perceive that the very letter which had solicited those funds was subsequent to the date of the petition, which recites the refusal of the intendant to allow them to be employed as solicited. If the reader will turn to Mr. Clamorgan's petition again, he will perceive that it conveys the idea that great expenses had already been incurred *among the Indians*, and great sacrifices made in the prosecution of the enterprise which Carondelet had announced to him as authorized by his Majesty; and that, on the recommendation of Trudeau, "the Baron de Carondelet had informed his Majesty of the great expenses which the petitioner had been compelled to incur in that thorny enterprise," &c.; that the goodness of his Majesty had determined him in favor of the petitioner; that there should be paid to him, annually, the sum of ten thousand dollars, as a supply for the expenses incurred in the discovery of the nations and territory of the Upper Missouri, as well as to remove strangers from Hudson's bay and Lake Superior, &c.; but that all was ineffectual, owing to the impediments thrown in the way by Morales, the intendant, who pretended that there were not, at that time, funds in the coffers of the King destined to be so employed. Having shown that the petition of Clamorgan, bearing date in March, 1797, could not be predicated upon anything contained in the letter of Morales of 24th May, 1797, unless it had been antedated, let us examine whether the result of Carondelet's representation to the King, which is mentioned in the petition, could have become known to Clamorgan at the date of his petition. The letter which is adduced by Clamorgan, (and must have been presented by him in support of the facts stated in his petition,) of the 8th of November, 1796, and is also addressed to Clamorgan, says: "There appears to be no doubt but that your honor can raise, in the country of Illinois, the hundred soldiers whom his Majesty grants for the posts of the Missouri company, but I cannot answer for the reimbursement of the ten thousand dollars, for this depends upon the decision of his Majesty, though I am fully pursuaded that, at sight of my representation, he will so order it, inasmuch as I so solicited him," &c. From the date of this letter, it will be seen that the decision of his Majesty could not have become known to Clamorgan before the date of his petition, especially in sufficient time before its date for him to make the application to the intendant, and learn his determination in respect to it; nor would the contents of the intendant's letter induce the belief that the application made to him by Clamorgan was for the payment of the annual supply of ten thousand dollars for expenses incurred and to be incurred in the Indian country, which had been ordered to be paid by his Majesty, as stated in Clamorgan's petition; nor would the letter of Carondelet of the 8th of November induce the belief that the King, previous to its date, had made such an order or determination in favor of Clamorgan, as he states in his petition, in respect to this annual supply of ten thousand dollars; for if the determination had been previously made by the King, there would not appear to have existed the necessity of the representation to obtain for Clamorgan the reimbursement which Carondelet represents himself as having made. I will not say that such a determination was never made by his Majesty, but there is nothing in the letters adduced which can authorize the belief that such a determination had been made; on the contrary, there is enough to induce the belief that it had not been made; possibly, such a determination may have been made at sight of Carondelet's representations, although such was not the object of them; and if made at sight of them, the petition is still too early in date. In short, the great catastrophe which leads to the application for the concession is thrown too far back among the incidents which are the alleged cause of it, to render the scenes of the play probable.

It may be inquired, why Clamorgan recurs all of a sudden to Trudeau to obtain this concession, as well as an indemnity for his losses and expenses sustained, as to enable him (if we may look to the terms of the concession) to prosecute the said scheme of discovery, without prejudice to the royal treasury? Why does he not wait to hear the result of Carondelet's representations to the King? Does he, by accepting the concession, abandon all claim to indemnity from that quarter? or is the concession in question in addition to what had been solicited through Carondelet? Why, in fact, if the King had directed that he should be paid ten thousand dollars annually, as a supply for the expenses incurred, &c., does he permit himself, by the obstinacy of the intendant, to be defeated in the receipt of that sum? Why not, through Carondelet, make known to the King the pretences of Morales, and have him controlled? And why, just immediately and on the 1st of March, 1797, and before he hears the result of the application to the King, and before he applies to Morales, apply for this concession, which he has no immediate use for, but "that, in *future*, the petitioner *may establish* on them saw and grist mills, and also place there a number of cattle, to establish vacharies," &c.? The concession shows also that it was made in part in consideration of the losses which had been occasion in making the discoveries, and in part in consideration of the expenses which would be incurred in prosecuting them, &c.

Allow me now to call the attention of the reader to the whole tenor of the petition which solicits the concession, and afterwards to the letter of Carondelet of the 18th of September, 1796, and see whether we cannot detect a fraud in all the pretences set up in the petition.

The reader of the petition will understand Clamorgan as arrogating to himself all the glory connected with the enterprise, which, as he says, had for its object "the discovery of the Indian nations who extend to the

Pacific ocean;" that he was "entrusted with the mission by the general government;" that, "in fact, his Majesty had granted to the petitioner an exclusive privilege of commerce for ten whole years with the nations of the Upper Missouri, not only for the purpose of opening a new branch in the fur trade, but also for the purpose of making observations, and of acquiring information of the immense territory which would have to be traversed;" that "all these steps had not been taken without great sacrifices among the Indian nations, in order to conciliate their attachment and esteem among us;" that, on Trudeau's "recommendation, the Baron de Carondelet had informed his Majesty of the great expenses which the petitioner had been compelled to incur in this thorny enterprise;" that "the goodness of his Majesty determined in favor of the petitioner, that there should be paid him, annually, the sum of ten thousand dollars, as a supply for the expenses incurred in the discovery of the nations and territory of the Upper Missouri, as well as to remove strangers from Hudson's Bay and Lake Superior;" but that "the result was ineffectual, owing to the impediments thrown into the way by the intendant, Morales, who pretended that there were not at that time in the coffers of the King any funds destined to be so employed;" and that the petitioner had thus been rendered the victim of his zeal and activity in his efforts to render himself useful to the government and his Majesty, and under these circumstances prays for the concession. Whereas, when we crically examine the letter of Carondelet of the 18th of September, 1796, presented to support the facts stated in the petition, it will be perceived that Clamorgan, at most, was but one of a company formed in 1794 for the purpose of making discoveries west of the Missouri, or that he was but the agent of that company, the one or the other; that the expenses, therefore, incurred and to be incurred, were not exclusively his, but the company's; that the losses occasioned in the prosecution of the enterprise to which he refers, were not exclusively his, but the company's; that the reimbursement of the ten thousand dollars, which Carondelet had solicited of the King, would of course be for the benefit of the company, if connected with the enterprise mentioned; that the funds solicited by Clamorgan of the intendant were probably intended to be employed in the prosecution of the objects of the company. The statement, therefore, in the petition of Clamorgan in which he asks for the concession, in which he states the expenses occasioned and to be occasioned in the enterprise to which he refers to be his, is contrary to the evidence which is afforded by the letter of the 18th of September, which shows that they must have been those of the company; and, as the statement in the concession is in accordance with what Clamorgan states, the whole would appear to be untrue and fraudulent.

It would further appear by the same letter of the 18th September, 1796, that "the exclusive privilege of commerce" had not been granted to Clamorgan, as stated in his petition, or for the purposes stated; for the letter shows, when it shall be examined with that view, that this privilege of commerce had been granted to the Baron de Carondelet, but that, either from the omission to insert the inverted commas which should mark what in that letter is extracted from the royal note despatched in the council of State, or the erasure of those inverted commas, the contents of the whole letter appear to be addressed to Clamorgan, and, therefore, to say to him that he "is permitted and granted the exclusive privilege of the traffic with all the Indian nations of the same Missouri who dwell beyond the nation of the Pancas;" whereas, this is what the royal note, mentioned in the letter to Clamorgan, states; which royal note being addressed to the Baron de Carondelet, "the very words" of which the Baron says in his letter, in parenthesis, he gives, informs him of the King's "approbation of the Spanish company formed in 1794 to make discoveries west of the Missouri, with the regulations and instructions, according to which your lordship is permitted and granted the exclusive privilege of the traffic with all the Indian nations of the same Missouri who dwell beyond the nation of the Pancas. They (the regulations and instructions) "offer three thousand dollars as a recompense to him who shall first reach the South sea; 2. The permission granted to the said company, of arming and keeping armed, in the posts which it has or will have henceforward, the hundred men on account of his Majesty, which it (the company) judges necessary, the whole under the orders of your lordship, and for the end designated, to which you will attend with the greatest care," &c. All this is contained in the royal order addressed to the Baron de Carondelet "the very words" of which he says he gives. That this is not the language of Carondelet to Clamorgan is evident, because he would not address Clamorgan by the title of "your lordship," since he has no such title. In the same letter he addresses him by the plain address of Monsieur. In his letter of the 8th of November, he addresses Clamorgan by the address of "your honor." In the letter of Morales, Clamorgan is addressed by the plain address of Mr. Clamorgan. In the concession he is called Don Santiago Clamorgan, and in the letter of Trudeau, which immediately follows it as evidence, he is addressed as Don Santiago Clamorgan, and is also represented as being so mentioned by Carondelet. When, therefore, did Clamorgan receive this grant of the exclusive trade which he mentions, or did he wish to purloin the name of having received it, and with it the title of his lordship, for the purpose of adding plausibility and imposing pretensions to his concessions; the means of thus purloining it being afforded by the manner and matter of Carondelet's letter. That his intention was to purloin it, is to be inferred from his connecting this alleged grant to him of the exclusive trade, with the intended discovery: "In fact, he (meaning his Majesty) granted to your petitioner (says Clamorgan) an exclusive privilege of commerce for ten whole years, with the nations of the Upper Missouri, not only for the purpose of opening a new branch in the fur trade, but also for the purpose of making observations and acquiring information relative to the locality of the immense territory which would have to be traversed." I must, therefore, consider Mr. Clamorgan's narrative, in his petition, mainly fiction, having but slight grounds of plausibility to the superficial observer, in distorted facts. In White's Collection, law 4, title 1, liber 4, it is ordained and commanded, "that no person, of whatever estate or condition, shall make, upon his own authority, any new discovery by land or by water, nor any entry or settlement, nor found any town in lands now discovered or hereafter to be discovered, in our Indies, without license or appointment, granted by ourselves, or by such persons as shall be thereto authorized, under pain of death, and forfeiture of all their goods to our chamber; *and we command the viceroys, audiencies, governors and other justices not to grant any licences to make new discoveries, without consulting us and obtaining our special license.*" But in that which is now discovered and pacified, we permit them to grant licenses within their respective jurisdictions, to form such settlements as may be proper, observing the laws contained in this treaty; provided, that such settlements being made, they immediately transmit to us information of what they shall have done. And as respects the power of the viceroys in relation to new discoveries, the law 28, title 3, liber 4, shall be observed in the cases therein mentioned. (See this law, page 32, of White's Collection.)

In respect to Trudeau's letter of the 3d of July, 1797, which informs Clamorgan of Carondelet's approbation of the concession, as contained in his letter of the 5th of April of the same year, it is only necessary to say, that if the concession is a fraud, and antedated, of which no doubt can be entertained, Trudeau participated in the fraud; and if capable of such a fraud, capable of giving untrue statements in his letter to support his fraud, Carondelet's letter would be better evidence than Trudeau's representation of it is. To the inquiring mind it would appear, under all the circumstances to which I have adverted, that this letter of Trudeau, of the 3d of July, 1797, had been prepared to support what its author was conscious would require foreign support. Why

should Carondelet describe the land so minutely as Trudeau represents him to have done? And if Carondelet had so described it, why should Trudeau again recite all that Carondelet had said in his letter, and withhold from Clamorgan the letter itself which Carondelet had written.

Having said so much in relation to this concession, I will now advert to that of the 9th of August, 1796, alleged to have been issued by Delassus while commandant of the post of Madrid, which, as I have said, is for a quantity greatly exceeding five hundred thousand arpens. Its boundaries are designated by rivers. I have not the concession before me; I have only the petition which was presented to me praying for its confirmation, which has not the merit of perspicuity. It would appear from it, however, that the concession had been granted in pursuance of the special recommendation of the Baron de Carondelet, governor general, and would infer that this recommendation should be in writing; but no such writing is referred to in the petition, nor does the petition state whether the recommendation was in writing or otherwise. It is to be regretted that Mr. Clamorgan, in his correspondence with Carondelet, obtained no written promise for this concession, or sanction of it. The letters which are adduced to support the other concession, are of the same year, and but a little later in point of date than the date of this concession. And one would imagine that Clamorgan's views and undertakings, connected with the trade which was then carried on by the company to which he is presumed to have attached himself, as well from the letters of Carondelet as from the facts recited in his petition for the other concession; for, although his petition be untrue in point of date, it is probable that it has some foundation in fact, in respect to the employments of the petitioner at the time to which he refers. And it is further probable, that the company which had been formed for the purpose of making discoveries west of the Missouri, were at the date of this concession, in expectation of receiving that approbation which Carondelet, in his letter, announces the receipt of; and were, in fact, the same trading company which then had posts on the Missouri, for the protection of which, as well as those which the company should thereafter establish, the hundred soldiers had been allowed on account of his Majesty.

That two such concessions as these should have issued to Clamorgan while he was a trader on the Missouri river with remote nations of Indians, and one of them while he is actually preparing to make discoveries as far west as the Pacific, and the other while he must have had the same object in view, has not the appearance of probability. The alleged concession of 1796 has in view the culture of hemp, by families who were to be brought from Canada. But, independent of all considerations connected with this view of the subject, when we consult the law and the authority of the commandants, and particularly when we advert to the concessions issued at the post of Madrid, from whence this of 1796 emanated, whether we regard their size, their conditions, or the form of the concession, we should arrive at a conclusion unfavorable to the validity of this concession. I have already, with my first communication made to the Commissioner of the General Land Office, forwarded a concession to Louis August Tortoran Labeaume, made by the governor general, the baron of Carondelet, which declares the condition of the concession: "That it shall be *established* within three years, and shall be null if this condition is not complied with, and that the applicant shall not have power to alien it during the same three years." But it is the official act of the commandant of the post of Madrid, in respect to this concession made to Labeaume, in November, 1793, which should be compared with the official act of Delassus in the case of Clamorgan's concession. Thomas Portell was commandant at Madrid in 1793; he merely states upon Labeaume's petition, this: "The circumstances which the instruction advises concurring in the petitioner, I consider him worthy of the favor he solicits; G. H. will do that which suits your (his) pleasure." Upon this petition and recommendation, his grace did what suited his pleasure. He directs that "Portell should establish the party in six arpens in front, which he solicits, by the ordinary depth of forty, (not fifteen in depth, as he had solicited,) at the place indicated in the memorial, being vacant, and not causing any prejudice, with the precise conditions, &c. (see the concession.) Now, Delassus, in his concession to Clamorgan, from the same post, grants to Clamorgan, and his heirs, forever, the lands which he asks for in his petition.

There was another claim presented to me for confirmation from New Madrid, where the petitioner asks the intendant for one thousand arpens, and where, in reply to this petition, the intendant, with the advice of the assessor, concedes three hundred and twenty arpens. This application was by Robert McCoy, in 1802, who, I believe, may have been the commandant of the post of Madrid at that time; but of this I can speak with no certainty, having only an impression that the commandant was of that name. This concession was alleged to be assigned, and has probably been reported by the commissioners: other concessions issued at New Madrid have doubtless been reported.

I shall now call the attention of the reader to the two concessions made by Trudeau to Delassus, which, together, are for fifty thousand arpens. I have not before me that for 20,000 issued on the 18th of June, 1796, but I have before me the petition of the assignee of this concession, Margaret De Lord Sarpy, which was brought for the confirmation of it. This petition states, that a league square of this concession has been confirmed. The concession of the 10th of February, 1797, for thirty thousand arpens, refers to the previous one for twenty thousand.

As these concessions purport to have been made to Delassus, who has been the author of so many concessions; as one of them has been sold by him, and has been in part confirmed, and the other is claimed by him; I will bestow upon them the consideration which they appear to me, from these circumstances, to merit.

Delassus, in his petition to Trudeau, for this concession of 30,000, represents himself to be the commandant, civil and military, of the post of New Madrid, and its dependencies, &c.; and states, "that having petitioned for a quantity of the royal lands, proportionate fully to a part of his means, which you" (Trudeau) "granted to him in the year 1796, conformably to the orders of the senior governor, the Baron de Carondelet, dated the 8th of May, in the year 1798, he now solicits, moreover, from your justice, that you will be pleased to grant him, for the balance of the means which he possesses, in conformity with said orders, the quantity of thirty thousand arpens in superficies, of vacant lands of the royal domain, so that, when circumstances will permit him, and he shall not be weighed down, as he is at this moment, by the occupations of the royal service, he may order them to be surveyed, and employ them for the establishment, if it be possible, for him to do so, of two manufactures, a soap factory and a tannery, the accomplishment of which, if I can obtain, they will be profitable to myself as well as to the public, furnishing them with soap and leather cheaper by half than the price which they now pay, on account of their being imported from Europe, and a very small quantity of them by the Americans, &c.

In reply to this petition, the concession is given thus:

"It appearing to me that the land, which is solicited, belongs to the royal domain, the surveyor, Don Antonio Soulard, will put the party interested in possession of it, and will verbalize his survey *in extenso*, in order that it may serve to solicit the senior governor general of the province, to whom, I inform, that the subject is, in such circumstances, as merits this favor. ZENON TRUDEAU."

Dated 10th February, 1798.

In the petition of these two concessions, they are solicited and claimed in virtue of alleged orders from the Baron de Carondelet. The last petition refers to the order by its date; whether the first makes so precise a reference, I cannot say, not having that concession. The petition for the second concession having referred to the previous one as issued in pursuance of orders of a particular date, and asked for that which it solicits under the same orders, and the claimant, under this concession, having presented to the recorder, with his concession, the alleged order, we can examine it with a certainty of its being the identical one referred to it in the petition, and can decide for ourselves whether it authorized these concessions, or either of them.

The alleged order is contained in a letter of the Baron de Carondelet of the 8th of May, 1793, addressed to "M. Dehault Delassus," who was the father of the petitioner. It is in the last paragraph of that letter, and is thus translated:

"Your son-in-law and your sons shall have also, as you desire, a plantation in any place they will select in Illinois, of an extent proportionate to the establishment and improvement they propose to make."

This order doubtless accompanies the report of the commissioners. It may be seen in 9th Peter's Reps. 123, 124, in the case of Delassus vs. the United States. I have before referred to it.

To comprehend the intention of this alleged order, which, by the way, is no more than a promise made to M. Dehault Delassus, alias Delassus Deluzieres, in favor of his son-in-law and his sons, we must advert to the occasion and circumstances under which the promise was given, the history of which may be collected in pages 121, 122, 123 and 124 of 9th Peters, from the petition of Deluzieres to Trudeau for a concession for the exploration of lead mines, and the order of Carondelet, of the 7th of May, 1793, ordering that concession. That history is this: Deluzieres had made a contract with the intendant to deliver yearly, during the term of five years, thirty thousand pounds of lead. Deluzieres was at New Orleans when he made this contract, in May, 1793. He had not been in Upper Louisiana. The documents to which I have referred show that his resolution to come up into Upper Louisiana was in consequence of his contract, and with a view to its fulfilment, by raising the lead from the mines of the country. That, desirous to bring his family with him, as it is to be inferred, he solicited the governor general that his son-in-law and his sons should also have a grant of land, it having been arranged that he should have a grant for the exploration of mines, where he should discover lead mineral, to the end that he might fulfil his contract; and therefore Carondelet, in this letter of the 8th of May, 1793, in which this promise is contained, which is to support these concessions for fifty thousand arpens, says to Deluzieres: "By this opportunity I write to M. Zenon Trudeau to grant you the land where you will have made a discovery of lead mines, with adjacent lands of sufficient extent for their exploration; provided, nevertheless, that it should not be conceded to another."

"Your son-in-law and your sons shall also have, *as you desire*, a plantation in any place they will select in Illinois, of an extent proportionate to the establishment and improvement they propose to make."

"This is my answer to your letter No. 3," &c.

The petition of Deluzieres for the concession for the land where he had made a discovery of lead mines, shows that his family had accompanied him. It states that, "with the assistance of his children and son-in-law, and persons acquainted with the country, visited a place situate," &c. &c., for which he asks a concession in pursuance of the orders of Carondelet—(which see 9th Peters, 123).

The question which might well present itself first under this promise of a plantation to the son-in-law and sons of Deluzieres, Delassus, who obtains the two concessions in question, was in the mind either of the father, Deluzieres, who had *desired* a plantation for his son-in-law and sons, or in the mind of Carondelet when he made the promise. Delassus represents himself in his petition for the concession of the 18th of June, 1796, three years only after the date of the alleged order to the commandant, civil and military, of the post of Madrid and its dependencies; and the presumption with me therefore is, that he was in the service of the King in 1793, when Deluzieres expressed his desire to Carondelet to obtain a plantation for his son-in-law and sons, no doubt with a view that they were to accompany him into Illinois (Upper Louisiana), and that Delassus, who now claims to have obtained these concessions, was not then one of the children for whom he was desirous to provide; not one of those who wished to make, or "proposed to make an improvement," being otherwise provided for, and his profession inconsistent with such a proposition.

If it should appear, however, that Delassus was within the promise, in the contemplation of the parties, does that promise authorize both or either of these concessions? When the two letters of Carondolet are read, the one to Trudeau, which orders the concession for the exploration of lead mines, and the other to Deluzieres, which informs him of that order, and which also contains the promise in question, it will be perceived, that in the minds of both parties, the concession for the mineral tract was that to which the most importance was attached; and that the other was rather an incident that followed it. Such a grant was, in fact, a matter of course under the regulations. All who wished to cultivate the soil, obtained, as a matter of regulation, a quantity proportioned to the establishment and improvement they propose to make, and which they had the means to make; and, therefore, Carondolet made no order to Trudeau concerning it. Now what was the result? The concession to Deluzieres, under the order to Trudeau, was for a league square, although solicited for mining, and to secure the necessary fuel for smelting the mineral; and also for the purposes of cultivation, and raising cattle if necessary.

Although the order for this concession was in 1793, the concession was not asked for under it until 1795, nor granted until the 1st of April of that year. How then should it happen that the accessary, in the space of one year, between April, 1795, and June, 1796, should become so much greater than the principal; and that in 1797 it should so exceedingly increase; and this increase only yet in part satisfaction of the promise in favor of the sons and son-in-law? Certainly the subject of the present inquiry was not one of those children which Deluzieres, in his petition to Trudeau, of 1795, mentions as having attended him to the place he had selected. There were other children of Deluzieres, and a son-in-law also, who were, without doubt, within the intention of the promise, and who are to have no part of these fifty thousand arpens. If, therefore, the promise is to be extended to them, with the same liberal interpretation that is given to it by the commandant of the post of Madrid, it will be made to cover more ground than Carondelet intended. The promise is of a plantation of an extent *proportionate to the establishment and improvement they propose to make*. The promise would not appear to authorize the expectation that the plantation should be of an extent greater than would be sufficient for the establishment and improvement which they should propose to make. If the promise is considered with reference to what is said in the previous paragraph, in relation to the grant which was to be made to Deluzieres, the father, "of lands where he should have made a discovery of lead mineral, *with adjacent lands of sufficient extent for their exploration*," we shall be the more inclined to believe that the phrase, "of *an extent proportionate*," &c., is to "be understood as promising no more than the grant of an extent sufficient for the purpose of the establishment and improvement they propose to make."

I apprehend, however, that the true intention of the promisor in this instance will be arrived at by considering his authority and duty in reference to the subject of the promise; and that he made the promise in conformity therewith; and that as in his grants he was required to conform in all respects to the principles of O'Reilly's regulations, we must recur to these to interpret the promise, and the extent of the grant to be made under it. The phrase employed would convey the idea that the writer of the promise had in his mind some *established proportion*, a proportion established by some rule, otherwise the promise would be vague and indefinite. His concession to Labeaume, of the 28th of November, 1793, heretofore forwarded as an evidence of his recognition of the principles of O'Reilly's regulations, by his requiring an observance on the part of Labeaume, of all the conditions imposed by O'Reilly's regulations upon grantees, may be here again referred to, to show what law or established rule Carondelet may be supposed to have had in his mind, when he made this promise. His orders or instructions, to which Delassus refers in his remonstrance, as having issued about the time of the appointment of the surveyor, may also be referred to as affording evidence admissible to establish the probable intention of the promise. The concession of the 10th of February, 1798, is five months later than the date of Gayoso's instructions, which may be referred to, not only as competent to control any previous promise of this character, but to show also that the previous promise of Carondelet, who exercised but the same powers which Gayoso did, and was restricted by the same rules by which Gayoso was restricted, could not be supposed to intend to authorize such a construction as would warrant the concessions in question.

The promise is of "*a plantation*," in the singular number, "of an extent proportionate to the *establishment*," in the singular, "and *improvement*," all in the singular. It might well be doubted whether Deluzieres had solicited more than a single grant for his son-in-law and his sons, who may not have separated into distinct families. The solicitation of a grant for them, in 1793, would not probably be with a view to future and distant contingencies, but with a view to establishments then contemplated as suitable and necessary. No regulation or law of the Spanish government contemplates grants with a view to a distant and possible appropriation of them to a general or particular use; on the contrary, the conditions of the grants, under the terms of the law, require their immediate establishment, and intend to authorize them but with that view. The promise did not contemplate these concessions, distant in point of time, and solicited with a view to still more distant, and merely "possible" establishments; for the petition of Delassus looks to the establishments he proposes as those which are of doubtful possibility, weighed down as he is with public employments.

I do not believe that the concession deserves any grave consideration. Those who will read and understand Delassus' remonstrance of 1800, will not imagine it possible that these concessions had been issued previous to its date, or the time at which it was written. There is no specific lands asked for in the concession of 30,000 arpens, and yet the terms of the concession are such as imply that specific lands had been asked for. The one seems not to have been made with a reference to the statements contained in the other. If particular lands are solicited in the concession of 1796, for 20,000, the location, as appears from the petition presented to me, is on the Eagle fork of Cuivre river, more than 200 miles north of New Madrid, the station of Delassus at its date, a location not probably solicited while he was commandant at Madrid. I am sure there could have been no written or established rule of proportions, between the means of the applicant and the concession, which would give to Delassus, in respect of his means, a grant of fifty thousand arpens. Thirty thousand appears to me to be altogether extraordinary for the purposes of a soap factory and tannery, upon such a scale as could have been contemplated at that day in that part of Louisiana. The quantity is more than was necessary for the mere purpose of conducting such establishments; and where are they to be established? no place has been selected; the wide domain of the King is yet to be ranged to select the place, and where no one would think of locating such factories.

Now, although neither of these concessions were issued until after those who were concerned in issuing them well knew that they were not to be presented to the Spanish authorities for the title; until they knew that there had been a cession of the country by Spain, yet, 13,100 arpens of the concession of 1796, appears, by the record of surveys, to have been surveyed on the 15th of April, 1801, as may be seen by the list of surveys herewith forwarded; and the residue of the concession, 6,900 arpens, on the 30th of March preceding, as appears by the same list, the concession bearing date 15th June, 1796. And immediately following these two surveys is one for Don Santiago McKay, for 13,835 arpens, part of a concession of 30,000 arpens, purporting to have been issued on the 13th of October, 1799, by Delassus, and to have been surveyed the 25th of May, 1801. This is the same James McKay whose antedated concession of 800 arpens is established by the record to which I have herein before referred, and who was a claimant for more than fifty-five thousand arpens as assignee and otherwise; the same James McKay who refused to answer the commissioners touching the date at which a concession was actually made, the petition for which was in his handwriting. So the concession to Antoine, alias Antonio Saugrain, for 20,000 arpens, appears, by the same record of surveys, as may be seen by the list mentioned, to have been surveyed, in part, on the 27th of December, 1803, and, in part, on the 7th of January, 1804; 4,006 arpens being included in the first survey, and 3,000 in the second; perhaps the residue of the 20,000 does not purport to have been surveyed during the Spanish government.

I cannot believe that these concessions were either surveyed or made until after the cession by Spain had become known to all concerned in making them; and as such cession could not have been known as early as 1801, the date of the surveys for Delassus and McKay above mentioned, I infer that these surveys, like the concessions, have been antedated.

Mr. Soulard, in his letter of the 24th July, 1806, a copy of which is herewith forwarded, admits that in "the course of his functions, as the surveyor general of Upper Louisiana, under the Spanish authorities, he has by no means restricted himself, in his certificates of survey, to *putting the true dates* of the said operations, and that in somewhat a large number, they are rendered earlier more or less, than the actual time of the said operations, for the following reasons:"

"The *greater part of surveys* have been made sometimes *several years after* the application of the party interested to the deputy surveyor of his district; I myself have never operated immediately for the applicants, whose titles I often had in my possession for a considerable time; pursuant to this exposition, I have considered myself at liberty, without being deficient in anything, and under the dependence of the Spanish authority, of the approbation of which I was assured, to date the *greater part* of the surveys, as if they had been made at the time of the different applications, which now makes it appear that the surveys have been antedated intentionally; which could not be the case, since this conduct was very indifferent to the Spanish government, and would have been no obstacle to the ratification of the said titles by the tribunal of the intendancy; and that at the period when these expeditions of survey took place, it was even not well known that they might one day pass from under the existing authority. And what, moreover, proves the innocence of this course of conduct is, that a considerable number of surveys for titles, dated in the years 1796, 1797, 1798, and 1799, have been ma 'e in

the course of the year 1803, and to the end of February, 1804, and that my most intimate friends are *interested in a part* of the same lands, nevertheless the dates of the surveys of these are correct, which happens thus, for the reasons that the applications for surveys had not been made to me, as so many others had, years beforehand."

This letter of Mr. Soulard, it is to be observed, is not on oath; in his letter of 2d of May preceding, he had stated, that he invariably and formally refuses to answer *on oath* all questions that may be put to him either at present or for the future, which have a reference either to facts or acts which have transpired under the Spanish authorities, in which facts or acts he may have participated in his quality aforesaid, and whilst dependent on an authority superior to his own, and the sanction of which discharges him from all responsibility."

But he has condescended to explain without oath. I think it will appear that that explanation is not true in relation to the surveys of Delassus and McKay to which I have referred; because I think the mind must be persuaded, that follows me through the crude suggestions I have made, that those concessions had not been issued, had not existence at the date of those surveys, and, therefore, could not at that date have been delivered to Mr. Soulard, or to his deputy.

I think it will also appear, by looking at the list of surveys to which I have referred, that this explanation does not account for relative positions of the plats of surveys as they stand on record, in reference to the dates which they respectively bear, as that at which the survey was made. There were, I think, six districts, for each of which a separate book was kept, in which the surveys were recorded; each of these books consisted of a quire or more of paper sewed together. In the list of surveys to which I refer, the district in which the land surveyed lies, is shown; the page of the book in which the record is made of the survey is shown; the number of the survey is shown. This list presents the order in which the plats of the survey, and all the records made of the survey, follow each other. It will appear by the list, as the truth is, that each book was commenced at the beginning, and each survey, exclusive of those under three hundred arpens, inserted in the list, with the number of the survey, the page of the book in which it is recorded, the date of the survey, the date of the concession, and by whom issued; so that the list will show by the numbers, as given to the survey, how many surveys there are of a quantity less than 300 arpens. A defect in the list is that it does not show the date at which each *certificate* of the survey was given or made, which the record purports to show: that is to say, it purports to give as well the date at which the certificate of survey was made, as the date when the actual survey was made. Now it is to be presumed, that when the surveyor began his record of surveys, and numbered them from one to fifty, &c. that he gave each survey precedence on the record, pretty nearly at least, as the date of the actual survey would entitle it to have such precedence; but when we look at the list of surveys, the number of each survey, and the page of the record in which it is found, we shall often see a great many surveys of one and two, and sometimes three years' date, precede upon the record surveys of a much earlier date; for instance, in the year 1796, there would appear to have been, according to this list, but about six surveys made, exclusive of those under 300 arpens. It is probable, I think, that that number of surveys were made during the year 1796; but in the record of surveys there are standing in advance of those, in their numbers, and in the pages of the record, surveys, dated and certified as made in 1797, 1798, and 1799, (one only in the last mentioned year,) the surveys of 1797, and particularly of 1798, being considerable in number, which thus stand upon the record in advance of the few I mention, which appear to have been made in 1796. Mr. Soulard's explanation does not account for this singular state of the record. Certainly some one of these six surveys, which are dated in 1796, were surveyed in 1796; and yet many surveys, of two years' later date, precede them all upon the record. His statement is, that "the greater part of the surveys have been made sometimes several years after the application of the party interested, to the deputy surveyor," &c.; and that he has considered himself at liberty, without being deficient in anything, &c., to date the greater part of his surveys, as if they had been made at the time of the different applications, &c. According to this exposition, it would seem that there were actually no surveys made in 1796, although the application had been made for those of that date at that time; and that those surveys which preceded them upon the record, and which were not applied for or made until 1797 and 1798, having been actually made before those which are dated as if made in 1796, were, in consequence thereof, placed on the record in advance of those dated in 1796.

C.

Abstract from the "Registre de Arpentage, St. Andre A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also, the date (according to said "Registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Regis Loisel	1,480	..			
2	2	John Cordell	800	..	1797. January 15	1796. October 8	
3	2	Robert Bolbridge	400	..			Commander in chief
4	3	John Ward	400	..			do
5	3	John Lewis	400	..	1797. March 30	1797. February 22	do
6	3	Francis Howell	400	..	1797. March 30	1797. February 22	do
7	4	Hyacinthe St. Cyr	919	..	1798. February 3		do
8	4	Jno. Lard	400	..	1798. April 6	1798. January 28	do
9	5	Joseph Conway	400	..	1798. May 16	1797. June 15	do
10	5	Jacob Countz	400	..	1798. May 3	1797. March 14	do
12	6	Henry McLaughlin	310	..	1798. February 20	1797. December 21	do
13	7	John Scott	432	..	1798. February 16	1797. March 20	
14	7	Abraham Musick	400	..	1798. March 10	1798. January 30	
15	8	John Long	800	..	1798. May 7	1797. May 8	
16	9	Hezekiah Lard	1,000	..	1798. April 5	1797. September 10	
19	10	Richard Caulk	800	..	1799. June 12	1798. December 11	
20	11	Thomas Whitley	600	..	1798. May 18	1798. December 14	
21	11	Asa Musick	400	..	1798. March 9	1797. April 8	
22	12	William Balewe	400	..	1798. January 25	1797. February 21	
23	12	John Chandlers	600	..	1798. May 25	1797. December 11	
24	13	Ephraim Musick	400	.	1798. May 2	1797. August 8, and Feb. 27, 1798	
26	14	Lawrence Long	600	..	1798. May 5	1797. June 15	
27	14	Gabriel Long	400	..	1798. May 7	1797. June 15	
28	15	Lawrence Long	1,000	..	1798. February 9	1797. March 14	
29	15	William Bealls	640	..	1798. February 18	1798. January 18	
30	16	James Mackay	3,533½	..	1798. March 6	1797. December 23	
30	17	Don Santiago Mackay	4,460	..	1798. March 6	1797. December 23	By the lieutenant governor
29	18	Guillaume Bealles	868	72	1798. February 18	1798. January 18	
5	19	John Lewis	362	35	1797. March 30	1797. February 22	Commander in chief
31	19	George Gordon	800	..	1796. November 1	1796. August 26	do
19	20	Richard Caulk	800	..	1799. June 12	1798. December 11	
20	20	Thomas Whitley	600	..	1798. May 18	1797. December 14	
32	21	Michael Odom	400	..	1799. November 1	1798. January 18	
33	21	Christophe Carpenter	550	..	1799. September 30	1799. August 15	
34	22	James McDonald	800	..	1799. September 29	1797. December 30	
36	23	John Lafleur	400	..	1799. November 2	1799. December 14	
37	23	Jorge McPhaul	400	..	1799. November 3	1798. February 25	
38	24	John Beasy	400	..	1799. November 4	1797. April 13	
39	24	Theophile McKinnon	400	..	1799. November 5	1798. January 12	

40	25	James Richardson	400	..	1798. January 4	1797. February 21		
43	26	Ninion Bell Hamilton	400	..	1800. January 18	1800. January 15		
44	26	Charles Kyle	400	..	1797. November 5	1797. March 7		
45	27	Thomas Crapper	400	..	1798. February 20	1798. February 10		
46	27	Leven Crapper	400	..	1798. March 5	1798. February 10		
47	28	Alexander McDonald	500	..	1798. December 2	1797. November 28		
6	29	Francois Howell	557½	..	1797. March 30	1797. February 22	Lieutenant governor	
50	30	Samuel Smith	450	..	1799. November 6	1799. October 20	do	
51	30	William Hamilton	450	..	1799. December 10	1799. December 5	do	
52	31	Ephraim Richardson	400	..	1799. December 11	1798. February 15	do	
53	31	John Ridenhour	500	..	1799. December 25	1799. December 7	do	
54	32	Andre Parks	400	..	1800. January 15	1797. September 5	Zenon Trudeau	
55	32	John Sullens	640	..	1800. January 20	1799. November 1	Charles Dehault Delassus	
56	33	Richrad Sullens	450	..	1800. January 21	1799. November 14	do	
57	33	Antoine Rencontre	400	..	1800. January 24	1799. January 31	Zenon Trudeau	
58	34	Don Santiago Chovin	1,060	..	1800. January 26	1799. September 3	Charles Dehault Delassus	
59	35	Robert Young	520	..	1800. February 1	1799. August 19	do	
60	36	Pierre Vaughn	400	..	1800. February 5	1797. December 5	Zenon Trudeau	
61	37	Hugh Stephenson	400	..	1800. February 8	1797. April 13	do	
62	38	Aaron Colvin	400	..	1800. February 9	1798. January 30	do	
64	40	Santiago Prichard	700	..	1800. February 11	1799. September 20	Charles Dehault Delassus	
65	41	James Stephenson	800	..	1800. February 12	1799. October 7	do	
66	42	Guillaime Hush	500	..	1800. February 13	1799. November 9	do	
67	43	David King Price	400	..	1800. February 14	1799. September 20	do	
68	44	Jean Massey	510	..	1800. March 5	1799. September 9	do	
69	45	Robert Ramsay	350	..	1803. March 7	1799. December 10	do	
70	46	William Miller	300	..	1803. October 19	1799. December 10	do	
71	47	John Chandler	600	..	1804. February 20	1803. January 18	C. D. Delassus and Z. Trudeau.	
72	48	John Long	240	..	1804. February 4	1798. February 19	Zenon Trudeau	
73	49	Abraham Johnson	300	..	1804. February 4	1801. March 20	Charles Dehault Delassus	
74	50	Enel Musick	350	..	1804. February 11	1800. January 14	do	
75	51	Robert Buchanan	500	..	1804. February 5	1799. October 10	do	
76	52	Joshua Jansey	300	..	1804. February 7	1799. November 1	do	
77	53	David Henely	600	..	1804. February 8	1799. December 24	do	
78	54	Leonard Farrorr	400	..	1804. February 9	1799. December 8	do	
79	55	Alexander McCourtney	600	..	1804. February 8	1799. November 26	do	
80	56	Ezekiel Rogers	600	..	1804. February 9	1801. December 17	do	
81	57	John Stephen	306	..	1804. February 9	1799. October 10	do	
82	58	John Stuart	300	..	1804. January 30	1800. January 25	do	
83	59	Andrew McQuitty	300	..	1804. January 30	1800. January 26	do	
84	60	John Sutton Farrorr	350	..	1804. February 8	1800. January 15	do	
85	61	Kencaid Calwell	710	..	1803. October 17	1799. November 7	do	

Examined, October 16, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

Abstract from the "Registre de Arpentage, St. Genevieve A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also, the date (according to said "registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date ("according to the Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	François Vallé	690	..	1798. March 15	1798. March 9	Lieutenant-governor
9	4	François Moro	717	..	1797. December 19	1797. November 16	Commander-in-chief
18	6	St. Jayme Beauvais	300	..	1798. January 15	1797. November 16	do.
20	7	Auguste Aubuchon, Joseph Gerrard, Patris Flamand	450	..	1797. December 2	1797. May 1	do.
26	11	Don François Vallé, fils	7,056	..	1799. April 24	1796. June 18	Lieutenant-governor
27	11	François Moreau	7,056	..	1799. April 25	1797. September 1	do.
28	12	Frederick Connor	506	25	1800. March 19	1800. January 5	do.
29	12	Walter Gewitt	600	25	1800. March 18	1800. January 5	do.
30	13	John Dowlin	1,000	..	1799. October 21		do.
33	14	Jacques Guibourd, Don Breith	404	..	1799. December 27	1797. June 4	do.
34	15	Pascal Detchemendy	1,600	..	1798. May 2	1797. November 30	
35	15	Jeduthan Kindal	399	36	1800. April 1	1798. February 15	Lieutenant-governor
37	16	Thomas Ally	400	..	1798. April 28	1797. December 2	do.
38	17	William Paterson	299	40	1798. April 29	1797. December 2	do.
39	17	Andrew Baker	606	..	1799. November 24	1799. September 1	
40	18	Henry Paget	300	..	1800. April 24	1800. January 19	Lieutenant-governor
41	18	William Alley	319	74	1798. April 27	1797. October 1	do.
42	19	John Alley	300	..	1798. April 29	1797. November 13	do.
43	19	François Poillievre	1,600	..	1800. May 8	1800. January 30	do.
44	20	Elias Bates	400	40	1800. February 3	1800. January 19	do.
45	20	John Andrews	400	..	1798. January 4	1797. November 13	do.
46	21	John Sturgus	1,600	..	1797. March 20	1796. August 24	do.
47	21	Joab Strickling	400	..	1800. March 18	1798. January 9	do.
48	22	Titus Strickland	300	..	1798. March 18	1798. January 11	do.
49	22	Bazile Vallé	300	..	1799. December 28	1799. November 1	do.
51	23	Pierre Delassus de Luziere	500	50	1799. November 25	1798. November 25	do.
52	24	Don Moises Austin	7,153	82¾	1800. June 2	1799. January 14 1800. February 5 1800. November 24	Zenon Trudeau Charles Dehault Delassus do.
53	25	Don François Moreau	1,760	..	1799. November 17	1797. November 16	Lieutenant-governor
54	26	Don Baptiste Vallé	1,475	..	1799. November 18	1798. March 6	do.
55	27	Don Baptiste Vallé, fils	730	..	1800. January 15	1800. January 10	do.
56	28	Don Gabriel Cerré	615	25	1798. January 19	1798. January 29	do.
57	28	Barthelemi Herrington	500	..			
58	29	Jean Stuard	440	..	1798. March 30	1798. March 24	Lieutenant-governor
59	29	Guillaume Montgomery	340	..	1800. January 30	1800. January 15	do.
60	30	François Wideman	400	..	1798. April 15	1798. March 31	do.
62	31	Jean Villiney	590	..	1798. February 2	1798. January 15	do.
63	31	Guillaume Null	600	..	1799. November 15	1799. June 8	do.
66	33	Bartolome Herrington	590	..	1799. September 5	1799. June 8	Licut.-Gov. Zenon Trudeau

67	34	Walter Fenwick	1,000	..	1799. September 27	1797. June 10	do.
68	35	Joseph Gerrard and Patric Flemming	840	..	1799. September 28	1799. September 25	Charles Dehault Delassus
69	36	Don Camillo Delassus	2,490	34	1799. November 1	1799. October 12	do.
70	37	Don Jacques Maxwell	1,000	..	1799. November 2	1798. May 29	Zenon Trudeau
71	38	Samuel Wilson	800	80	1799. December 2	1799. October 1	Charles Dehault Delassus
72	39	Moses Bates	800	..	1800. January 2	1799. September 8	do.
73	40	Benjamin Strodard	600	..	1800. January 20	1799. December 11	do.
75	42	Juan Baptista Labreche	500	..	1800. February 10	1799. September 5	do.
76	43	Amable Partenais	500	..	1800. February 20	1799. September 5	do.
77	44	Abraham Edes, pere	600	25	1800. March 10	1799. September 8	do.
78	45	Juan Bautista Prat	1,000	23	1800. November 5	1799. September 5	do.
79	46	Juan Bautista Prat, fils	800	..	1800. December 15	1799. September 5	do.
80	47	Jan Price	4,000	..	1802. December 15	1800. March 6	do.
81	48	Thomas Madden	800	..	1802. July 20	1799. December 30	do.
82	49	Jacob Morrine	800	..	1803. November 1	1800. January 5	do.
83	50	William Eads	398	80	1803. November 30	1799. September 8	do.
84	51	Joseph Blote	500	..	1803. December 5	1799. September 5	do.
85	52	Don Augte. Chouteau, fils, de Don Gres. Chouteau	800	..	1803. December 6	1800. January 5	do.
86	53	Benjamin Josthon	449	86	1803. December 31	1799. September 2	do.
87	54	Arthur O'Neil	432	72	1803. November 26	1798. March 5	Zenon Trudeau
88	55	James Donnely	430	..	1804. January 4	1799. November 15	Charles Dehault Delassus
89	56	Walter Jeuwitt	1,400	..	1804. January 9	1800. December 17	do.
91	58	Arthur O'Neil	367	¼	1804. January 27	1798. March 5	Zenon Trudeau
92	59	F'ois Tayon	10,000	..	1804. February 6	1799. October 15	Charles Dehault Delassus
93	60	V'ce Colman and others, making in the whole thirty-one heads of families	12,400	..	1804. February 3	1803. June 4	do.

Examined, October 16, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

Abstract from the "Registre de Arpentage, St. Louis A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the dates and area of each survey; also, the date (according to said "registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of Survey.	No. of Page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	John Lard	400	..	1798. April 6	1798. January 28	
2	1	Hezekiah Lard	1,000	..	1798. April 5	1797. September 10	
3	2	Seth Chitwood	400	..	1798. April 6	1797. December 20	
4	2	John Graham	400	..	1798. April 9	1797. December 4	
5	3	James Hart	400	..	1798. April 24	1797. May 9	
7	4	William Patterson	600	..	1798. April 26	1797. November 18	
8	5	Jaque de Lassus St. Vrain	900	..	1799. February 5	1798. December 6	Lieutenant governor
10	7	Mr. Gregoire Sarpy	803	..	1797. November 1	1797. March 18	do
11	7	Mr. Edmond Hodges	655	..	1799. March 10	1798. January 10	do
12	8	James Richardson	1,000	..	1798. February 1	1796. December 8	do
13	8	Don Louis Labeaume	374	..	1799. March 2	1799. February 15	do
14	9	Don G'el Cerré	400½	..	1798. February 20	1798. January 3	do
18	11	Commune du Marais des Liards	1,000	..		1795. December 28	do
19	12	Don Jast'e St. Cire	704	..	1796. February 12	1796. February 1	do
20	12	Don Ant'e Soulard	1,042	..	1798. March 15	1798. January 27	do
21	12	Loran Haff	459	..	1798. March 15	1797. October 30	do
22	12	Samuel Duncan	405	..	1798. March 15	1797. September 9	do
24	12	Elizabeth Cheatwood	400	..	1797. December 1	1797. November 18	do
25	14	Auguste Chouteau	2,160	..	1796. September 15	1796. September 11	do
26	14	Pierre Chouteau	1,376	..	1796. September 15	1796. September 10	do
27	14	Emilian Yosty, William Palmer.	800	..	1796. September 14	1796. September 11	do
29	14	Auguste Chouteau	375	40	1799. May 5	1799. May 1	Lieutenant governor
30	14	William Griffin	593	22	1798. March 10	1796. March 2	do
4	16	John Graham	471	..	1798. April 9	1797. December 4	do
32	17	Alexander Clark	400	..	1797. February 26	1797. February 25	do
34	17	David Brown	600	..	1797. November 15	1797. January 30	do
4	18	Chs. Sanguinet	457	..	1798. January 25	1797. June 12	do
1	20	Commons for the inhabitants of Grosse point	1,000	..	1797. March 25	1796. December 8	do
2	20	Louis Honore, and four of his sons	1,000	..	1797. March 25	1796. December 8	do
51	23	Elye Mets	400	..	1797. March 20	1797. January 31 and February 22	do
52	23	Jacob Lens	400	..	1797. March 20	1797. March 15	do
54	25	Antoine Reilh et Dame Anne Ve. Camp	2,905	56	40 p's		
55	27	Charles Gratiot	6,720	..	1796. May 17	1785. February 14	Don Francisco Cruzat
56	27	do.	800	..	1797. December 6	1796. October 13	Lieutenant governor
57	27	do.	400	..	1797. February 18	1797. February 17	do
58	27	Me. Maria Louise Papin	1,600	..	1797. February 19 and 20	1796. September 1	do
59	28	Mrs. Antoine Morin	656	..	1799. November 15	1796. January 11	do
61	28	Antoine Roy	342	..	1799. November 17	1797. January 8	do
62	28	Benois Basquez	787	..	1799. November 18	1797. April 4	do

65	29	Jan Allin	611	50	1799. November 19	1798. March 24	Lieutenant governor
66	29	Elie Matz	610	..	1799. November 20	1798. March 16	do
67	30	William Burts	401	60	1799. January 25	1797. December 28	do
68	30	Richard Chitwood	610	87	1799. January 26	1798. February 24	do
69	31	Ira Nache	325	50	1799. January 29	1797. December 13	do
70	31	Don Louis Brazeau	800	..	1799. March 10	1796. March 16	do
71	32	Docteur John Watkins	613	..	1799. November 5	1799. October 3	Chas. Dehault Delassus
73	34	Mons. G'el Cerró	7,065	..	1800. January 15	1799. March 8	do
75	36	Don Gabriel Cerré	400	..	1800. January 25	1796. April 25	Bar. de Carondelet, gov. gen.
76	37	Don Santiago McKay	812	..	1800. April 18	1796. October 17	Zenon Trudeau
77	38	Philipe Fines	400	..	1800. April 25	1799. January 3	do
78	39	Philipe Riviere	450	..	1800. November 30	1800. October 14	Lieutenant governor
79	40	Auguste Dandier	500	..	1800. December 1	1800. October 14	Chas. Dehault Delassus
80	41	Theresa Barois Lamy and François Brazeau Charleville	1,600	..	1800. December 15	1797. January 28	Zenon Trudeau
81	42	Jast'e Dehetre	400	..	1801. January 2	1797. January 28	do
82	43	Don Auguste Chouteau	1,281	..	1800. March 3	1800. January 5	Chas. Dehault Delassus
83	44	Dame Ve. Rigoche	457	..	1801. December 28	1796. December 29	Zenon Trudeau
84	45	Jasinto St. Cire, fils	400	..	1801. December 29	1800. January 2	Chas. Dehault Delassus
85	46	Narsis St. Cire, fils	400	..	1802. January 3	1800. February 1	do
86	47	Francis St. Cire	600	..	1802. January 9	1800. February 2	do
87	48	Dame Ve. Lidie Quick	550	..	1802. October 3	1799. October 18	do
88	49	Dame Ve. Sarah James	400	..	1802. October 16	1798. March 2	Zenon Trudeau
89	50	Comberland James	400	..	1802. October 17	1797. September 2	do
90	51	Ebenezer Hodges, fils	500	..	1802. October 18	1798. February 1	do
93	54	Gilbert Hodges, fils	400	..	1802. October 21	1798. March 3	do
95	56	John Wendel Engel	800	..	1802. November 1	1799. December 30	Chas. Dehault Delassus
96	57	Don Ant'a Soulard y Don Santiago de St. Vrain	3,075	..	1802. November 5	1799. February 20	Zenon Trudeau
97	58	Morrisse James	400	..	1802. November 10	1797. September 1	do
98	59	Juan Brown	600	..	1802. November 15	1798. November 16	do
99	60	Juan Paterson	600	..	1802. November 16	1798. November 16	do
100	61	Farquir McKinzie	400	..	1802. November 18	1797. December 5	do
101	62	David Brown	400	..	1802. November 20	1799. April 14	do
102	63	François Pollierre	1,600	..	1803. March 15	1798. August 6	do
103	64	Joseph Williams	800	..	1800. April 10	1796. August 26	do

Abstract from the "Registre de Arpentage, Nouvelle Bourbon A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also, the dates, according to said Registre, of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of Survey.	No. of Page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Delassus Deluziere, pere	400	..	—— November 25	1797. August 26	Lieutenant Governor
2	2	Israel Dodge	1,000	..	1798. February 10	1798. February 1	Commander in chief
3	3	Mr. Wm. James	782	..	1798. January 11	1798. February 1	do
4	4	Joseph Finewick	828	..	1798. February 11	1798. February 1	do
5	5	Pascal Detchemendy	1,251	..	1798. February 25	1798. February 20	do
6	6	Baptiste Vallé and Lis Bolduc, pere	1,000	..	1798. April 21	1798. March 6	do
7	7	Thomas Maddin	1,050	..	1798. April 23	1797. November 10	do
8	8	[The name of the Delassus Deluziere, pencilled at the head of the page]	1,000	..	—— January 27	—— January 25	Lieutenant Governor
9	9	Marie Vallé	1,658	..	1797. September 25	1796. August 13	
10	10	Fran's Vallé	7,056	..	1797. September 15	1796. September 9	
48	12	Guillaume Burn	308	..	1797. November 25	1797. November 16	Commander in chief
50	13	François Clark	600	30	1797. November 28	1797. November 22	
51	13	—— Nusam	502	50	1798. November 28	1798. November 22	
52	14	Barn Burn	400	..	1797. November 28	1797. November 22	
53	14	Joseph Hoice	400	..	1797. November 28	1797. November 16	
55	15	Antoine Lachance and Gabriel Lachance	480	..	1798. February 2	1797. November 13	
57	16	Michel Burn	499	..	1798. January 28	1797. November 22	
58	17	Benjamin Walker	300	..	1798. January 28	1797. November 22	
59	17	David Clark	300	..	1798. March 1	1797. November 16	
62	19	Louis Cayteux	554	..	1798. March 25	1798. March 10	Commander in chief
63	19	Ross McLaughlin and Jean John	517	75	1797. September 10	1797. May 1	do
66	21	Mrs. Vital Beauvais and St. James Beauvais	1,000	..	1797. March 28	1797. January 1	do
67	21	John Price	500	..	1798. December 10	1797. November 15	do
84	24	Mo. V. Marie Louis Vallé Villars	7,056	..	1798. February 13	1796. September 11	Lieutenant Governor
85	25	Amable Partenay	435	..	1798. December 4	1797. September 1	do
86	25	James Ferrell	367	..	1800. January 25	1800. January 10	do
87	26	John Greenwault	535	..	1800. February 6	1798. March 10	do
88	26	Andrew Cox	400	..	1800. February 4	1798. January 20	do
89	27	James Thomson	396	..	1800. February 13	1798. February 20	do
90	27	Christopher Barnhart	496	..	1800. February 21	1798. March 15	do
92	28	John Duvall	400	..	1800. February 12	1798. March 15	do
96	30	William Moore	400	..	1800. February 5	1798. March 15	do
97	31	David Strickland	535	..	1800. February 6	1798. January 21	do
98	31	John Townsend	400	..	1800. February 5	1798. March 20	do
69	32	Samuel Bridge	480	..	1800. January 11	1798. August 11	do
101	33	Antoine Lachance, Gabriel Lachance, and Louis La Croix	442	..	1800. January 9	1798. February 1	do
102	33	James Dutton	360	..	1799. March 8	1798. May 10	Lieutenant Governor
105	35	Job Westower	325	..	1799. May 3	1798. February 10	do
108	36	Benjamin Strother	400	..	1799. February 14	1799. January 25	do
111	38	Elias Coen	400	..	1799. March 27	1798. February 1	do

112	38	James Davis, fils	406	..	1799. March 27	1798. February 15	Lieutenant Governor	
114	39	John Nusam, fils	506	..	1799. March 26	1798. March 15	do	
115	40	Thomas Donnohue	406	..	1799. March 7	1797. December 5	do	
116	40	James McClean	300	..	1799. March 7	1798. January 5	do	
117	41	Alexander McConnohoe	604	..	1799. March 9	1798. December 30	do	
118	41	Alexander Dowdal	340	..	1799. March 9	1797. December 30	do	
119	42	James Dotson	450	..	1799. March 8	1798. May 1	do	
121	43	Joseph Donnohue	339	..	1799. March 28	1797. November 13	do	
122	43	John Burget	614	..	1799. March 29	1797. December 25	do	
124	44	Pierre Chevalier	756	..	1799. May 6	1797. May 1	do	
126	45	John Graham	575	..	1799. March 26	1798. March 20	do	
127	46	Le Chev'e De Luzieres	330	..	1798. December 25	1798. November 25	do	
128	46	Henry Clark	400	..	1800. February 14	1798. February 2	do	
129	47	James Francis Piller	336	..	1800. January 21	1799. December 20	do	
132	48	Jean Marie Legrand	580	40	1799. December 30	1799. December 20	do	
133	49	Israel Dodge	714	..	1799. October 9 do	1796. September 9, and Jan. 15, 1798.	do	
134	49	James Samuel	400	10	1800. January 2	1799. December 20	Charles Dehault Delassus	
135	50	Don Pedro Delassus Deluziere	7,056	..	1799. December 14	1799. November 29	do	
136	51	James Samuels	340	..	1800. January 3	1799. December 20	do	
139	54	Don Diego Maxwell	1,750	..	1800. February 3	1799. September 10	do	
140	55	Guillermo Murphy, fils	800	..	1800. March 5	1798. March 1	Zenon Trudeau	
141	56	Guillaume Murphy, pere	799½	..	1800. March 10	1798. March 1	do	
142	57	David Murphy	600	..	1800. March 25	1799. October 4	Charles Dehault Delassus	
143	58	Joseph Murphy	550	..	1800. April 1	1799. October 4	do	
144	59	Jan Hawkins	400	..	1800. May 5	1800. January 24	do	
145	60	Don Francisco Vallé, pere	1,000	..	1800. December 15	1799. December 25	do	
146	61	Don Domitille Dehault	8,997	..	1800. December 20	1799. September 17	do	
147	62	Don A. P. Provenchere	526	..	1800. January 15	1799. December 20	do	
148	63	Thomas Chaffin	302	..	1800. January 19	1799. December 20	do	
149	64	William Holmes	800	..	1803. November 12	1800. March 29	do	
150	65	Robert T. Friend	800	..	1803. November 11	1798. March 18, and Sept. 18, 1800	Z. Trudeau and C. D. Delassus.	
151	66	Nathaniel Cook	800	..	1803. November 10	1799. September 11	Charles Dehault Delassus	
152	67	Isaac Davee	300	..	1804. February 6	1799. December 20	do	
153	68	Jimes Davis	400	..	1804. February 19	1800. February 15	do	
154	69	Daniel Meriditts	312	..	1803. November 12	1798. January 1	Zenon Trudeau	
155	70	Jacque Fincley	800	..	1804. February 16	1798. March 18	do	
156	71	Benjamin Lachanze	400	..	1804. February 18	1800. May 28	Charles Dehault Delassus	
157	72	Michel Hart	800	..	1804. February 21	1800. November 25	do	
158	73	John Keaphart	799	9	1804. February 22	1801. December 18	do	

Examined, October 10, 1830.

J. B. W. PRIMM,
J. G. LINDELL.

Abstract from the "Registre de Arpentage pour les terres de St. Charles, du Missouri river, gauche A," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also the dates (according to said "Registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
2	1	David Darst, pere	600	..	1798. July 5	1797. June 1	Commander in chief
4	1	Joshua Dodson	400	..	1798. July 5	1797. June 1	do
5	3	Jacques Deglise	1,066	..	1798. January 20	1797. August 18	do
6	5	Louis Labeaume	8,000	..	1798. November 26	1798. January 18	Lieutenant governor
7	6	Samuel Griffith	400	..	1798. November 30	1798. February 11	do
8	7	Don Charles Tayon	320	..	1799. December 1	1796. March 7	do
15	10	Don Isidore Lacroix	2,800	..	1799. December 5	1797. January 23	do
15	11	Don Isidore Lacroix	4,400	..	1799. December 5	1797. January 23	Zenon Trudeau
19	12	William McConell	800	..	1799. December 12	1797. March 6	Lieutenant governor
20	12	Nicholas Coontze	400	..	1799. December 13	1799. August 29	do
21	13	Michael Rybolt	450	..	1799. December 14	1799. December 5	do
22	13	James Flacherty	600	..	1799. December 15	1799. October 25	do
23	14	James Green	800	..	1799. December 16	1799. January 14	do
24	14	Thomas Caulk	400	..	1799. December 17	1798. February 4	do
25	15	Elisha Goodrich	400	..	1799. December 18	1799. August 23	
26	15	William Stuard	400	..	1799. December 19	1798. February 4	
27	16	Samuel Watkins	1,000	..	1799. December 20	1798. February 19	
28	16	Henry McLaughlin	600	..	1799. December 21	1798. December 15	
29	17	Phillipe Miller	600	..	1799. December 23	1798. January 24	
30	17	Isaac Vanbeiber	400	..	1799. December 23	1798. February 19	
31	18	Samuel Clay	400	..	1799. December 23	1798. April 4	
32	18	Micaja Callaway	800	..	1799. December 24	1798. January 24	
33	19	Daniel Morgan Boone	600	..	1799. December 25	1797. September 1	
34	19	Daniel Boone	1,000	..	1799. December 26	1798. January 24	
35	20	John Lindsay	500	..	1799. December 27	1798. February 27	
36	20	Robert Hall	800	..	1799. December 28	1798. January 24	
37	21	George Buchanan	400	..	1799. December 29	1798. January 24	
38	21	Forest Hancock	400	..	1799. December 30	1798. January 24	
39	22	William Hays	1,000	..	1799. November 10	1798. January 24	
40	22	Jeremiah Grojean	400	..	1799. November 15	1799. December 2	
41	23	Christophe Sommalt	550	..	1799. November 16	1799. November 9	Lieutenant governor
42	23	Jean Parket	650	..	1799. November 17	1799. November 9	do
43	24	Leonard Price	650	..	1799. November 18	1799. November 9	do
45	25	Henry Sommalt	450	..	1799. November 10	1799. October 27	
47	26	Jacob Sommalt	450	..	1799. November 21	1799. November	
48	27	Pierre Sommalt	300	..	1799. November 22	1799. November	
49	27	Andre Sommalt	580	..	1799. November 23	1799. November	
50	28	James Kerr	1,200	..	1798. September 5	1798. March 4	
51	28	Perry Brown	300	..	1799. September 5	1799. October 26	
52	29	Daniel McKay	300	..	1799. December 15	1799. October 27	

53	29	John Riddenhour	450	..	1799. December 16	1799. November 12		
54	30	James McKay	450	..	1799. December 2	1799. October 27		
55	30	Adam Sommalt	600	..	1799. December 3	1799. November 5		
56	31	Alexander Andrews	400	..	1798. December 29	1797. November 10		
57	31	Thomas Johnson	500	..	1799. December 3 and 30	1799. October 28	Lieutenant Governor	
58	32	George Hoffeman	400	..	1799. December 2	1799. November 29	do.	
59	32	Pierre Hoffeman	300	..	1799. December 2	1799. November 29	do.	
60	33	John Coontz	600	..	1799. September 5	1799. August 29	do.	
61	33	George Robert Spencer	800	..	1797. November 5	1797. June 14	do.	
62	34	Jean Tayon	400	..	1799. November 17	1799. October 5	do.	
63	34	George Gatey	450	..	1799. November 18	1799. September 6	do.	
64	35	Chretien Denis	400	..	1800. November 15	1800. June 16	do.	
66	36	Christopher Clark	520	..	1799. December 8	1799. November 10	Charles Dehault Delassus	
67	36	Antoine Koller	401	..	1799. December 9	1799. November 11	do.	
68	37	David Boyde	350	..	1799. December 10	1799. November 9	do.	
69	37	Warren Cottle	650	..	1799. December 11	1799. October 8	do.	
71	38	James Clark	400	..	1799. December 13	1797. March 20	Zenon Trudeau	
72	39	William Hays, fils	600	..	1799. December 14	1798. January 24	do.	
73	39	Henry Groves and Francis Smith	400	..	1799. December 15	1799. November 20	Charles Dehault Delassus	
75	40	James Piper	450	..	1799. December 17	1799. March 12	Zenon Trudeau	
77	41	Don Charles Tayon	510	..	1800. January 8	1798. January 28	do.	
78	42	Don Arrend Rutgers	7,055	94	1800. February 1	1799. April 14	do.	
79	43	Don Pedro Derbigny	6,000	..	1801. January 15	1799. September 20	Charles Dehault Delassus	
80	44	Don Auguste Chouteau	7,056	..	1801. March 17	1798. January 25	Zenon Trudeau	
81	45	Don Daniel Clark	5,000	..	1801. March 25	1797. July 27	*Baron de Carondelet	
			do.	..	do.	1797. July 26	*Charles Dehault Delassus	
82	46	Don Carlos Dehault Delassus	6,900	..	1801. March 30	1796. June 18	Zenon Trudeau	
83	47	Don Carlos Dehault Delassus	13,100	..	1801. April 15	1796. June 18	do.	
84	48	Don Santiago McKay	13,835	..	1801. May 25	1799. October 13	Charles Dehault Delassus	
85	50	Hypolite Bollon	400	..	1801. March 19	1800. March 17	do.	
Null.	51	James Clark	400	..				
Null.	53	Christopher Clark	520	..				
Null.	54	Warren Cottle	650	..				
86	55	John Journoy	603	..	1801. April 2	1799. November 26	Charles Dehault Delassus	
87	56	Daniel Kiseler	600	..	1801. April 8	1799. November 26	do.	
88	57	Jonathan Bryant	622	..	1801. April 10	1799. November 26	do.	
89	58	Jean Howel	404½	..	1801. April 10	1797. February 22	Zenon Trudeau	
90	59	Godfrey Crow	600	..	1801. April 11	1799. November 7	Z. Trudeau and C. D. Delassus.	
91	60	Pater Valijhn	300	..	1801. April 25	1797. December 15	Zenon Trudeau	
92	61	John Crow	450	..	1801. April 30	1799. November 7	Charles Dehault Delassus	
94	63	Jeremiah Clay	450	..	1801. May 5	1799. November 26	do.	
95	64	James Clay	350	..	1801. May 7	1799. November 26	do.	
96	65	Henry Crow	400	..	1801. May 15	1799. November 26	do.	
98	67	Isaac Wilden	400	..	1801. May 21	1799. September 21	do.	
99	68	James Balbridge	400	..	1801. June 15	1799. October 10	do.	

Examined, October 16, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

*Decreed by both at those dates.

Abstract from the "Registre de Arpentage, Rive Gauché du Missoury B," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also, the date (according to said "registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decrees, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Thomas Smith	350	..	1801. November 20	1799. December 10	Charles Dehault Delassus.
2	2	Jaun Hone	500	..	1801. November 22	1799. December 10	do.
3	3	William Handcock	600	..	1801. November 24	1799. November 7	do.
4	4	Steven Handcock	402	..	1801. December 1	1799. September 21	do.
5	5	Abraham Durst	401	..	1801. December 2	1799. October 10	do.
7	7	Don Francois Duquette	400	..	1800. July 26	1796. July 1	Zenon Trudeau.
13	13	David Bryant	600	..	1803. March 18	1799. November 26	Charles Dehault Delassus.
14	14	Francois Wyalte	800	..	1803. November 4	1800. June 20	do.
15	15	Pierre Smith	500	..	1803. November 5	1800. June 24	do.
17	17	John Wildon	500	..	1803. November 17	1799. September 20	do.
18	19	James Mountgomery	300	..	1803. November 4	1800. June 17	do.
19	20	Timothy Kibby	400	..	1803. November 16	1801. October 18	do.
20	21	John Marchal	720	..	1803. November 5	1800. June 20	do.
21	22	Robert McKenny	780	..	1803. November 6	1800. November 6	do.
22	23	Laurence Sydener	750	..	1803. November 7	1800. June 20	do.
23	24	David McKenny	590	..	1803. November 8	1800. June 20	do.
24	25	Alexander McKenny	550	..	1803. November 8	1800. June 20	do.
25	26	John McKenny	650	..	1803. November 12	1800. June 20	do.
26	27	Don Augustin Chouteau	7,056	..	1803. December 20	1798. January 8	Zenon Trudeau.
27	28	Don Joseph Brazeaux	7,056	..	1803. December 19	1797. December 18	do.
28	29	Don Pedro Chouteau	7,056	..	1803. December 17	1798. January 8	do.
29	30	William Palmer	800	..	1803. December 16	1802. February 5	Charles Dehault Delassus.
30	31	Didier Marchand	800	..	1803. December 16	1802. February 8	do.
31	32	Don Louis Lebeaume	4,200	..	1803. December 25	1800. February 28	do.
32	33	Fremond de Lauriaire	625	..	1803. December 28	1803. April 2	do.
34	35	Victor Lagotrice	690	..	1803. December 29	1800. February 28	do.
35	36	Don Noel Aug'te Prieur	400	..	1803. December 23	1801. September 3	do.
36	37	Don Louis Brazeaux	7,056	..	1803. December 26	1797. December 29	Zenon Trudeau.
37	38	Don David Delaunni	7,056	..	1803. December 25	1800. May 9	Charles Dehault Delassus.
38	39	Don Francisco Lesieur	2,600	..		1802. January 14	do.
39	40	Don Aristide Aug'te Chouteau	7,056	..	1803. December 29	1798. September 8	Zenon Trudeau.
40	41	Don Antonio Saugrin	4,006	..	1803. December 27	1797. November 9	do.
41	42	Zadock Woods	400	..	1803. December 21	1799. September 20	Charles Dehault Delassus.
42	43	William Len	350	..	1803. December 21	1799. December 10	do.
43	44	Andre Cottle	350	..	1803. December 23	1799. September 20	do.
44	45	Joseph Cottle	450	..	1803. December 23	1799. September 20	do.
45	46	Jacob Grojean	400	..	1803. December 23	1799. September 20	Zenon Trudeau.
46	47	Ire Cottle	400	..	1803. December 16	1799. October 18	Charles Dehault Delassus.
47	48	James Louis	400	..	1803. December 20	1799. September 21	do.
48	49	Tousain Cerre	1,000	..	1803. December 30	1799. October 23	do.

49	52	George Spencer	600	..	1803. December 3	1800. February 17	Charles Dehault Delassus
50	53	Macky Wherrey	400	..	1803. December 18	1798. March 9	Zenon Trudeau
51	54	George Welland	300	..	1803. December 20	1799. October 10	Charles Dehault Delassus
52	55	James Davis	400	..	1803. December 20	1799. November 13	do.
53	56	Robert Green, fils	400	..	1803. December 23	1800. February 19	do.
54	57	Jimes Green, fils	800	..	1803. December 24	1799. December 17	do.
55	58	John Green, fils	400	..	1803. December 25	1800. February 19	do.
56	59	Micael Crow	350	..	1803. December 25	1799. October 10	do.
57	60	Ellio Harrington	800	..	1802. December 29	1799. August 20	do.
58	61	Clayburn Roade	600	..	1803. December 30	1800. February 17	do.
59 (1)	62	Jois Roi	800	..	1803. December 31, and Jan. 1, 1804.	1799. December 29	do.
59 (2)	62	Bap'te Roi	800	..	1803. December 31, and Jan. 1, 1804.	1799. December 29	do.
59 (3)	62	L'is Roi	800	..	1803. December 31, and Jan. 1, 1804.	1799. December 29	do.
59 (4)	62	F'cis Roi	800	..	1803. December 31 and Jan. 1, 1804.	1799. December 29	do.
60	63	Sainpol Lacroix	1,000	..	1804. January 1	1799. December 15	do.
61	64	Jorge Fallis	350	..	1804. January 4	1800. January 15	do.
62	65	Nathaniel Symons	410	..	1804. January 3	1801. February 4	do.
63	66	Durret Hubbard	800	..	1804. January 2	1800. December 1	do.
64	67	Joseph Gemison	800	..	1804. January 2	1800. December 1	do.
65	68	John Whitley	400	..	1804. January 3	1797. April 2	Zenon Trudeau
66	69	Isaac Hoosteller	400	..	1804. January 2	1797. February 5	do.
67	70	Abraham Kichelle	300	..	1804. January 3	1801. February 4	Charles Dehault Delassus
68	71	Francis Hol. taker	500	..	1804. January 2	1800. February 20	do.
69	72	Jop's Beauchemin	1,000	..	1804. January 17	1800. January 30	do.
70	73	Moses Kinney	350	..	1804. January 26	1800. February 16	do.
71	74	Don Carlos Sanguinet	4,340	..	1804. January 28	1799. December 19	do.
72	75	Don F'co. Saucier	1,000	..	1804. January 30	1799. September 27	do.
73	75	Don Antonio Saugrin	800	..	1804. January 30	1799. September 18	do.
74	76	Ira Nachè	1,000	..	1804. January 26	1800. January 18	do.
77	79	Robert Bartlay	800	..	1804. January 21	1802. March 6	do.
78	80	Jean Bapt'e Belfort	800	..	1804. January 22	1799. November 8	do.
79	81	Louis Delisle, fils	800	..	1804. January 23	1799. November 29	do.
80	82	Don Antonio Saugrin	3,000	..	1804. January 7	1797. November 9	Zenon Trudeau
81	83	Don Francisco Michaux	1,200	..	1804. January 10	1802. March 2	Charles Dehault Delassus
82	84	Don Antoine Pricur	800	..	1804. January 12	1801. June 1, and December 15, 1799.	do.
83	85	Mathue Wichant	459	..	1803. November 13	1799. December 5	do.
84	86	Jean McMicak	700	..	1803. November 14	1779. September 29	do.
85	87	William Jemeson	800	..	1804. January 4	1800. January 10	do.
86 (1)	88	Daniel Hubbard	800	..	1804. January 6 and 7	1800. November 20	do.
86 (2)	88	Jacob Eastwood	800	..	1804. January 6 and 7	1801. February 8	do.
86 (3)	88	Jop'h Tood	800	..	1804. January 6 and 7	1801. May 15	do.
86 (4)	88	Eusebus Hubbard	800	..	1804. January 6 and 7	1803. January 7	do.
86 (5)	88	Felix Hubbard	800	..	1807. January 6 and 7	1800. November 20	do.
		Auquise par Don Santiago de St Vrain	In the whole of the above five surveys, are 4,000 arpens of land.				
87	89	Daniel Quick	800	..	1804. January 2	1801. February 5	Charles Dehault Delassus
	90	Acquise par Don Luis Labeaume, viz. :		..			
88 (1)	90	Luis Boury	800	..	1804. January 4	1799. November 17	do.
88 (2)	90	Charles Meville	800	..	1804. January 4	1799. November 18	do.
89	91	Juan Ferry	800	..	1804 January 26	1800. January 11	do.

Abstract—Rive Gauché du Missoury B—Continued.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date ("according to the Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decrees, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
90	92	Dame Susane Saintour's Ve. de Don L'is Chauvet Dubreuil	7,056	..	1804. February 14	1799. November 6	Charles Dehault Delassus
91	93	Don Marie Philipe Leduc	16,000	..	1804. February 18	1800. January 7	do
92	94	Don Pedro Provancher	10,000	..	1804. February 16	1800. March 5	do
93	95	Don Santiago de St. Vrain	4,000	..	1804. February 14	1799. November 18	do
94	96	Albert Tison	800	..	1804. February 24	1799. August 5	do
95	97	Don Pedro Janin	4,000	..	1804. February 14	1800. May 8	do
96	98	Don Maria Philippe Leduc	800	..	1804. February 24	1799. August 5	do
97	99	Joseph Leduc	800	..	1804. February 24	1800. January 18	do
8	8	Arend Rutgers	800	..	1803. November 17	1802. June 18	do
9	9	Arend Rutgers	6,256	..	1803. December 13	1802. June 18	do

Examined, October 16, 1830.

J. B. W. PRIMM,
J. G. LINDELL.

Abstract from the "Registre de Arpentage pour les terres de la dependance de St. Luis B," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also, the date (according to said Registre") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decrees, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Pierre Payan	473	..	1802. November 25	1802. December 18	Chas. Dehault Delassus
2	2	Charles Gratiott	500	..	1802. November 28	1800. January 18	do
3	3	Don Santiago Mackay	1,800	..	1802. November 29	1798. February 1	Zenon Trudeau
4	4	Don Joseph Albarez Hortis	4,850	..	1803. March 15	1800. January 26	Chas. Dehault Delassus
5	5	Don Gregoire Sarpy	4,002	..	1803. March 18	1802. October 23	Lieutenant Governor,
12	8	Don Santiago Rankin	800	..	1803. March 28	1802. September 29	Chas. Dehault Delassus
13	9	Vinsan Carico	309	..	1803. March 30	1799. September 1	do
14	10	Don Pedro Didier	800	..	1803. September 15	1803. July 21	do
15	11	Don Pedro Didier	800	..	1803. April 16	1800. January 19	do
16	12	Don Carlos Vallé	413	..	1803. April 16	1797. April 11	Zenon Trudeau
17	13	Francisco Cotard	800	..	1803. April 25	1799. September 24	Chas. Dehault Delassus
17	14	Don Santiago Richardson	704	79¾	1803. April 18	1797. March 10	Zenon Trudeau
19	16	William Campbell	400	..	1803. April 19	1798. February 10	do
21	18	Don Jop's Brazeaux	347	..	1803. May 28	1799. November 19	Chas. Dehault Delassus
22	19	Don Auguste Chouteau	1,390	3	1803. May 29	1803. February 18	do
24	21	Gabriel Lord	360	..	1803. December 3	1800. July 12	do
25	22	Juan Bishop	350	..	1802. December 1	1799. November 14	do
28	25	Don Antonio Janis	349	..	1803. February 6	1796. April 11	Zenon Trudeau
29	26	Charles Degerlais	300	..	1803. December 5	1799. August 26	Chas. Dehault Delassus
30	27	Jean Harrington	400	..	1803. December 3	1799. September 21	do
31	28	Michael Fortin	800	..	1804. January 16	1799. November 9	do
32	29	François Bourassas	800	..	1804. January 17	1799. December 6	do
33	30	Aug'te Gamaché	1,000	..	1804. January 17	1799. December 18	do
34	31	Luis Courtois Pere	7,056	..	1804. January 18	1800. January 5	do

Examined, October 18, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

Abstract from the "Registre de Arpentage Rive Gauché du Missoury C," showing the surveys recorded therein, exclusive of those for less than 300 arpens, and exhibiting the date and area of each survey; also the dates (according to said "Registré") of the decrees, by virtue of which the said surveys were severally executed, and the day on which certified copies thereof were given.

No. of survey.	No. of page.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decrees, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Don Sylvestre Labadie	7,056	..	1804. February 15	1799. November 18	Charles Dehault Delassus
2	2	Andre Landreville	4,000	..	1804. February 16	1800. April 9	do.
3	3	Acquise par Don Santiago Rankin	....	..	1804. February 12		
	3	Pierre Primo	800	..	1804. February 12	1800. August 9	Charles Dehault Delassus
	3	Charles Bissonet	800	..	1804. February 12	1800. February 24	do.
	3	Jop's Bissonet	800	..	1804. February 12	1800. February 26	do.
	3	Paul Primo	800	..	1804. February 12	1800. August 9	do.
4	4	Acquise par Don Santiago Rankin	....	..	1804. February 5		
	4	Louis Brazeau	800	..	1804. February 5	1800. May 21	Charles Dehault Delassus
	4	Joseph Brazeau	800	..	1804. February 5	1800. May 23	do.
5	5	Auguste Brazeau	800	..	1804. February 24	1800. May 21	do.
6	6	James Cochran	800	..	1804. February 11	1800. July 3	do.
7	7	Josep's Marié	1,600	..	1804. February 19	1800. January 3	do.
8	8	Dn. Antonio Soulard	10,000	..	1804. February 20	1796. April 20	Zenon Trudeau
9	9	Charles Lardoise	1,600	..	1804. February 19	1799. November 9	Charles Dehault Delassus
10	10	Baptiste Champlain	1,600	..	1804. February 19	1799. October 28	do.
11	11	Louis Charboneau	1,600	..	1804. February 19	1800. January 19	do.
12	12	Francis Lariviere	1,600	..	1804. February 19	1799. October 28	do.
13	13	Louis Guitard	1,600	..	1804. February 5	1799. November 9	do.
14	14	Vincent Guitard	800	..	1804. February 5	1799. November 8	do.
15	15	Pierre Gueret Dumond, fils	1,600	..	1804. February 5	1800. January 19	do.
16	16	Etienne Guitard	800	..	1804. February 5	1799. November 9	do.
17	17	Louis Dupre	800	..	1804. February 19	1799. December 6	do.
18	18	Pierre Gamelin	800	..	1804. February 19	1799. December 18	do.
19	19	Francis Gaston Gue	800	..	1804. February 19	1799. December 18	do.
20	20	Pierre Mounteauban	600	..	1804. February 5	1799. October 28	do.
21	21	Antoine Smithé	1,200	..	1804. February 5	1799. November 2	do.
22	22	Jn. Bap'te Chalifoux	000	..	1804. February 5	1799. October 28	do.
23	23	Antoine Rancontre	800	..	1804. February 19	1799. November 29	do.
24	24	Pierre Martin	800	..	1804. February 19	1800. January 30	do.
25	25	Don Gel. Zenon Soulard Don Santiago Gaston Soulard	1,600	..	1804. February 13	1799. October 20	do.
26	26	Dame Ve. Rigoche	1,600	..	1804. February 19	1800. February 1	do.
27	27	Don Cerre Couteau, fils	2,000	..	1804. February 20	1799. October 9	do.
28	27	Don Pol Chouteau, fils de Sere Chouteau	2,000	..	1804. February 20	1799. October 9	do.
29	28	Albert Tison	7,056	..	1804. February 15	1800. December 17	do.
30	29	Don Lo's Labeaume acquise duo sr. Lo's Delisle par acte de Vante Jaridique du y 8bre. 1803	2,500	..	1804. February 14	1799. November 6	do.
31	30	Don Louis Chauvet Dubreuil	800	..	1804. February 19	1799. November 14	do.
32	31	Jn. Bap'te Dorvalle, dit, Degrosctiers Ambroise	7,056	..	1804. February 15	1799. November 19	do.

33	32	Wm. Ewens	800	..	1804. February 8	1800. May 9	Charles Dehault Delassus
34	33	Acquise par Don Santiago de St. Vrain:					
1	33	François Bétanger	800	..	1804. January 19	1799. December 20	do
2	33	Louis Lajoye	800	..	1804. January 19	1800. February 19	do
35	34	Acquise de divers par le sr. Albert Tison:					
1	34	Tousaint Gendron	800	..	1804. February 13	1800. April 5	do
2	34	Gabriel Constant	800	..	1804. February 13	1800. March 24	do
3	34	Antoine Deuvyers	800	..	1804. February 13	1800. February 7	do
4	34	Gabriel Hunaut	800	..	1804. February 13	1800. May 9	do
5	34	Charles Baptiste Tibeaux	800	..	1804. February 13	1799. December 7	do
6	34	Jop's Denoyers	800	..	1804. February 13	1800. January 15	do
7	34	Augustin Lienglois	800	..	1804. February 13	1800. June 4	do
8	34	Louis Denoyers	800	..	1804. February 13	1800. January 15	do
9	34	Amable Chartran	800	..	1804. February 13	1800. June 18	do
10	34	François Denoyers	800	..	1804. February 13	1800. January 15	do
36	35	John Coontz	450	..	1802. December 17	1800. May 30	do
37	36	Milton Lewis	352	..	1804. February 9	1800. February 15	do
38	37	Adam Martin	600	..	1803. October 20	1802. September 10	do
39	38	Augus Gillis	360	..	1804. January 6	1799. October 10	do
40	39	Don Santiago de St. Vrain acquise du sr. Isaac Bessé par acte de Vante Juridique du y 8bre. 1803	1,000	..	1804. February 10	1801. January 8	do
41	40	Wm. Davis, acquise du sr. Aug'e Barada	800	..	1804. February 4	1799. August 10	Zenon Trudeau
42	41	Robert Burns	600	..	1804. February 1	1801. December 11	Charles Dehault Delassus
43	42	Arthur Borns	800	..	1804. February 1	1800. May 25	do
44	43	James Burnes	600	..	1804. February 10	1802. February 10	do
45	44	Benjamin Espencer	800	..	1804. February —	1801. May 5	do
47	46	Tousaint Cerré	400	..	1804. February 17	1798. May 30	Zenon Trudeau
48	47	Sylvanus Cottle	500	..	1804. February 23	1801. April 1	Charles Dehault Delassus
49	48	Thomas Caulk	400	..	1804. February 19	1800, March 10	do
50	49	Marchal Cottle	800	..	1804. February 24	1800. February 24	do
51	50	Parnello Howard	400	..	1804. February 6	1799. November 25	do
52	51	James Bryand	450	..	1804. February 7	1799. September 21	do
53	52	Wm. Ramsey	650	..	1804. February 5	1799. November 7	do
54	53	Flanders Callaway	800	.	1804. February 4	1798. February 19	Zenon Trudeau
55	54	Isaac Derst	350	..	1804. February 7	1803. March 10	Charles Dehault Delassus
57	56	Wm. T. Lamey	350	..	1804. February 3	1799. October 10	do
58	57	Daniel Morgan Boone	400	..	1804. February 2	1802. March 18	do
59	58	Nathan Boone	420	..	1804. February 2	1799. December 10	do
60	59	Don Francisco Duquet	430	..	1804. March 6	1795. December 22	Zenon Trudeau, and Charles Dehault Delassus
"	"	do.	430	..	1804. March 6	1799. November —	
61	60	Santiago de St. Vrain and Louis Labeaum, who acquired from several (to wit,) thirty-five concedees, as follows:					
		1 Louis Lamalice	800	..	— February 20	1799. November 18	Charles Dehault Delassus
		2 Francois Moitier	800	..	— February 20	1800. April 18	do
		3 Firs. Arnaud	800	..	— February 20	1800. February 28	do
		4 Jn. Drouin	800	..	— February 20	1799. October 5	do
		5 Francois Marechal	800	..	— February 20	1800. April 11	do
		6 Joshs. Hubert	800	..	— February 20	1800. March 16	do
		7 Louis Owvray	800	..	— February 20	1800. February 9	do

Abstract—Rive Gauché du Missoury C—Continued.

No. of survey.	No. of page.	For whom surveyed.	Area of survey. Arpens.	Area of survey. Poles.	Date of survey.	Date, (according to the "Registre de Arpentage") of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decrees, by virtue of which the several surveys were executed.
		8 Jean Godineau	800	..	—— February 20	1800. May 7	Charles Dehault Delassus.
		9 Jn. Louis Marc	800	..	—— February 20	1800. January 24	do.
		10 Jn. Bapts. Bravie	800	..	—— February 20	1800. April 11	do.
		11 Bapte. Marly	800	..	—— February 20	1799. December 17	do.
		12. Bapte. Dominé	800	..	—— February 20	1799. October 28	do.
		13 Louis Charleville	800	..	—— February 20	1799. November 14	do.
		14. François Besnard	800	..	—— February 20	1800. January 16	do.
		15 Louis Borsy	800	..	—— February 20	1800. January 18	do.
		16 Joseph Charleville	800	..	—— February 20	1799. November 16	do.
		17 Joseph Presse	800	..	—— February 20	1799. November 12	do.
		18 Michell Vallé	800	..	—— February 20	1800. March 16	do.
		19 Antoine Bizet	800	..	—— February 20	1800. September 13	do.
		20 Jn. Cte. Provencher	800	..	—— February 20	1800. January 15	do.
		21 Augustine Lefevre	800	..	—— February 20	1800. June 11	do.
		22 Louis Grimaud	800	..	—— February 20	1799. November 17	do.
		23 Pierre Roussel	800	..	—— February 20	1800. January 25	do.
		24 —— Rivette	800	..	—— February 20	1800. February 28	do.
		25 Antoine Deyerlais	800	..	—— February 20	1800. March 19	do.
		26 Benjamin Quik	800	..	—— February 20	1801. March 10	do.
		27 Rezis Vasseur	800	..	—— February 20	1799. December 23	do.
		28 Josp'st Deguary	800	..	—— February 20	1802. March 8	do.
		29 Dominique Euger	800	..	—— February 20	1799. October 14	do.
		30 Francois Paquet	800	..	—— February 20	1800. April 5	do.
		31 Jn. Bapte. Dumoulin	800	..	—— February 20	1800. November 7	do.
		32 Jospt. Hebert	800	..	—— February 20	1800. April 15	do.
		33 Ste. James Beauvais	800	..	—— February 20	1800. September 23	do.
		34 James Hoff	800	..	—— February 20	1800. November 15	do.
		*35 William Clarke	800	..	—— February 20	1800. October 30	do.
62	62	Santiago de Saint Vrain, who acquired from several, (to wit,) six concedees, as follows:					
		1 Bapte. Joseph Billots	800	..	1804. February 11	1800. February 29	do.
		2 Bapte. Delisle, junior	800	..	1804. February 11	1800. April 25	do.
		3 Bapte. Delisle	800	..	1804. February 11	1799. October 9	do.
		4 Paul Dezarlair	800	..	1804. February 11	1800. July 11	do.
		5 Bapte. Marion	800	..	1804. February 11	1800. February 21	do.
		6 Toussaint Tourvillo	800	..	1804. February 11	1800. January 18	do.
63	63	Gregoire Sarpy	1,400	..	1804. January 2	1802. October 28	do.
64	64	Gregoire Sarpy	800	..	1804. January 12	1798. November 18	do.
65	65	David Delaunay	800	..	1804. January 3	1800. January 18	do.
66	66	Dame Pelagie Sarpy	800	..	1804. January 4	1799. May 24	Z. Trudeau and C. D. Delassus.

*NOTE.—The out boundaries of the above and foregoing tracts, from No. 1 to 35, inclusive, were surveyed on the 20th day of February, and the days following, the area of which is 28,000 arpens in superficie. Certificate of survey was made out the 28th March, 1804.

66	66	Dame Pelagie Sarpy	800	..	1804. January 4	1803. May 6	Z. Trudeau and C. D. Delassus.
67	67	James Russel	754	..	1803. October 16	1802. June 15	Charles Dehault Delassus
68	68	Pierre Lord	800	..	1804. February 8	1799. December 14	....do....
69	69	William Vanburk	500	..	1804. January 25	1798. May 2	Zenon Trudeau
70	70	Don Juan Watkins	800	..	1803. November 14	1797. February 6	....do....
71	71	Hezekiah Crosby	600	..	1804. February 4	1800. September 9	Charles Dehault Delassus
72	74	Guillaume Tarbét	800	..	1803. December 31	1799. November 9	....do....
73	75	David Clark	500	..	1803. December 21	1799. December 29	....do....
74	76	Thomas Witherinton	500	..	1803. November 10	1799. November 7	....do....
75	77	Stephen Jackson	420	..	1803. November 12	1803. February 15	....do....

Examined, October 18, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

Abstract from a book marked D, and stated to be book for the recording of plats and field notes relative to surveys made by myself [Antoine Soulard] or my deputies, under the directions of the governors of the district of Louisiana, William Henry Harrison, and of this Territory of Louisiana, General James Wilkinson, until the 3d of this present month of May, 1806, *when I [Antoine Soulard] received from his excellency the official order to suspend my functions as surveyor general of this Territory, and those of my deputies, showing the surveys (under Spanish grants) recorded therein, exclusive of those for less than* 300 *arpens, and exhibiting the date and area of each survey; also the dates of the decrees, and the name or title of the officer issuing said decrees, by virtue of which the said several surveys were executed, so far as the same is given in said book D, &c., &c.*

No. of survey.	Page of book.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to said book marked D) of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
1	1	Jayme Beauvais	1,600	..	1805. April 26	1796. September 2	Zenon Trudeau, lieut. gov.
2	2	Jonathan Houslay	1,200	..	1805. May 11	1799. September 5	Charles Dehault Delassus
3	3	John Callaway	700	..	1805. May 13	1799. November 6	do.
4	4	The inhabitants of St Michael	4,008	..	1805. April 27	1799. May 19	Zenon Trudeau.
6	8	John Jonston	499	96	1805. September 20	1800. June 18	Charles Dehault Delassus
7	9	Thomas Comstock	700	..	1805. September 25	1799. October 20	do.
8	10	Richard Caulk	4,000	..	1804. December 17		
12	14	John Mullanphy	1,153	..	1805. March 30		
13	15	John Sullens	300	..	1805. March 25		
14	16	François Saucier	1,000	..	1805. May 1		
15	17	Louis Martin	300	..	1805. June 25		
16	18	Antoine Gautier	800	..	1805. April 9		
17	19	David Cole	430	..	1805. February 15		
18	20	Peter Rock	1,056	..	1805. November 23		
19	21	George Percely	1,056	..	1805. December 7		
25	27	Edward Richardson	800	..	1806. January 11	1796. December 14	Concession to François Liberge
29	31	James Cunningham	1,500	..	1806. January 10		
42	44	Mordecai Bell	350	..	1806. January 21		
43	45	Madam P. Chouteau Ve Labadie	320	..	1806. January 21		
92	95	James Clamorgan	800	..	1806. January 7		
109	112	Richard Taylor	800	..	1806. February 1		
111	114	James Lewis	900	..	1806. February 3		
121	124	John Pyeatts	462	..	1806. January 21		
125	128	Francis Smeths	400	..	1806. February 10		
126	129	Charles Gratiot, Esq	6,787	42	1806. February 15		
135	138	Bernard Pratte	7,056	..	1806. February 15		
136	139	Henry Dielo	5,000	..	1806. February 13		
146	149	Nicholas Lachance	400	..	1806. February 13		

Examined, October 18, 1830.

J. B. W. PRIMM.
J. G. LINDELL.

Abstract from a Book marked E, and endorsed "A Book of Record opened as a supplement to Book D, for the register of surveys and plats," showing the surveys (under Spanish grants) recorded therein, exclusive of those for less than three hundred arpens, and exhibiting the date and area of each survey; also, the dates of the decrees, and the name or title of the officer issuing said decrees, by virtue of which the said several surveys were executed, so far as the same is given in said Book E, &c., &c.

No. of survey.	Page of book.	For whom surveyed.	Area of survey.		Date of survey.	Date (according to the said book marked E) of the decrees, by virtue of which the several surveys were executed.	Name or title of the officer who issued the decree, by virtue of which the several surveys were executed.
			Arpens.	Poles.			
8	8	James Dodson and James Calavan	1,000	..	1806. January 25		
9	9	Camille Delassus	6,000	..	1805. December 18		
10	10	Lewis Crow	900	..	1805. December 13		
11	11	Henry Zumwalt	900	..	1805. December 13		
12	12	James Mordock	800	..	1805. December 18		
20	20	James Burns	600	..	1802. February 16		
21	21	Alexander McLain	800	..	1806. February 10		
22	22	Squire Boons	700	..	1806. February 13		
24	24	Francis Valleys	7,056	..	1806. February 12		
26	26	John Hetterbran	400	..	1806. January 23		
27	27	Jonah Park	550	..	1806. February 20		
28	28	James Richardson	400	..	1806. February 20		

Examined, October 18, 1830, by the undersigned.

J. B. W. PRIMM.
J. G. LINDELL.

STATE OF MISSOURI, *ss.*

Before the undersigned, one of the judges of the Supreme Court of the State of Missouri, personally appeared Augustus H. Evans and Alexander Doyle, who depose and say, that the foregoing abstracts were taken by them from the books of plats, now in the office of the Surveyor General of Illinois and Missouri, as represented in the headings to the said several abstracts, which are partly in the handwriting of one of the deponents, and partly in that of the other. And they severally depose and say, each for himself, that, so far as the said abstract is in his handwriting, he believes the same to be true, and truly to exhibit all things, which they purport to exhibit according to their respective headings, according to the best of his knowledge and understanding.

A. H. EVANS.
ALEXANDER DOYLE.

Sworn to, and subscribed before me, this 16th of February, 1830,

R. WASH, *Judge of the Supreme Court in and for the State of Missouri.*

	Arpens.
Surveys made after the 1st of November, 1803, and with the exception of a few, say 5 or 6, after the 10th of November, 1803, amounting to	347,969
Antedated, as would appear by certificate	2,714
	350,683
Surveys anterior to November 1, 1803	366,949
Surveys made anterior to the 6th of February, 1800	208,051
Leaves the amount made between the 6th of February, 1800, and the 1st of November, 1803	158,898

Don Carlos Dehault Delassus, lieutenant colonel, annexed to the fixed regiment of Louisiana, and lieutenant governor of the upper part of the same province. Don James Mackay, captain commandant of the establishments of St. André, of the Missouri, has the honor of representing to you, that in the course of the years 1795 and 1796, he made in the upper part of the Missouri, in virtue of the commission expedited to him for that purpose, by the Baron de Carondelet, governor general of these provinces, which commission is hereunto annexed, a voyage of discovery into the unknown parts of the Missouri, from which voyage he has brought back memoirs, and particularly a plat, such as had never before been seen, on that part of the unknown world; which documents he himself has remitted to his excellency Don Manuel Gayoso de Lemos, governor general of these provinces, who, on account of these services, has given him the grade which he now enjoys, and that of commandant of St. André, with the permission of choosing a considerable extent of land in this Upper Louisiana, and assuring him, in reward of the said services, that he would be proposed to the King for a grade in the army, which, owing to the war, has not taken place. In consequence of which, your petitioner, being on the point of establishing himself, and having enjoyed none of the favors which were promised him, commanding with a very moderate pay an establishment which furnishes him many occupations, hopes from your justice, that you will be pleased to grant him in full property, for the establishment of considerable farms, and vacharies, thirty thousand arpens of land in superficies, to be taken in a vacant part of the domain of his Majesty, in one or more parts, at his choice. The distance of the said lands from the settlements, and their little known value, and the reasons which will diminish in your eyes the importance of the favor which he expects from your justice, and which can offer him no hope, unless it be in a very remote futurity. Filled with confidence in the information which will have been given you relative to his services, by his excellency the governor general of these provinces, and your predecessor, Don Zenon Trudeau, to whom your petitioner, for divers reasons, has delayed to present his petition, the fulfilment of which he hopes to obtain from your equity and justice.

JACQUES MACKAY.

St. Louis, *December*, 1799.

St. Louis of the Illinois, *October* 13, 1799.

Seeing the present memorial presented by the captain of mounted dragoons of this militia, Don Santiago Mackay, commandant of the establishments of St. André, of this dependency, and it appearing to me, with proof, that the reasons which he alleges are certain; and attending, moreover, to the respectable recommendations which have been given me of this officer, by Sr. Don Manuel Gayoso de Lemos, governor general formerly of these provinces, and by my predecessor, the Sr. Don Zenon Trudeau, I concede to him as a reward for his good services, for him, his heirs, and others who shall represent his right, the land which he solicits, provided it be prejudicial to no one, and the surveyor, Don Antonio Soulard, will put the interested in possession of the quantity of land which he solicits in various parts of the royal domain, which done, he will form a plat, delivering this to the party, together with a certificate, in order that it may serve to obtain the concession and title in form, from the sr. intendant general, to whom belongs exclusively, by royal order, the power of distributing and granting all classes of royal lands.

CARLOS DEHAULT DELASSUS.

Aux Honorable Commissionaires des Etats Unis pour les revision des titres du Territoire de la Louisiane:

Antoine Soulard, dépositaire de l'archive de l'arpentage de ce terre, à l'honneur d'observer, que dans le cours de ses fonctions comme arpenteur general de cette Haute Louisiane, sous les autoritiés Espagnoles, il ne c'est nullement soumi à porter dans ses certificats d'arpentage les veritables dates des dites operations, et que dans une assez grand nombre elles sont plus ou moins vieilles par le raisons suivantes.

La majeure partie des arpentages n'ont été partiqué quelque fois que plusieurs, annés après l'application de l'interessé au deputé arpenteur de son district, moi-même n'ai jamais operé de suite pour reclamans, des quels j'avais souvant les titres dans ma possession depuis longtemps d'après cet exposé j'ai crut pouvoir me permettre sans manquer à rien, et sous la dependance de l'autorité Espaguole, de l'approbation de laquelle j'étais assuré, de dater le majeure partie de mes arpentages comme s'ils avaient été faits aux epoques des diverses reclamations, ce qui fait aujourd'hui evidament paroître des arpentages qu'on pourrait vouloir considerer comme ante-datés avec intention, la quelle ne peut avoir en lieu puisque cette conduite devenait très indifferente au gouvernement Espagnol, et n'aurait aporté aucun obstacle aux ratifications des dits titres par le tribunal de l'intendance, et qu'aux epoques ou ces expeditions ont eu lieu, personne n'était pas méme familiairement instruit qu'elles pourroient un jour ressortir de l'autorité actuelle. Ce qui de plus prouve l'innocence de cette conduite est qu'un assez grand nombre d'arpendages pour des titres datés des années '96, '97, '98, and '99, ont été pratiqués dans le cours de l'année 1803, et jusqu'à la fin de Février, 1804, et qu'une partie de ces mêmes terres interessent mes plus intimes amis, cependant les dates des arpentages y sont corectes. Ce qui se trouve de cette maniaire par la raison que les reclamations d'arpentages ne m'avaient pas été faites comme tant d'autres des années à l'avance.

Danes le cas de quelques notes or charges relatives à ce qui est c'y dessus dit, j'ai l'honneur de reclamer de Messieurs les C^res^, que la presente explication soit jointe aux registres ne lour délibérations, pour servir à constater a decharge des faits cites,

Je suis, avec respect, ANTOINE SOULARD.

St. Louis, *Juillet* 24, 1806.

Recorder's Office, *St. Louis, June* 28, 1830.

I, Theodore Hunt, recorder of the land titles in the State of Missouri, do certify the above and foregoing is a true copy of a letter signed Antoine Soulard, dated the 24th of July, 1806, on file in my office.

THEODORE HUNT.

[Translation.]

To the Honorable Commissioners of the United States for the revision of titles in the Territory of Louisiana:

Antoine Soulard, depository of the archive of survey of this territory, has the honor of observing, that in the course of his functions as surveyor general of this Upper Louisiana, under the Spanish authorities, he has by no means restricted himself, in his certificates of survey, to putting the true dates of the said operations, and that in somewhat a large number, they are rendered earlier more or less than the actual time of the said operations, for the following reasons:

The greater part of the surveys have been made sometimes several years after the application of the party interested to the deputy surveyor of his district. I myself have never operated immediately for the applicants, whose titles I often had in my possession for a considerable time. Pursuant to this exposition, I have considered myself at liberty, without being deficient in anything, and under the dependence of the Spanish authority, of the approbation of which I was assured, to date the greater part of my surveys as if they had been made at the time of the different applications, which now makes it appear that the surveys have been antedated intentionally, which could not be the case, since that conduct was very indifferent to the Spanish government, and would have been no obstacle to the ratification of the said titles by the tribunal of the intendancy, and that at the period when those expeditions (of survey) took place, it was even not well known that they might one day pass from under the existing authority. And what, moreover, proves the innocence of this course of conduct, is, that a considerable number of surveys for titles dated in the years '96, '97, '98, and '99, have been made in the course of the year 1803, and to the end of February, 1804, and that my most intimate friends are interested in a part of the same lands, nevertheless the dates of the surveys of them are correct, which happens thus, for the reason that the applications for surveys had not been made to me, as so many others had been, years beforehand.

In the event of there being made any notes or charges relative to what is here above said, I have the honor to claim from Messrs. the Commissioners, that the present explanation be annexed to the registers of their deliberations, to serve as proof in discharge of the facts cited.

I am, with respect,

ANTOINE SOULARD.

St. Louis, *July* 24, 1806.

A l'honorable tribunal des Etats Unis, pour la revision des titres du Territoire de la Lousiane:

Avec respect Antoine Soulard, arpentier general de la Haute Louisiane, sous le gouvernement Espagnol, auquel le dépôt de l'archive a été confié, sous le commandant temporaire du capitaine d'artillerie, Amos Stoddard, qui à é é reappointé dans sa premiere qualité par le Govverneur William Henry Harrison, reconnue et continué dans les mêmes fonctions, par son excellence le General Wilkinson, et maintenant dépositaire de l'archive de l'arpentage, observe à l'honorable tribunal des Etats Unis pour la revision des titres de ce territoire, qui s'il est appellé par devant lui pour repondre, sous son serment, à quelques, faits ou actes passés depuis la prise de possession, les quels ne soient pas cause particulière, il est prèt, et soumet á repondre à toutes questions qbi pourront tui être faites par l'honorable tribunal, mais il se refuse formellement et invariablement à repondre, sous son serment, à toutes questions qui pourraient lui être faites tant au présent qu'a l'avenir, sur des faites ou actes passes sous les autorités Espagnoles, dans les quels faits ou actes il a pu avoir part dans sa qualité susdite, et sous la dépendance d'une autorité supérieure à la sienne, dónt la sanction le décharge de toute responsibilité. Ce refus formel de répondre ayant lieu par suite de ce qu'il regarde sa propre cause, liée à toutes les fonctions qu'il a remplies sous le ci-devant gouvernement, et que la constitution des Etats Unis n'admet pas qu'un citoyen soit pris à serment dans tous cas qui lui est propre.

Si l'honorable tribunal admet ou suppose que le gouvernement Espagnol ait pu avoir des secréte, s'il croit que j'ai pu en quelque cas en avoir été le dépositaire, ou seulement en avoir en connoissance, serais-je assez infortuné pour que des officiers d'un caractére aussi timoré puissent admettre que je veuille me soumettre à jouer le rolle d'un delateur! J'aime a croire qu'en ce cas leur cœur genereux et leur justice me rendre tout ce qui m'appartient.

Des cet instant, en ma qualité de citoyen des Etats Unis d'Amériqne, je me place sous l'egide des lois liberalles de ma patrie actuelle, et suis prét à me soumettre à tout ce qu'il plaira a l'autorité d'ordonner, si mon refus formel de repondre sous mon serment aux questions qui pouraient m'étre faites au présent comme à l'avenir sur des faits ou actes dependans des autorités Espagnoles, est en contradiction au le depot de l'archive de l'arpentage de ce territoire presentement entre mes mains, j'offre de faire la remise de tout ce qui est en ma possession appartenant au public à la personne qui me sera indiquée, pourvu toute tois qu'il me soit donné décharge suffisante des documents je livrerai. J'observe à l'honorable tribunal, que des ci-devant officiers Espagnoles qui out passé sous la domination des Etats Unis, je suis celui qui revaudique la plus petite quantité de terre, la quelle ne s'eleve pas à plus de 3,129, et quelques arpens qui comprend un titre complet de 1,042 arpens, le reste de mes proprietés en terre me vient de ma part de mon épouse aux biens de feu sa mère plus quatre concessions acquises, formant 160 arpens, en vertu des titres Français.

Mon respect aux lois de ma patrie actuellé, ma fidélité au soutien de la constitution, et mon devouement à la cause public, sont et seront les principes invariables d'après lesquels je designerai toutes mes actions.

Je reclame de la justice de l'honorable cour que ma présente declaration, et profession de foi, soit jointe aux registres des deliberations de l'honorable cour, de la quelle je reste, avec le plus profond respect.

Les tres humble et obeissant serviteur,

ANTOINE SOULARD.

St. Louis, *May* 2, 1806.

Recorder's Office, *St. Louis, June* 28, 1830.

I, Theodore Hunt, recorder of land titles in the State of Missouri, do certify the above and foregoing to be a true copy of a letter from Antoine Soulard, dated May 2, 1806, on file in my office.

THEODORE HUNT.

[Translation.]

To the honorable tribunal of the United States for the revision of titles in the Territory of Louisiana:

With respect, Antoine Soulard, surveyor general of Upper Louisiana, under the Spanish government, to whom the deposit of the archive has been confided under the temporary command of the captain of artillery, Amos Stoddard, who has been reappointed to his first office by the governor, William Henry Harrison, recognized and continued in the same functions by his excellency General Wilkinson, and now depository of the archive of survey, observes to the honorable tribunal of the United States for the revision of titles in this Territory, that if he be summoned before them to answer on oath in relation to facts or acts which have eventuated since the taking of possession, and which have not a reference to particular cases, he is ready, and submits himself to answer all questions which may be propounded to him by the honorable tribunal; but he invariably and formally refuses to answer on oath all questions that may be put to him, either at present or for the future, which

have a reference to facts or acts which have transpired under the Spanish authorities, in which facts or acts he may have participated in his quality aforesaid, and while dependent on an authority superior to his own, and the sanction of which discharges him of all responsibility. This formal refusal to answer arises from what he considers a union of his own interest with all the functions which he has performed under the aforesaid government, and from the fact that the Constitution of the United States does not allow that a citizen should be put to his oath in any case in which he is interested.

If the honorable tribunal admits or supposes that the Spanish government can have had secrets, if they believe that I have, in any case, been the depository, or even had a knowledge of those secrets, can I be so unfortunate as that officers of a character so fearful to offend, should suppose that I would stoop to act as an informer? I fondly indulge the belief that, in this case, their generous hearts and their justice will award all that belongs to me.

From this moment, in my quality of citizen of the United States of America, I place myself under the shield of the liberal laws of my actual country, and submit to all things which the authority shall be pleased to ordain. If my formal refusal to answer on oath to questions that might be propounded to me at present or for the future, in relation to facts or acts dependent on the Spanish authorities, be in contradiction to the deposit of the archive of surveys of this Territory, now in my hands, I offer to deliver everything in my possession belonging to the public, to the person who shall be pointed out to me, provided always that a sufficient discharge shall be given me of the documents which I shall deliver. I would observe to the honorable tribunal, that of the former Spanish officers who have passed under the dominion of the United States, I claim the smallest quantity of land, which quantity does not amount to more than 3,129 and some arpens, which comprehends a complete title for 3,042 arpens. The balance of my property in land I hold in right of my wife, being her share of the property of her deceased mother, besides four concessions acquired, forming 160 arpens, in virtue of French titles.

My respect to the laws of my actual country, my fidelity in the support of the Constitution, and my devotion to the public cause, are and shall be the unvarying principles by which I shall be governed in all my actions.

I claim from the justice of the honorable court, that my present declaration and profession of faith, shall be annexed to the registers of the deliberations of the honorable court, of which I remain, with the most profound respect,

The most humble and obedient servant,

ANTOINE SOULARD.

ST. LOUIS, *May* 2, 1806.

Don Carlos Dehault Delassus claims 30,000 arpens of land, situated in the Territory of Louisiana, granted to him by Zenon Trudeau, the 10th February, 1798.

To Don ZENON TRUDEAU, *Lieutenant Colonel of the Royal Armies, Captain of the Regiment of Louisiana, Lieutenant Governor of the establishments of Illinois and its dependencies, &c.*

Don Carlos Dehault Delassus, lieutenant colonel, annexed to the regiment of Louisiana, actually commandant, civil and military, of the post of New Madrid and its dependencies, &c., represents to you that, having petitioned for a quantity of the royal lands proportionate fully to a part of his means, which you granted to him in 1796, conformably to the orders of the senior governor, the Baron de Carondelet, dated May 8, 1793, he now solicits, moreover, from your justice that you will be pleased to grant him for the balance of the means which he possesses, in conformity with the said orders, the quantity of thirty thousand arpens in superficie, of vacant lands of the royal domain, so that when circumstances will permit him, and he will not, as he is at this moment, be weighed down by the occupations of the royal service, he may order them to be surveyed, and employ them for the establishment, if it be possible for him to do so, of two manufactures, a soap factory and a tannery, the accomplishment of which, if I can obtain, they will be profitable to myself as well as to the public, furnishing them with soap and leather cheaper by half than the price which they now pay, on account of their being imported here from Europe, and a very small quantity of them by the Americans. God preserve your life many years.

CARLOS DEHAULT DELASSUS.

ST. LOUIS OF THE ILLINOIS, *February* 3, 1798.

It appearing to me that the land which is solicited belongs to the royal domain, the surveyor, Don Antonio Soulard, will put the party interested in possession of it, and shall verbalize his survey *in extenso*, in order that it may serve to solicit the concession from the senior governor general of the province, whom I inform that the subject is in such circumstances as merit this favor.

ZENON TRUDEAU.

ST. LOUIS OF THE ILLINOIS, *February* 10, 1798.

I send you back the prescribed titles of the concessions granted to Mr. François Vallé, of St. Genevieve, who will it to Mr. Dodge, and of which the latter has ceded his half to Mr. Tardiveau, who has made you a gift of it, with the sanction (*visa*) and approbation which you desire. By this opportunity I write to Mr. Zenon Trudeau, to concede to you the land on which you are discovering mines of lead, with that adjacent, of an extent sufficient for their exploration, provided, however, that it be not granted previously to others.

Your son-in-law and your sons will also have, as you desire it, a plantation in such place of the Illinois as they shall choose, and of an extent proportioned to the cultures and establishments which they may propose to form; which serves as answer to yours, No. 3. May God preserve, &c.

THE BARON DE CARONDELET.

NEW ORLEANS, *May* 8, 1793.

Certified by M. P. Leduc.

To the honorable the Judge of the District Court of the United States for the district of Missouri:

Respectfully showeth unto your honor, your petitioner, Baptiste Janis, an inhabitant of Louisiana, at the time of the cession and transfer thereof to the United States by the French Republic, and now of St. Genevieve, in the county of St. Genevieve, in the State of Missouri.

That he presented his petition to Don Zenon Trudeau, the then lieutenant governor of Upper Louisiana, under the government thereof, and as such, authorized and empowered to make grants and concessions of land,

thereby, for the causes therein mentioned, petitioning the said Don Zenon Trudeau to obtain from the benevolent government of which the said Don Zenon Trudeau was the worthy representative, as a concession and full property for himself, his heirs, and assigns, the quantity of 8,000 arpens of land in superficie, to take at his choice, out of the vacant lands belonging to the King's domain, as by said petition will, among other things, more fully and at large appear, which petition, signed by your petitioner, bears date at St. Genevieve of the Illinois, the 20th of September, 1796, the original in the French language, a true translation whereof into the English language is herewith filed, marked (A) and prayed to be referred to, and taken as a part of this petition, and your petitioner has the original petition ready to be produced, as this honorable court may require. Your petitioner shows unto your honor, that the said Don Zenon Trudeau, on the 26th day of September, of the same year, issued his order of survey to Don Antonio Soulard, the public surveyor of Upper Louisiana, thereby directing the said Soulard to survey for the benefit of your petitioner, the 8,000 arpens of land which your petitioner solicited, provided it should be within the domains of his Majesty, and should deliver to your petitioner a copy of the said survey, that it might serve him as a title to the property, until he should send it in form to the general government of said province, to which he must have applied; all of which by the said order of survey, which is in the Spanish language, a true translation whereof into the English language is herewith filed, and prayed to be taken as a part of this petition, marked (B), will, among other things, more fully appear, and your petitioner has the original order of survey in his possession, ready to be produced as this honorable court shall require. Your petitioner further states, that the said Antonio Soulard never proceeded to survey the said 8,000 arpens previous to the cession of the country to the United States, nor since that time hath it been surveyed, or any part thereof. Your petitioner further states, that his said claim was never presented to any of the boards of commissioners appointed to inquire into the validity of claims to lands under any law of the United States; and under and by virtue of said order of survey, your petitioner claims the right to 8,000 arpens of land, to be taken from public lands belonging to the United States of America, in the State of Missouri. Your petitioner therefore prays, that the validity of his said claim may be inquired into by this honorable court, and that his said claim to 8,000 arpens of land may, by a decree of your honorable court, be confirmed, and that he may be permitted to locate the same upon public lands, according to law, and for such other and further relief as, the premises considered, may seem according to equity and justice. And your petitioner, as in duty bound, will ever pray, &c.

DAVIS, *Attorney for Petitioner.*

(A.)

To Don ZENON TRUDEAU, *Lieutenant Governor of the province of Upper Louisiana, and Commandant at St. Louis:*

Baptiste Janis, an inhabitant of Ste. Genevieve, lieutenant of militia of his Catholic Majesty, having a wife and eight children, with a number of slaves, has the honor to represent to you, that seeing from day to day his family increasing, and having for his whole recourse, to provide for their sustenance, but the cultivation of a few arpens of land in the lower part (Point Basse) of this village, subject to be overflowed by the inundations of the Mississippi, his wish is, to the end of insuring a more steady way, his well being, and that of his family, to obtain from the benevolent government of which you are the worthy representative, as a concession and full property for himself, his heirs and assigns, the quantity of 8,000 arpens of land in superficie, to take at his choice, out of the vacant land belonging to the King's domain, which being granted, the petitioner shall not cease to offer up prayers to Heaven for the prosperity of his Majesty, and for the preservation of your precious days.

Done at Ste. Genevieve, Illinois, the 20th of September, 1796.

BAPTISTE JANIS.

(B.)

Don ZENON TRUDEAU, *Lieutenant Governor of Upper Louisiana:*

The surveyor, Don Antonio Soulard, shall survey for the benefit of the interested, the 8,000 arpens of land in superficie, which he solicits, situated as mentioned, provided it will be within the domains of his Majesty, and shall deliver him a copy of his survey, that it may serve him as a title of property, until he does send it in form to the general government, to which he must apply in convenient time.

ZENON TRUDEAU.

ST. LOUIS, *September* 26, 1796.

A true copy of the original petition and exhibits, filed in the office of the clerk of the Court of the United States for the Missouri district, at St. Genevieve, the 11th of April, 1825.

THOMAS OLIVER, *Clerk.*

24TH CONGRESS.] No. 1539. [1ST SESSION.

RELATIVE TO THE TITLE TO THE ISLAND OPPOSITE ST. LOUIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 6, 1836.

To the Speaker of the House of Representatives of the United States:

SIR: We ask the favor of you to communicate to the House of Representatives this, our memorial, setting forth what is intended, and what in practice is like to be, the actual operation and effect of the bill reported to the House of Representatives from the Committee on Roads and Canals, "appropriating the sum of $40,000 to be expended under the direction of the Secretary of War, in the improvement of the harbor of St. Louis, in the State of Missouri:" said bill marked H. R., 154, is herewith presented.

This bill is understood to have originated in the representations, and upon the petition of certain inhabitants of the city of St. Louis, defining and making out the precise object to be attained, by means of the appropriation therein made, to be the removal of a large and now permanent body of land (exceeding 500 acres) originally an island, but by accretion or alluvion, now joined to so much of the low land on the river Mississippi as constitutes the site of the southern portion of the city of St. Louis, and thus to restore the main stream of the river to its ancient channel, now occupied and filled up with such accretion or alluvion, and so far diverting the main stream of the river from its present bed or channel.

The body of land so intended to be removed, and its place converted into a channel for the river, has been appropriated by solemn sanctions of the law, and a sacred pledge of the public faith, to private use, and under such sanction and pledge, converted from public domain to the property of individual citizens.

The title by which those individuals have acquired their right to the land in question, and the grounds upon which that title and those rights are assailed, by the persons at whose instance the said bill has been reported to the House of Representatives, are set forth in document No. 197, printed for the use of the House of Representatives, a copy of which is herewith filed. A bill varying in terms, but having the same object, and intended to operate the same effect, and proceeding from the aforesaid representations and petition of the same persons, has also been reported to the Senate from the Committee on Commerce, providing for a pier to give direction to the current of the Mississippi river near the city of St. Louis, in the State of Missouri," and appropriates $20,000 for that object; a copy of which bill, marked S. 230, is also herewith presented.

We, sir, as the legal assignees of the title to the land in question, together with Mr. A. H. Evans, part owner of the same land, very respectfully submit our protest against any legislative action upon the subject, tending to the condemnation or appropriation of the land in question to any scheme for the proposed improvement of navigation or of the harbor of St. Louis.

The pretence upon which the individual movers of this supposed improvement proceed, are, first, the common interest and convenience of the city of St. Louis; and, secondly, the supposed rights of individuals owning lots adjacent.

As to the first, we beg leave to remark, that the city of St. Louis, as a community, can have no interest in the question, since the very land in question must necessarily constitute a part of the city itself, and a most valuable and important part, with all the advantages of navigation and harbor afforded by the river; and the only question is, what portion of its citizens, and what individual owners of lots, are entitled to the existing advantages of water property? Those to whom the operation of great natural causes has already given them, *or those* who seek to obtain them, by artificial means, counteracting the operation of those natural causes, and contending against them, with *more than a doubtful* chance of permanent success.

As to the second pretence, which sets up the rights of riparian proprietors to land, formed by accretion or alluvion, in the bed of a public river, against the grantees of the same public domain, we conceive it wholly unnecessary for us to urge more than that, at best, it is but a question of proprietary right, between different claimants, all deriving title directly or indirectly from the local sovereign in whom the domain was originally vested; that the question of the title to alluvion lands in the valley of the Mississippi, is one of very extensive connection with land titles, going probably to the very foundation of the title of the riparian proprietors who now claim our land as an accretion to our soil, which itself may have been but an accretion to the soil of some other proprietors; that these persons, by their own showing, have not the advantages attached to their possessions, of riparian proprietors, bordering on a navigable river, or a harbor for vessels; that the seat of the river trade has been long removed to a different quarter of the city; and that it is not shown that their lots at any time since the present proprietors acquired them, were ever in a better condition, in regard to the river trade, than at present, and that the formation of a harbor adjacent to their lots (if such scheme *be at all practicable*) would be a clear sacrifice of our property to their emolument.

These considerations, we respectfully suggest, show that the ultimate effect intended by these bills is not demanded by public expediency, nor justified upon the principles of distributive justice.

But whatever may be the particular opinions of individuals upon these points, we feel assured that no consideration of public expediency, nor any sympathy with the supposed rights or wrongs of individuals, can induce Congress to depart so far from the principles of legitimate legislation, as either to destroy the property of an individual for a public object, without adequate compensation to the individual; or, to take away property or rights from one citizen, to give to, or benefit another, until the title to hold the property, or to enjoy the rights, has been adjudicated, between the adverse claimants, by the regular tribunals of the country.

If there be anything in the adverse claim set up, for what are called the "riparian proprietors," against our title as grantees of the public domain, it is for the tribunals above mentioned to decide on the validity of the claim, and enforce the rights of those asserted proprietors, by adequate remedies. When they have so established *their title* to the land in question as a mere alluvion accretion to their own soil, (upon which ground alone they pretend to claim it,) it will be time enough then for them to ask of Congress an appropriation of money to annihilate the property to which they may so have established their *title.* But quite *unprecedented* is a petition praying for the destruction of *another's property* for the benefit of the petitioners, without other apology than an outstanding and unauthenticated adverse claim in their own right.

We beg leave further to suggest, that if, upon consideration of the whole matter, Congress should, contrary to our opinions and expectations, deem that any great public benefit really demands the execution of the scheme for the *supposed improvement* of the harbor of St. Louis by the demolition of our property, we are not disposed to stand obstinately in the way of a scheme so sanctioned, but in that case would agree to give up so much of our property as the projected scheme of improvement contemplates the destruction of, for the sake of the experiment, upon receiving from the public its fair value; which we estimate at not less than two hundred thousand dollars.

Your memorialists rest in perfect security, confident that Congress will neither impair their rights nor injure their property, without amply providing for their indemnity.

ELIAS T. LANGHAM,
(By A. W. McDONALD.)
ANGUS W. McDONALD.

H. R. 154.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1836.

Mr. CALHOON, from the Committee on Roads and Canals, reported the following bill:

A BILL for the improvement of the harbor of St. Louis, in the State of Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of forty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the improvement of the harbor of St. Louis, in the State of Missouri.

APRIL 1, 1836.

Mr. ASHLEY, of Missouri, presented to the House the following:

REGISTER'S OFFICE, *City of St. Louis, March* 15, 1836.

SIRS: In pursuance of an order from the authorities of this city, I enclose herewith copies of certain papers relative to the location of a New Madrid certificate upon the sand bar and strip of land in front of this city, which is now claimed by E. T. Langham and others.

Respectfully, J. A. WHERRY, *Register.*

Hon. WILLIAM H. ASHLEY and A. G. HARRISON, *House of Representatives, U. S.*

RECORDER'S OFFICE, *St. Louis, February* 9, 1836.

SIR: This office does not afford any of the information sought by the resolution which you enclosed to me. The resolution is herewith returned to you.

Very respectfully, sir, your obedient servant, F. R. CONWAY.

JOS. A. WHERRY, Esq., *City Register, St. Louis, Mo.*

LAND OFFICE AT ST. LOUIS, MO., *Register's Office, February* 11, 1836.

SIR: Yours of the 9th, enclosing a resolution of the Board of Aldermen of this city, under date of the 8th instant, has been duly received.

The resolution calls on this and other offices for: 1st. "A copy of the location of the New Madrid certificate, and the certificate itself, under which E. T. Langham and others claim part of the sand-bar opposite the city, and a certain strip of land on the margin of the river, within the limits of this city."

2d. "A copy of the pre-emption location, and of the proofs, under Robert Duncan, under whom said Langham and others claim part of said sand-bar, and the evidence in said offices tending (to) the subject.

In answer to the 1st section of the resolution: There is no evidence in this office.

In reply to the 2d section: It is made my duty to forward, with my monthly returns, to Washington city, the evidence in pre-emption rights admitted; which was accordingly done, in the case referred to, in my report of December last.

There exists in this office now no other evidence of the pre-emption of Robert Duncan, other than the entry in the books thereof, of which the following is a transcript:

"5th December, 1835.—Receiver's receipt, No. 5,812, Robert Duncan, of St. Louis county, Mo., (under) the pre-emption act of 1834, (entered) fractional sec. 24; N. W. fractional quarter and N. half of S. W. quarter sec. 25; N. E. fractional quarter and N. half of S. E. quarter sec. 26, on island in Mississippi river; township No. 45, N. R. 7 east; containing 160 acres; amounting to $200."

Very respectfully, your obedient servant,

W. CHRISTY, *Register.*

J. A. WHERRY, Esq., *Register, city of St. Louis.*

No. 333. OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, September* 26, 1817.

I certify that a tract of six hundred and forty acres of land, situated in Marais des Pechis, county of New Madrid, which appears from the books of this office to be owned by John B. Thibault, has been materially injured by earthquakes; that said Thibault has been already relieved for one hundred and sixty acres, (see certificate No. 222;) therefore, in conformity to the provisions, and to complete the limitation contained in the act of Congress of 17th February, 1815, the said John B. Thibault, or his legal representatives, is entitled to locate four hundred and eighty acres of land, on any of the public lands of the Territory of Missouri, the sale of which is authorized by law.

FREDERICK BATES.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The above is correctly copied from the original certificate on file in this office.

E. T. LANGHAM.

Know all men by these presents, that, whereas, by an act of Congress, entitled "a bill for the relief of Archibald Gamble," approved January 28, 1833, it was enacted, that the heirs or assigns of John B. Thibault, who are entitled to a New Madrid certificate, numbered three hundred and thirty-three, for four hundred and eighty

acres, heretofore entered in township number forty-six, range six east of the fifth principal meridian, be, and were thereby authorized to enter four hundred and eighty acres of land on any of the public lands in the State of Missouri, the sale of which is authorized by law: *Provided*, that the said heirs or representatives of said John B. Thibault, so entitled as aforesaid, before making said location or entry, shall execute a release to the United States for all claim and right to the land upon which said certificate had been heretofore entered. Now this deed witnesseth, that I, Archibald Gamble, claiming by regular chain of title, as the assignee or legal representative of said John B. Thibault, the said certificate, number three hundred and thirty-three, and the land heretofore located by virtue thereof, in township number forty-six north, in range six east of the fifth principal meridian, do, by these presents, release unto the United States all the right, title, and claim, of myself and my heirs or assigns, or of the said John B. Thibault, of, in, and to the southwest fractional quarter of section twenty-two, the southeast fractional quarter of same section, the northwest fractional quarter of section twenty-seven, and so much of the east half of the same section as makes the quantity of four hundred and eighty acres, in township forty-six north, range six east, to have and to hold to the said United States or their assigns forever.

In testimony whereof, I have hereunto set my hand and seal, at the city of St. Louis, this 15th day of March, in the year eighteen hundred and thirty-four.

[L. S.] ARCHIBALD GAMBLE.

STATE OF MISSOURI, *County of St. Louis, ss.:*

Be it remembered that on this 15th day of March, in the year eighteen hundred and thirty-four, personally appeared before me, one of the justices of the peace of the county of St. Louis, the above-named Archibald Gamble, who is personally well known to me as the person executing the deed of release to the United States, and acknowledged the same to be his act and deed, hand and seal, for the purposes therein mentioned, taken and certified the day and year aforesaid.

PETER FERGUSON, *Justice of the Peace for the county of St. Louis.*

SURVEYOR'S OFFICE, *St. Louis, August* 17, 1835.

This deed from Archibald Gamble to the United States, bearing date the fifteenth of March, eighteen hundred and thirty-four, was filed by said Archibald Gamble, on or about the twentieth of March, in said year eighteen hundred and thirty-four, in this office; and it appears, from the records of this office, that the tract of land released to the United States by this deed, is the same tract of land upon which New Madrid certificate, numbered three hundred and thirty-three, was heretofore entered.

E. T. LANGHAM.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The foregoing is a correct copy of the original deed on file in this office, and recorded on page 153 of book A.

E. T. LANGHAM.

ST. LOUIS, MISSOURI, *August* 17, 1835.

SIR: By an act of Congress of the United States, entitled, "An act for the relief of Archibald Gamble," approved January 28, 1833, (a copy of which said act is herewith filed, and made part and parcel hereof,) the heirs or assigns of John B. Thibault, who are entitled to New Madrid certificate, numbered three hundred and thirty-three, for four hundred and eighty acres of land, heretofore entered in township numbered forty-six, range number six east of the fifth principal meridian, are authorized to enter four hundred and eighty acres of land on any of the public lands in the State of Missouri, the sale of which is authorized by law: *Provided*, That the said heirs or representatives of said John B. Thibault, so entitled as aforesaid, before making said location or entry, shall execute a release to the United States for all claim and right to the land upon which said certificate has been heretofore entered. Now I, the said Archibald Gamble, assignee and legal representative of the said John B. Thibault, having executed heretofore, and filed in your office, a deed bearing date the 15th of March, eighteen hundred and thirty-four, releasing to the United States all claim and right of the heirs or representatives of said John B. Thibault to the land upon which said New Madrid certificate, numbered three hundred and thirty-three, was heretofore entered, do hereby, in virtue and by authority of the above-mentioned act of Congress, locate and enter four hundred and eighty acres of land on the following described tract or parcel of the public lands of the United States in the State of Missouri, to wit: being in township numbered forty-five north of the base line, of range numbered seven east of the fifth principal meridian, and bounded as follows, to wit: northwardly by Willow street, in the city of St. Louis, prolonged to the river Mississippi; eastwardly by said river Mississippi and public land; southwardly by said river Mississippi and public land; westwardly and northwardly by lands confirmed or claimed under the laws of the United States, in the names of the following named persons, to wit: Benito Vasques, Joseph Brazeau under Benito Vasques, Joseph Brazeau, Antoine Soulard under Gabriel Cerré, James Mackay, Auguste Chouteau, and John B. Provenchere's legal representatives; and by town lots in the city of St. Louis, in blocks numbered forty-five, forty-four, forty-three, forty-two, forty-one, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen, which lots were heretofore confirmed by laws of the United States to individual persons, or reserved by said laws for the support of schools.

In surveying the above location or entry, and determining the area thereof, I request that you will leave out of said survey, and out of the computation of the area thereof, the land claimed by Robert Duncan, where he now lives, in right of pre-emption.

ARCHIBALD GAMBLE.

To ELIAS T. LANGHAM, *Surveyor of the public lands in the States of Illinois and Missouri.*

SURVEYOR'S OFFICE, *St. Louis, August* 17, 1835.

Examined and received for record.

E. T. LANGHAM.

SURVEYOR'S OFFICE, *St. Louis, February* 11, 1836.

The foregoing is correctly copied from the original location on file in this office, and recorded on page 154, book A. The copy of the act of Congress referred to within, is copied on the following page.

E. T. LANGHAM.

AN ACT for the relief of Archibald Gamble.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the heirs or assigns of John B. Thibault, who are entitled to a New Madrid certificate, numbered three hundred and thirty-three, for four hundred and eighty acres, heretofore entered in township number forty-six, range six east of the 5th pricipal meridian, be, and are hereby, authorized to enter four hundred and eighty acres of land on any of the public lands in the State of Missouri, the sale of which is authorized by law: *Provided,* That the said heirs or representatives of said John B. Thibault, so entitled as aforesaid, before making said location or entry, shall execute a release to the United States for all claim and right to the land upon which said certificate has been heretofore entered.

To the Hon. THOMAS H. BENTON *and* LEWIS F. LINN, *Senators, and* WM. H. ASHLEY *and* ALBERT G. HARRISON, *Representatives in Congress of the State of Missouri:*

GENTLEMEN: The undersigned, your constituents, inhabitants of the city of St. Louis, beg leave to call your attention to certain matters which very materially affect their interests, as well as the interests of the United States.

It is known to you that the authorities of the city of St. Louis have made several efforts to procure from the government of the United States a removal of the island, or sand-bar, which has been made by an accumulation of logs and sand, opposite to the lower part of the city; and which has obstructed the landing along a portion of the margin of the river, and from time to time threatens still further to block up and injure the harbor. Knowing that the subject had been brought before Congress at a former session, and that your exertions would not be wanting to procure a favorable result at the present session, we should have waited for that result, without troubling our representatives further, had not certain events occurred here, which have an adverse bearing upon the attainment of our object.

It seems, that while the action of Congress with respect to the improvement of our harbor has been delayed, a person by the name of Robert Duncan built a hut on the island or sand-bar in question, and that recently he has preferred to the proper land office his claim to a pre-emption. This claim has been allowed, and he has received the proper voucher for obtaining a patent, and has transferred all his right therein, as is believed, to Elias T. Langham, the surveyor general, and A. H. Evans. Mr. Langham has also, as we understand, located on other portions of said sand-bar, and upon sundry strips of ground along the margin of the river, adjacent to the sand-bar, and along the whole front of the city, a New Madrid certificate. It is now pretended on the part of Mr. Langham and others, who are interested in the speculation, that the sand-bar, or a considerable portion of it, is individual property; and plans are already on foot to divert the natural course of the river, and to bring a part of the bar into a line with the landing of the upper part of the town, and make it the permanent landing for the lower part of the city. The result of success in these efforts will be the following:

1. It will throw all the lots in the south part of the town, calling for the river as a boundary, *inland* a considerable distance, and greatly injure their value; for it is evident that, if this island is permitted to remain as private property, it will be improved, and the channel between it and the town will be filled up.

2. It will give a permanent direction of the current of the river toward the Illinois shore, which will affect the navigation and course of the river for an indefinite distance below. The landing on the Missouri side will be destroyed by sand-banks and accretion, and in time that shore extended perhaps for miles; while encroachments will be made to the same extent on the Illinois side. The injury to private right will thus be incaculable; while the United States will be deprived of a landing at the arsenal and barracks, upon a river, the navigation of which, like that of the sea within their jurisdiction, would seem to belong to their exclusive control.

3. A great injury may, and in time, perhaps will, be sustained by the State of Illinois. The bottom land on the Illinois side of the river is of many miles in width; and is settled and improved below this place, and is exceedingly fertile. Private enterprise ought not to be permitted to subtract from the territory of that or any other State, by diverting or altering the direction of a great navigable stream, which is a common boundary of two States. If this can be done in the present instance, then, on the same principles, the owners of Bloody island, which is in the State of Illinois, may construct piles and artificial works that will turn the current from this city, and utterly ruin its harbor.

Our objects in this communication are: *first,* to call your attention to the necessity of early action by Congress upon the subject of the removal of the sand-bar; *secondly,* to request that proper steps may be taken to prevent the issuing of patents on the pre-emption and New Madrid locations mentioned above.

As to the *first,* nothing further need be said, except that the bill should provide that any money appropriated for the improvement of the harbor of St. Louis, should be expended under the superintendence of a proper agent, engineer, or officer of the United States.

In regard to the patents, we will observe, that even if a private right has vested in Langham and his associates, yet the United States, for the benefit of the harbor of St. Louis, the preservation of the current of the Mississippi in its ancient channel, along the bold shore of this State, and the protection of the property of the government, as well as that of a mass of individuals, should remove the bar, and indemnify those who own any interest in it.

But it seems very questionable whether this sand-bar or island can be the subject-matter of a grant by government. We understand that, during the existence of the Spanish government here, a bar commenced (where the one in question is) and increased for a length of time, till it became an island, (that is, till it was above water throughout the year, as it is at present,) when certain persons petitioned for a concession of it, which was refused by the Spanish authorities, on the ground that the convenience of the inhabitants of St. Louis forbade the acquisition of the title to it by individuals. In a few years thereafter, that bar was entirely swept away, and the channel of the Mississippi, as theretofore, continued along the Missouri shore. Accordingly, it is well-known that twenty or thirty years ago the place of business of this town was at the southern end of it. The present bar, by its obstacles to navigation, has caused the business of the town to travel up to that part of the town where the obstruction does not exist; so that the ancient business lots and landing of the place have been deserted by the merchants. The grants of those lots in the southern part of the town, in many instances, in terms, call for the river. Has the government, after granting lots in such terms, a right to dispose of, to individuals, and thus interpose between them and the river, a sand-bar that has grown up to be an island since the grant of the lots? On the contrary, have not the owners a right, acquired at the time of the grant, to be

bounded by the river; and for that purpose to remove any obstructions to navigation, or any bars or other obstacles, that should threaten to turn the river from their lots? Certainly, they might have done this with regard to the bar in its incipient stage; and if so, if when the bar first commenced, and during its increase, they had a right to stop its growth and remove it, because it threatened to injure their landing, and turn the river from the front of their lots, at what moment did their right cease? Certainly the fact that the bar is now of such a size that it remains above water, except occasionally, when the annual flood is unusually high; the fact that it has bushes and small trees growing upon it, does not alter its character. It is only, in such a state, a larger and more permanent obstruction to the navigation along the front of those lots, originally granted with a river boundary, when there was no sand-bar there. It would seem, therefore, that the United States acquired, and could acquire, no right in this bar, which they could sell under the acts of Congress. If the government had any right in it, it had such right as it has to the sea along our coast, or to a sand-bank that should arise in or near our harbor there; a right to hold it, or remove it, for the benefit of navigation.

By the civil law, and by the Spanish law, which was the general law here till its abolition in 1816, all islands arising in rivers, whether navigable or not, belonged to the riparian proprietors. (See Cooper's Justinian, page 74; and Partidas' translation, 1 vol. page 346.) If this bar commenced under those laws, it would seem to be now the property of the proprietors of the adjacent lots, on the Missouri side, and not the property of the government; and, therefore, not susceptible of sale by the government. Under the common law, which was introduced here in 1816, islands arising in rivers, above the ebb and flow of the tide, belonged to the riparian proprietors: so that whether this island was formed under the Spanish or American government, the right of the government to dispose of it is very questionable, to say the least.

There is another view of this subject, derived from the character of the Mississippi, which is deserving of consideration.

The laws of Spain and of England, and of ancient Rome, on this subject, were made as applicable to the rivers of those countries; and with such application, and in analogous instances, are reasonable and wise. But such laws never could have been considered as applicable to the Mississippi, had it existed in either of those countries. Their streams, in comparison, are mere creeks and rivulets. The Mississippi, below the mouth of the Missouri, is, moreover, extremely rapid, and carries down immense quantities of sand and trees, &c., which circumstances give it its peculiar character, of shifting its channel, which it is doing perpetually, as every person who has navigated it is aware. Along its banks, and dependent on its navigation for their prosperity, is settled a number of populous and powerful communities, occupying already a space of about two thousand miles from its mouth; while the land bordering on it for that distance has been, for the most part, granted to individuals by the government. Now, under these circumstances, who has a right, in case an island or bar should form, to occupy it as private property, and by permanent improvements upon it, perhaps change the current for twenty miles below? Have not all these communities and riparian proprietors a vested right to have the river kept in its ancient channel? The slightest obstruction, as the sinking of a keel-boat, or a temporary obstacle from ice, makes a bar, and causes the channel to wear away the bank on one side of the river, and to desert the other. We should suppose that these considerations would induce the belief, that any bar or island that should spring up in the Mississippi, under such circumstances, must be considered in the light of a nuisance, which might be removed by those whose interests are endangered thereby. The common good of all on its banks requires such to be law: and it can make no difference in the reasonableness of the principle, whether the removal takes place before the sand-bar aspires to the dignity of an island, or after it has attained that character.

For these reasons, we protest against the locations above mentioned, and, through you, desire such measures to be taken as will most effectually prevent a recognition by government of these pretended titles.

Daniel D. Page,
H. L. Hoffman,
John H. Gay,
John W. Johnson,
Charles R. Hall,
David Shepperd,
Antoine Chinie,
J. S. Pease,
A. L. Mills,
D. B. Hill,
H. Richards,
C. Mullikin,
W. C. Wiggins,
Jno. Simonds, sr.,
Isaac A. Letcher,
H. McKee,
N. Rannay,
Tho. H. West,
Theodore Papin,
Beverly Allen,
Jacob Cooper,
P. D. Papin,
Wm. Glasgow,
C. Campbell,
Geo. Morton,
Edward Mitchell,
Bernard Pratte,
B. Chouteau, jr.,
John B. Sarpy,
John F. A. Sandford,
Cerré,
J. O'Fallon,
Augs. Kerr,
F. L. Ridgely,
Wm. Smith,
Jno. Smith,
Bernard Pratte, jr.,
Matthew Kerr,
S. C. Christy,
James P. Spencer,
D. Busby,
John Goodfellow,
Richard Rapier,
Hyt. Papin,
Samuel Mount,
Jos. C. Laveill,
L. A. Benois,
E. Dobyns,
Theodore L. M. Gill,
James C. Essex,
George W. Kerr,
Thomas McLaughlin,
John M. Wimer,
Fs. C. Tesson,
Edward P. Tesson,
Silas Drake,
James Timon,
D. Coons,
James Clement,
Gabriel S. Chouteau,
W. Call,
Elkanah English,
—— Heath,
Thos. Cohen,
George Collier,
William Atwell,
James Gordon,
Asa Wilgus,
J. T. Swearingen,
Geo. Hotton,
William Clarke,
Wm. Preston Clarke,
C. Keemle,
Aug. Keemle,

JOHN F. DARBEY,
Mayor of the city of St. Louis,

In behalf of the mayor, aldermen, and citizens of the city of St. Louis, by order of the board of aldermen.

24TH CONGRESS.] No. 1540. [1ST SESSION.

RELATIVE TO THE ESTABLISHMENT OF A LAND DISTRICT IN ALABAMA.

COMMUNICATED TO THE SENATE, JUNE 11, 1836.

GENERAL LAND OFFICE, *May* 28, 1836.

SIR: In reply to your letter of the 24th inst., enclosing the resolution of the Senate, herewith returned, in the following words, viz.:

"Resolved, that the Committeee on the Public Lands be instructed to inquire into the expediency of establishing a new land district, to include the country recently acquired by treaty with the Cherokee Indians," I have the honor to transmit herewith a diagram, showing the extent of the Cherokee country in Alabama, and the boundaries of the Coosa land district, Mardisville Land Office.

On comparing this diagram with the boundaries of the several land districts in Alabama, as laid down on the map of that State, in the atlas heretofore furnished for the use of the Committee on Public Lands, the committee will be enabled to form a correct idea of the relative proportion that the superficial extent of the Cherokee cession bears to the Mardisville, and other land districts in the State.

I would beg leave to suggest, for the consideration of the committee, the idea of attaching the Cherokee lands to the adjoining districts, Huntsville and Mardisville, in some mode such as that laid down in the diagram, and which may be described thus—

So much as shall be found to lie *north* of the line, which will divide townships numbered eight and nine, and west of the line, dividing ranges numbered four and five, east, to be attached to the district of lands subject to sale at Huntsville; and so much as lies *south* of the line, which will divide townships numbered eight and nine, and east of the line which will divide ranges numbered four and five east, to be attached to the Coosa land district.

In case such a division will be acceptable to the people, and be, on the whole, equally convenient, as the creation of a new office, it occurs to my mind as being the preferable mode. My knowledge of the topography of the country is, however, very imperfect.

In connection with this subject, I deem it proper to remark that the removal of the Land Office, from Mardisville, to some more central position, has already been talked of. There appears, however, to be a diversity of opinion respecting such a movement.

By increasing the bounds of the Coosa district on the north, it would increase the necessity, if, indeed, any now exists, for removing the Land Office now at Mardisville, to a more central position.

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

ETHAN A. BROWN, *Commissioner.*

Hon. THOS. EWING, *Chairman of the Committee on Public Lands, Senate.*

24TH CONGRESS.] No. 1541. [1ST SESSION.

ON THE GRADUATION AND REDUCTION OF THE PRICE OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, JUNE 15, 1836.

Mr. WALKER, from the select committee, on the subject of graduating and reducing the price of the public lands to actual settlers, reported:

Your committee have given the subject referred to them that attention to which it is so justly entitled, and report a bill embracing, with some modifications, most of the principles contained in the act submitted for their consideration. They have adopted the principle that the public lands should be held as a sacred reserve for the cultivators of the soil; that monopolies by individuals or companies, should be prevented; that sales should be made only in limited quantities to actual settlers, and the price in their favor reduced and graduated.

We also propose that the new States should be placed upon an equal footing in relation to grants of the public domain, and, consequently, that the same quantity of land granted to Ohio by the general government should be ceded to all the other new States of the Union, and to each of the Territories, upon their admission as States of the Union.

The sale of the public lands in limited quantities to actual settlers only, was proposed by the President of the United States in his annual message to Congress of December, 1832. In that message the President recommended that the public lands, at moderate prices, "*should be sold to settlers in limited parcels.*" A sale for settlement only, and not for speculation, is certainly most conformable to the great purposes for which these lands were ceded to the general government.

The great object for which Virginia ceded the Northwestern Territory is, as declared by her act of cession, that the territory so ceded "should be laid out and formed into States, containing a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances would admit; and that the States so formed should be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States." The same language, substantially, will be found in the other acts of cession of the public domain. States can only be formed by the settlement of a country. The settlement, then, of this territory, was the primary object of those who made, as well as those who accepted the cession. A sale to settlers only, is then most in consonance with the spirit of the compacts by

which these lands were acquired. It never was contemplated that the settlement of this territory should be arrested by the transfer of the soil from the government to wealthy monopolists. Sales were intended for settlement, and not for speculation. Until within a few years past the sales were made almost exclusively for settlement, but now the reverse is the fact. The sales within the last year have amounted to nearly thirteen millions of acres, being almost three times the amount sold in any preceding year. Eight millions of acres of these sales have probably been made for speculation, and not for settlement. This spirit of speculation in the public lands is increasing with alarming rapidity. Companies are forming in all directions to monopolize the ownership of the public domain, and thus be enabled to arrest the settlement and regulate the prosperity of the new States and Territories of the Union. A total and complete monopoly of the public lands by speculators is now contemplated, and the consequent withdrawal from the government of all its power over this subject. This system will be deeply injurious to the interest of the old as well as of the new States. Vast sums will be taken from investment in the channels of productive industry in the old States, and invested in purchases of uncultivated lands. It is a bounty offered by government for the annual withdrawal of capital from the useful pursuits of productive industry, for investment in waste lands, producing nothing, and, consequently adding nothing to the general prosperity of the country. Agriculture, commerce, and manufactures, are all injuriously affected by this process. For a great period of time the moneys thus invested might as well be sunk in the ocean. Agriculture is not benefited, for settlement is retarded and not advanced by this system. Commerce and manufactures are injured by the annual sinking of so much of the active capital of the country. The vast sums thus invested during the present year have certainly greatly contributed to create the existing embarrassments, and as the evil progresses, the embarrassments will be increased and aggravated. It is then the interest of the old as well as the new States to arrest this annual investment of millions in unproductive pursuits. Were it arrested, these millions of dead capital would be adding yearly to the commerce, agriculture, and manufactures of the whole country. When money is invested, even from the old States, in lands for settlement and cultivation only, in the new States, the annual products of the soil increase the wealth and prosperity of the whole country, and soon give back to the old States, through the channels of trade and business, more than the amount of the purchase-money of the land. But, if the citizens of a nation appropriate millions annually in the purchase of property yielding no income, the result is a great national loss. It is, then, the interest of the whole Union that these monopolies of the public lands should be arrested, and that capital should continually flow in the various channels of productive industry. If, among other causes, the existing embarrassments are now greatly attributable to the speculating investment of millions during the past year, in wild lands, what will be the result if the system is permitted to continue for a series of years unabated? It is easy to foresee that the necessary consequence will be increasing distress and embarrassment, or at least a diminution of the national prosperity.

Your committee, then, present a bill, which will at once arrest the progress of this evil. To effect this great object, they propose, in the first place, to break up the system of sales of the public land at public auction, which, upon the aggregate of the sales of the last year, has produced but two cents and a small fraction per acre above the minimum price.

Secondly. Where two or more applications are made by different persons at the same time, for the same section of land, the preference in the purchase or entry shall be given to the first occupant; and when the tract has never been occupied by any of the applicants, then to the most aged of them.

Thirdly. That no entry shall, in any case, be made by any one person, under the provisions of this act, for an amount exceeding one section of land.

Fourthly. That no purchase or entry shall be made, in any case, without a previous affidavit by the applicant, that the land is designed to be entered for the use of the applicant only, and for the purpose of settlement and cultivation.

Fifthly. That no patent shall, in any case, issue until three years after the purchase or entry, and proof on oath by at least two credible witnesses, before the register and receiver of the proper land district, of three years' continued occupancy and cultivation subsequent to the date of the entry, accompanied also by the affidavit of the applicant to the same facts.

Sixthly. That any sale, contract for sale, lease, or contract for lease, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the purchase-money and title to the United States.

Seventhly. That a failure to commence the occupancy of the land entered under the provisions of this law, within four months after the date of the entry, by the person who shall have made such entry, shall operate as a forfeiture of the title and purchase-money to the United States, and an abandonment of the occupancy, by such person, within three years after the commencement thereof, shall operate a like forfeiture of the money and title to the United States.

Eighthly. That no second purchase from the government, or entry, shall be permitted, by any one who shall enter a section upon the terms and under the provisions of this law.

Ninthly. That any one who is, at the date of this act, actually occupying and cultivating a tract of land, of which such person was the proprietor prior to the passage of this law, is permitted to purchase from the government, or enter any unoccupied adjoining tract, not exceeding one section, upon affidavit that the purchase or entry is made for the purpose of enlarging his or her farm, and not for speculation, and that no patent shall issue for such tract, until the expiration of three years from the date of the purchase or entry, and that any sale, contract, for sale, lease, or contract for lease, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the title and purchase-money to the United States.

Tenthly. That any one swearing falsely, to obtain for him or herself, or for any other person, the benefit of the provisions of this act, shall be liable to all the pains and penalties of perjury; and that any person procuring another to swear falsely, to obtain for any one the benefits of this act, shall be guilty of subornation of perjury.

Some of these requisitions may be considered somewhat rigid, but they are not more so than may be necessary to introduce a system which, in its practical operations, will wholly prevent any future entries of the public domain for the purposes of speculation. Were this evil only diminished, much good would be effected. But your committee feel confident that the bill proposed by them will entirely suppress speculation in the public lands. Speculations would become impracticable after the adoption of this system, for the following reasons:

First. The speculator must be guilty of subornation of perjury in procuring the settler to swear falsely that he enters the land for settlement and cultivation by himself, when, in fact, he enters it to sell to another.

Secondly. The actual settler would be required to commit perjury in taking the oath by which he enters the land.

Thirdly. The speculator must incur the hazard of punishment for subornation of perjury.

Fourthly. The settler would incur the hazard of punishment for the crime of perjury.

Fifthly. No speculator would furnish the money to enter the land on a contract of sale by the settler,

because such contract would not only be null and void, but operate as a forfeiture of the title and purchase-money to the United States. No capitalist, therefore, would incur the hazard, as well as guilt, of such an arrangement.

Sixthly. No settler under this law would consent to be made the guilty instrument of an entry for speculation. It is against his interest; for, by consenting to make this entry for another, he forever forfeits the valuable privilege of making another entry for himself. Three years continuous actual settlement and cultivation must precede the emanation of the patent and right to sell. Consequently, if the entry were made for the use of a speculator, he must have paid the settler, first, for incurring the guilt and hazard of perjury; secondly, for forfeiting the valuable privilege of ever entering a tract for himself; and thirdly, for the loss of three years' time in occupying the land of another; and then the capitalist must have himself incurred the guilt and hazard of subornation of perjury, and the risk of losing his money and land by an entry in fraud of the law.

Seventhly. As the new States would be deeply interested in arresting the system of speculation and monopoly, the provisions of this law being in consonance with public opinion and public interest, would be rigidly and faithfully executed. No capitalist would dare attempt to procure a single entry for speculation in violation of this law, much less would he dream of the practicability of entering millions of acres every year by the employment of thousands of settlers. The expense, as well as the guilt and hazard, would be too enormous. An entry for speculation, under the accumulated difficulties and expenditures arising under the provisions of this law, would be a loss, and not a speculation. When the speculator would have paid the settler for incurring the guilt and hazard of perjury, for forfeiting the privilege of entering another section for himself, and for three years' occupancy of the land, together with the original entrance-money to the government, and three years' interest, he could never sell the tract for cost and charges. To presume that even any frequent attempts would be made to violate the law, is to suppose the great body of settlers in the new States to be corrupt and vicious, the very reverse of which is the fact.

Under this system, then, lands being entered or purchased from the government only for settlement and cultivation, the sales would be regulated by the annual increase of population in the new States and Territories. The estimate of this probable increase for the future can best be ascertained by reference to the past. The population of the new States and Territories of the Union erected out of the public domain was in 1800 only 59,632; in 1810 it was 410,057; in 1820, 1,230,334; and in 1830 it was 2,377,312. Thus, the increase from 1800 to 1810 was 350,425, or about 600 per cent.; the increase from 1810 to 1820, 820,277, or about 200 per cent.; the increase from 1820 to 1830, 1,146,978, or about 103 per cent. Thus, while the per-centage of increase has diminished at every census, the actual increase, being on a larger capital, has augmented at every enumeration. Conceding that the ratio of increase in the States and Territories falls to 63 per cent., as exhibited by the census of 1840, still the increase from 1830 to 1840 would be about 1,500,000; and your committee believe it will exceed this estimate. Assuming the average of entries by the settlers to be a half section each, as none could enter more than a section, and many could not or would not enter more than one eighth, and assuming six as the usual average number of the family of each settler, himself inclusive, the quantity entered in ten years for settlement would be eighty millions of acres, or eight millions of acres per annum. But this must be reduced by the fact that there were 337,963 slaves in the new States and Territories, which could not be fairly included in averaging the family at six, and that on this account about one eighth must be deducted, which would reduce the amount entered annually for settlement to seven millions of acres. But it must also be remembered that a very large portion of this annual increase of population would not enter lands, and that at least two millions of acres must be deducted on this account, and this will leave five millions of acres as about the true amount that would be entered annually for settlement. Your committee, however, believe that it would rather be less than more than this amount.

By the system proposed by the committee, about five millions of dollars per annum would be received from the sales of the public lands into the national treasury. By sales for speculation, as well as settlement, assuming the present year as a criterion, about sixteen millions per annum, for a few years, it appears, would be realized. But, by these vast sales for speculation, all the valuable public lands would soon be entered, and the national domain soon cease to be a source of revenue. Thus, by the present system, we are exhausting this great fund for unnecessary revenue, instead of preserving it, as proposed by the committee, to yield a smaller annual amount, but for a much longer series of years, so as to render an increase of the tariff unnecessary. When the tariff reaches its lowest standard, in 1842, the revenue derived therefrom cannot much exceed thirteen millions of dollars. Let speculators, by that period, or shortly thereafter, have entered all the public lands worth selling, at the minimum price, and an increase of the tariff becomes again inevitable. The system proposed by the committee will avoid these evils, by an annual addition of five millions of dollars, from sales of public land, to the revenue from duties on imports.

Having, as your committee hope, demonstrated the beneficial effects upon the whole Union of sales of the public land for settlement only, they now proceed to the second branch of the subject—the reduction and graduation of the price of the public lands. The great argument heretofore urged against this measure has been, that it would throw the public lands, at reduced prices, into the hands of speculators. This argument, however, ceases to apply, under the provisions of this bill, by which the public lands can be sold for settlement only. The sales of the public lands operate as a continual drain upon the resources of the West. The tariff upon imports has been greatly reduced, but the general system of reduction has not been permitted to apply to the relief of the Western people, by the reduction of the price of the public lands. The revenues of the general government are chiefly appropriated in the erection of fortifications, and improvement of harbors, and other expenditures in the Atlantic States. Small, indeed, is the amount appropriated for the new States, while annual millions are drained from them by the sale of the public lands, for expenditure upon the maritime frontier. The new States contribute their full proportion to the revenue from the consumption of imports, and pay, in addition, another vast sum into the national Treasury from the sale of the public lands. Your diminution, then, of the burdens of the people is unequal, when you refuse to diminish those burdens which operate only upon the people of the new States. Your reduction is sectional, because you refuse to apply it to the public lands, the great commodity purchased by the people of the new States. You fill your Treasury to overflowing with an unnecessary revenue, instead of reducing all the burdens of the people of every State of the Union. Upon the same principle might you refuse to reduce the tariff upon cotton-bagging, because it was purchased only by the South, or decline reducing the tariff upon dye-stuffs, because purchased only in the manufacturing States, as refuse a reduction in the price of the public lands, because purchased chiefly by the people of the West. In all these cases you are only yielding up a portion of the national revenue unnecessary for the wants of the government, and your refusal to extend the reduction to the great commodity purchased by the people of the West, is unjust and unequal.

The new States co-operated with the South in reducing their burdens by a reduction of the tariff, and yet, with pain and mortification, your committee perceive many Southern States co-operating with others of the old

States, in refusing to extend to the people of the West the benefits of this system of reduction. That the new States, instead of menacing the Union, have submitted to this system of palpable injustice and inequality, affords a striking evidence of their devoted attachment to this confederacy, and presents a strong additional reason in favor of extending to them immediate and effectual relief.

Having proved, as your committee hope, that the price of the public lands ought to be reduced, the next question is as to the rate of reduction. And here we recur to the act of Congress originating the system of selling the public lands, passed on the 20th of May, 1785. By this act the price was fixed at one dollar per acre. If this price was not too great for fresh lands then, when the government was poor, and oppressed by a heavy debt, it cannot be considered as too high now, when the government is relieved from all debt, and is collecting a large unnecessary revenue. Were we to propose to reduce the price of fresh lands, never offered for sale, to the price fixed for similar lands by the act of 1785, there could be no just ground of complaint. Being, however, deeply solicitous to obtain the support of all the friends of moderate and gradual reduction, we do not propose to reduce at present the price of public lands that have never been offered for sale. Our proposition is to reduce the price of all lands that now have remained, or hereafter shall have remained, five years subject to entry, and less than ten years, to one dollar per acre; ten years and less than fifteen years, to ninety cents per acre; fifteen years and less than twenty years, to eighty cents per acre; twenty years and less than twenty-five years, to seventy cents per acre; twenty-five years and less than thirty years, to sixty cents per acre; and all lands that shall have been thirty years and upward subject to entry, shall be reduced to fifty cents per acre. As, under this system, all lands that have not been five years subject to entry, will be sold at a dollar and a quarter per acre, and at a dollar per acre from the fifth until the tenth year, the average price at which the public lands would be sold would be at least a dollar per acre. It must be perfectly obvious to all, and the committee will establish the fact by authentic proofs, that the public lands are of very unequal value. In almost every township there is a great variation in the value of the public lands. Many lands that will never command the present minimum price per acre, might be sold at a price descending from the present standard to fifty cents per acre, while millions of acres are wholly unsusceptible of cultivation, and can never be sold at any but a nominal price. Why fix the same unvarying price upon all lands, the good as well as the inferior? The price should sink by a descending scale, graduated by the decreasing value. The nearest possible approximation to this descending rate of value is the plan proposed by the committee. As a general rule, the lands that have remained for a series of years unsold, after they became subject to entry, must be less valuable than the fresh lands, and the value, as a general rule, diminishes with the length of time that the lands have been subject to entry. There are occasional exceptions to this rule, but not more than sufficient to prove its general application. This graduated scale of reduction is the nearest approximation to justice, while the unvarying price is the farthest from it. If all the public lands were at once reduced in price, without any graduation, the new and fresh lands would chiefly be sold; but the reduced prices will effect the sale of many inferior lands, that would never be sold at the present fixed minimum price per acre. The reduced price will operate chiefly in favor of the poorer class of citizens, who have not the means of paying the present price. It will enable many a day laborer to become a farmer and owner of the soil he cultivates.

Though that soil, purchased at the reduced price, may be less productive than the farm of his wealthy neighbor, yet it will be his own, it will be his home, and sufficiently fertile to supply the wants of himself and family. It will effect a change most beneficial in his condition, and highly conducive to the best interests of the nation. Shall the Atlantic States continue to drain vast sums of money for public lands from the people of the West, expend it on the seaboard, and refuse to diminish the burdens of the Western people, by reducing the price of the public lands? Such a system is unequal, unjust, and oppressive. To exhaust the resources of one section for perpetual expenditures in another, cannot be equitable. Suppose the interior States should refuse appropriations for fortifications on the seaboard, upon the ground that, by leaving it defenceless, they would thereby tempt many of their citizens to emigrate to the West? This would be most unjust; and yet it is not more so than the refusal of the maritime States to reduce the price of the public lands, because such refusal would retard the growth of the West. The West has ever been willing to expend her treasure and her blood in defending the maritime cities; and shall the maritime States so legislate as to retard the settlement of the West? Such a course would neither be wise nor patriotic. It would impose perpetual and undiminishing burdens upon the people of one section, for the benefit of another, and render the government of the Union an instrument of oppression and injustice.

The system we propose disrobes the government of the character of a speculator and the auxiliary of speculators upon the pioneers of the West. The government, under the present system, for the purpose of revenue only, is throwing the public domain into the hands of speculating monopolists. It will thus aid the sale, while it retards the settlement and cultivation of the lands of the West. It is reviving many of the evils of the old feudal system of Europe. Under that system, the lands were owned in vast bodies by a few wealthy barons, and leased by them to an impoverished and dependent tenantry. The same consequences must result from the monopolies now progressing in the pubic lands. Eight millions of acres of the public lands have probably passed during the last year into the hands of a few wealthy speculators, who hold them up at an extravagant value. These lands, therefore, will remain unoccupied for many years, or occupied only by a dependent tenantry. This is deeply injurious to every portion of the Union. The owner and cultivator of a single farm confers greater benefits upon the community than the monopolist of thousands of acres permitted to lie waste and uncultivated. The productions of the soil constitute the principal resources of this great nation. Upon the farming interest are all others dependent for their wealth and prosperity. That interest furnishes us not only with food and raiment at home, but sends abroad that hundred of millions in value of exports, which is carrying onward so rapidly the prosperity of this republic. Every new farm that is cultivated in the West adds to the wealth and prosperity of the whole Union; while the investment of millions in uncultivated lands draws so much money from the channels of productive industry, and depresses the energies of the whole country. The one system will leave the lands of the West waste and uncultivated; the other will subdue the wilderness, and fill it with smiling farms and prosperous villages. The one system will place upon the lands of the West a few wandering and impoverished tenants, controlled by absentee landlords; the other will plant upon your soil a virtuous and independent yeomanry, the owners of the soil they cultivate. The one system will add thousands to your population and resources, thousands to the products of your soil, to your imports and your exports; the other system will invest millions in wholly unproductive capital, and arrest the settlement and cultivation of the soil.

This system of speculation has, within the last year, progressed to an extent alarming to every friend of equal rights, and should be terminated at once and forever. These monopolies will be terminated by the system proposed by the committee, and the public lands reserved as a perpetual inheritance for the farmers of the Union.

The bill of the committee will greatly augment the population of the Union. It is an undisputed principle of the law of population, that it is most rapidly increased by increasing the facilities of subsistence. The vast

effects of this principle are illustrated by comparing the relative advance in population of Ohio with any of the states upon the continent of Europe. Where, forty years ago, was one vast and untrodden wilderness, now is a mighty State, with a population greatly exceeding a million, planted ere the present baleful spirit of speculation and monopoly of the public lands had seized upon the capitalists of the Union. No man will pretend that, if the Union had been confined to the original thirteen States, with their present boundaries, and the new States remained wholly unsettled and uncultivated, that the population of the Union would have been as large by several millions as it now is. Upon every principle which has governed the progress of population, there would now be at least two millions of people less within the limits of the Union, had that Union been confined to the present boundaries of the original thirteen States. A loss of two millions of people to this Union would be indeed incalculable. It would diminish one seventh the power and strength of this nation, both in war and in peace. It would greatly decrease the moral and physical power of this Union, render us less prosperous in peace, less powerful in war, more liable to foreign aggression, and less able to repel it. All the revenue from imports and from public lands bears no comparison with the value of two millions of people. Will the just, the humane, the generous people of the old States desire to retain the poor man forever poor within their limits, when, by reducing the price of the public lands, they may enable him to procure for himself and family a happy home in the great valley of the West? Are the old States willing to avow the principle that they desire to restrain emigration to the West? It was one of the complaints of the thirteen States, in their Declaration of Independence, that the British Crown desired to retard our growth by increasing the difficulties of obtaining lands in the colonies; and will these same thirteen States now act upon the same odious principle toward their sisters of the West? The resident of Rhode Island, who becomes a resident of Michigan, does not cease to be a citizen of the American Union; and if, by this change, he improves the condition of himself and family, why should Rhode Island object, when the increased prosperity of every American citizen augments the national strength and glory? Suppose that the new and the interior States should all act upon this narrow and selfish policy toward the States upon the Atlantic seaboard? Suppose they objected to fortifying the seacoast, upon the ground that it drained the money of their citizens for expenditures beyond their limits, upon the maritime frontier; what would be the reply of the Atlantic States? It would be, that, in defending the seaboard States, the West aided in defending a part of the republic. And is not the argument equally just, that, in increasing the prosperity of the West, you augment the strength of the Union? Shall there then be no reciprocity of benefits in conducting the affairs of this great republic? So long as the means of subsistence are easy, an increase of capital is nothing to a nation compared with an increase of population. More especially is this true, when this population is composed of the productive and industrial classes, settled upon their own farms, and cultivating their own soil. But the system which would restrain emigration to the West, reverses all these principles, and sacrifices the prosperity of the nation to sectional prejudices and sectional interests. The American statesman who loves his whole country, should adopt that policy which will most rapidly increase the population of the whole nation. The inquiry should not be, what policy will best promote the interest of the old States or of the new States, but what will most rapidly increase the prosperity and population of the whole Union. Viewing the question in this light, the policy of cheapening, to farmers and settlers, the price of the public domain, cannot be doubted.

The existing situation of a neighboring territory presents another strong inducement to reduce to settlers the price of the public lands. Texas has now passed from a successful revolution into an independent government. Whether the people of this Union and the people of Texas (as your committee desire) will consent to its incorporation, as a part of this confederacy, is a question undetermined. Until this question is determined Texas must be regarded, for the present, as an independent neighboring republic. Stretching, by the boundary which she will obtain, from the Sabine to the Del Norte, from latitude twenty-seven south upon the gulf of Mexico, and approximating latitude forty north, possessing every variety of climate from New England to Florida, a most salubrious atmosphere, a soil fitted for every variety of product, and inviting Northern as well as Southern emigration, Texas must, in any event, carry off a considerable portion of our population from every quarter of the Union. She possesses within the above-mentioned limits about two hundred and thirty millions of acres, being rather more than four times the extent of Virginia. Not more than twenty-five millions of acres of this vast domain are covered by valid grants. With this mighty territory and a sparse population, Texas, being deeply solicitous to increase her physical strength, will do as every other state, possessing the control of its public domain, has done in all former periods. She will throw open this vast body of fresh and fertile lands to actual settlers, and to them alone, at prices nearly nominal. What will be the inevitable consequence? That the emigration from the old States and from Europe, which now settles the public domain in the new States, will, unless we reduce the price of our public lands in favor of actual settlers, pass beyond our limits, and establish themselves in Texas. The poor man of the old States, who desires to obtain a farm for himself and family, and has not the money to pay our present prices, will necessarily go to Texas. Many, also, who can pay the present prices of our public lands, will also go to Texas, where they can get cheaper and equally fertile lands. If we keep up the price of our lands, while Texas fixes her lands at a nominal value, the exhausting effect upon the wealth and population of the whole Union can scarcely be calculated. It will greatly depress the navigating, commercial, and manufacturing interests of the North, and reduce the value of property throughout the Union. When emigrants from the old States settle in the new States, there being a perfect system of free trade between all the States, the prosperity of the new States reacts in favor of the old States, and improvement in any one State advances the prosperity of the whole Union. Every new farm settled in the West gives business to the merchant, the manufacturer, and freighter of the old States, and adds to the wealth and prosperity of the whole Union. But not so with emigration from the old States to another republic. Our trade with such republic cannot be free. Other nations may furnish its supplies, and there is nothing in return to compensate us for the exhaustion of capital and emigration. We may greatly diminish these threatening evils by reducing to settlers the price of our public lands. If we reduce our lands to the standard fixed by Texas for her lands, the loss of the nation by emigration there will be comparatively small. But, if we keep up the price of our lands, while Texas fixes her land at a low rate, we shall lose by emigration at least a million of our population within the next ten years. Can any sum paid into the national Treasury compensate this nation for the loss of a million of her people? It cannot, and we should lose no time in endeavoring to prevent these threatened calamities. Should we refuse to act now, we will, when it is too late, when our population is gone, and property reduced in value, deplore our folly and want of foresight. The present emergency demands immediate action. Without this action the very life-blood of the Union will be exhausted, and a general depression of property, a languishing commerce, a decay of districts, towns, and cities, will certainly ensue. The current of emigration from one part of the Union to the other, from the old to the new States, rolls back a golden tide of trade and business. The old States now supply nearly all the wants of the farmers of the valley of the West, and hence its prosperity won-

derfully promotes the welfare of the older States of the Union. The poor emigrant from the old States, who establishes a farm in the West, soon contributes more to the wealth and commerce of the State he left than if he had remained there in dependent poverty. The prosperity of the new States reacts, through the channels of trade and business, in favor of the old States, and hence the wonderful growth of the whole country.

The system we propose will have a wonderful tendency to perpetuate the Union. Under the existing laws, the public lands are now rapidly passing from the government into the hands of speculators. Sales at the rate of thirteen millions of acres per annum, will soon exhaust all that is worth selling of the public domain. But, if the sales be made only to settlers in limited quantities, this great domain will remain for a much longer period the property of the nation, for the sacred purpose only of establishing farms, and securing a freehold to the poorest American. While the whole Union will derive from the sales for settlement only, such moderate and almost unfluctuating revenue, as to render an increase of the tariff unnecessary, this noble domain will be filled annually with an industrious population, whose devotion to the Union will be greatly enhanced by the fact of their receiving their farms and homes at a cheap rate from a paternal government. How different must be the effect of persevering in the present system? The lands of the West passing into the hands of speculators, all reduction of the price even of inferior public lands refused, even the labor of the settler upon public lands is set up at auction by the government, and many a tract, rendered only valuable by the improvements of the occupant, is made a subject of speculation; the new States drained annually of millions for expenditure in the seaboard States, and the prosperity of these new States sacrificed for unnecessary revenue. Such a policy must excite sectional feelings, and tend to weaken the bonds of our Union. That the West never has menaced, and we trust never will menace the Union, to obtain any advantage for herself, gives her a strong additional claim to the favorable consideration of the general government. You have only realized about fifty millions of dollars from sales of the public lands, but from duties you have received about seven hundred millions; and the more you promote the settlement and cultivation of the soil, the more rapidly will you increase the exports, and consequently augment the imports of the country; and how vastly has your revenue from imports been increased, and must continue to increase, from the settlement and cultivation of the soil of the West, and thus has added millions, and will add millions more, to your revenue from this source.

We hold it to be a sound maxim, that no more money should be collected from the people, than is essential for the wants of the government; all beyond this is tyranny. Government is an agency created by the people for their benefit, and that they should be drained of millions annually, beyond the wants of this government, is the very essence of despotism. Leave all unnecessary surplus uncollected in the pockets of the people, and let each freeman expend his own money for such purposes as will, in his opinion, best promote the happiness of himself and family. If the general government may collect fifty millions of unnecessary revenue, it may collect five hundred millions, and thus subvert the liberties of the people.

The remedy for a surplus revenue is simple: reduce the revenue and the surplus disappears. *Reduction*, and not *distribution*, is the true policy of the government. Reduce, and there is no necessity to distribute; but distribute, and you will never reduce. Now you have greatly reduced the revenue from duties on imports, decrease the revenue still further, by diminishing the price of the public lands, and confining the sales to actual settlers, and your dangerous surplus soon vanishes. Is this system of sales to speculators, at the same unvarying unreduced price, to be perpetuated? If so, you perpetuate the system of a surplus revenue. You drain annually from the people, large amounts of unnecessary revenue. You fix the surplus system as the established policy of the government, and persevere in enriching the Treasury annually at the expense of the people.

The general government should never speculate upon the settlers of the public domain, nor aid others in so doing. There are two classes of speculators: one class, comprising many respectable citizens, who occasionally enter or purchase public lands unoccupied by any settler. Although no moral wrong is committed by these individuals, yet even this species of purchase or entry, for speculation, should be arrested, as contrary to the policy of the country, and calculated to retard future settlements. But there is another and very numerous class of speculations upon the public domain, not only permitted but encouraged by our existing laws, and replete with fraud and extortion. It is this: immediately succeeding the advertisement of large bodies of public lands for sale at auction by the United States, this second class of speculators explore the whole country advertised for sale, take the number of every quarter-section upon which a settler is established, add the value of the improvement made upon the land, by the sweat of the brow of the industrious occupant, to the intrinsic worth of the waste land, and thus compel the settler to pay either the speculator, or the government, not the value of the land only, but in addition, the value of the improvement made by the occupant himself, after years of toil and labor. In this way, either the speculator or the government receives money for that which is not its own. It receives money for improvements which it has not made, and houses which it has not erected. It puts, without any compensation, the money for the labor of the settler into the public treasury, or enables the speculator to put this money into his own pocket. By this system, the government co-operates with the speculator in depriving the industrious occupant of all remuneration for his labor; and small indeed is the profit which the government derives from this legalized system of plunder and spoliation.

The authentic records of the Land Office demonstrate that the speculator is the monopolist of nearly all the profit of this immoral, unjust, and oppressive system; a system which is a stain upon the honor of a great nation. The poor but industrious occupant generally attends the land sales, having no more money than a sum sufficient to buy the land he occupies at the minimum price; a speculator bids a few cents over him, and becomes the purchaser of the land, and the owner of an improved farm, paying not one cent for the value of the improvements. In other cases, where the settler has collected something more than the money sufficient to pay for the land he occupies, at the minimum price, and bids that sum, the speculator, by some secret agent employed by him, overbids the settler, the land is struck off to this agent, and the settler leaves the sales in disgust, to mourn over the injustice of the government of the Union, and to prepare for the removal of himself and family from the little farm which he had improved and expected to have purchased from a paternal government. After the departure of the settler, the tract is forfeited for non-payment, and the speculator purchases in his own name the forfeited tract, probably at the minimum price per acre. The scenes ensuing many of our land sales are scenes of the deepest distress and misery. They are scenes in which many families are driven forth from their homes to seek some other spot in the wilderness, where keen-eyed avarice and sordid monopoly may not overtake them. But another land sale comes on, the same scene is repeated, till all hope is extinguished, and nothing is left to the settler but despair and ruin. Yet these scenes of fraud and cruelty are of constant occurrence, permitted and encouraged by the present system of the sales of the public lands at public auction. Your committee have said that the speculator, and not the government, reaps nearly all the profits of these inglorious transactions, and this is proved by the records of the Land Office. By the documents from the Land Office it appears, that taking all the sales of the public lands, from the adoption of the cash system, in July, 1820, down to the present period, the average price received by the government upon these sales, has been less than six cents per acre over

the minimum price. And it is for this miserable pittance of less than six cents per acre that this great nation incurs the disgrace and dishonor of sending forth the remorseless speculator, authorized and encouraged by our existing laws, to drive from their homes those hardy pioneers who were erecting a home in the wilderness, those industrious and enterprising citizens who in peace subdue the forest and cultivate the soil, and who, whenever danger threatens their country, are the very first to march to the rescue. As there are no citizens more useful and more patriotic than these, so there are none more justly entitled to the regard of the government. Yet these are the very men who, by the present system, are sacrificed, not for the benefit of the government, but of speculators. Surely, then, such a system ought to be abandoned. While, then, your committee do not propose the immediate reduction of the price of fresh lands, never offered for sale, they do recommend the total abandonment of the auction system, as productive of no benefit, except to the speculator, disgraceful to the government, and fraught with the most corrupting consequences. In lieu of this system, your committee propose that all public lands, not yet offered at public sale, shall, at the expiration of four months after advertisement of the returns of the surveys to the proper land office, become subject to entry at the present minimum price, but in all cases, for settlement and cultivation only, and not for speculation; giving, in all cases, a preference to the first occupant, for the section which he cultivates, and upon which he resides; and the same system your committee apply to the land already subject to entry, at the prices as graduated and reduced by this bill. The system proposed by your committee is not the pre-emption system, but a substitute for it. As, however, the pre-emption system has been greatly traduced; and many, without investigation, have been led to believe that the government has lost millions by the operation of this system, your committee will proceed to demonstrate, from authentic documents, that the total loss (if any) by this system, from the adoption of the cash sales, in July, 1820, to the present period, is, at the highest estimate, $143,259.

By Senate document No. 376, being a report from the Secretary of the Treasury, ordered to be printed May 19, 1836, it appears, that the number of acres taken by pre-emptions, from the adoption of the cash system to the present period, is 2,387,650 acres, for all which the pre-emptioners paid the government the price of $1 25 per acre. Now, by the documents from the Land Office before referred to, it appears that the average price obtained for all the public lands sold since the cash system, is less than $1 31 per acre, being an excess of less than six cents over the minimum price. Now, multiply the total number of acres procured by pre-emptions, as before given, by six cents, and the result is $143,259, being the highest estimate of loss arising from the pre-emption system, instead of the millions upon millions so frequently proclaimed by the enemies of the system. By inquiry, however, at the Land Office, your committee have ascertained that a large body of lands sold to citizens of Louisiana under the various back concession laws, selling at the minimum price the swamp lands in the rear to the owners of the front tracts, is embraced in this statement from the Treasury Department, which would still further reduce the loss, and the floats most unwisely attached to the pre-emption system of late years, and which have given rise to all the frauds complained of, have still further increased the estimate. This system of floats, now abandoned by all, should constitute no objection to the pre-emption system. The committee, however, have made no deductions on these accounts. Now, is the loss to the government of this paltry sum, being less than $9,000 per annum, any equivalent for the proposed sacrifice to speculators of the farms of so many industrious citizens; and when we deduct from this sum the expenses attending land sales, additional to those incurred at sales by private entry, this supposed loss is still further greatly reduced. But the average price obtained for the public lands during the last year, which is the safest criterion, is but two cents and a small fraction over the minimum price per acre, the total of sales in 1835 (exclusive of two small returns not received) being 12,418,070.76 acres, and the price for the whole being $15,811,144 98. Taking, then, the sales of last year as the criterion, and the total estimate of the entire loss from this pre-emption system, multiplying 2,387,650 by two cents, would be $47,753, and deducting from this the additional expenses of land sales beyond the expenses of sales at private entry, and the loss to the government cannot exceed five hundred dollars per annum. But, in fact, there is no loss from the system, for the occupancy of the land district by settlers preceding a land sale, gives additional value to the unoccupied land, and causes it to bring a better price. Thus, by document No. 376, before referred to, the total number of acres covered by pre-emption claims in 1832, was but 49,971.17 acres, and in 1834, 637,597.59 acres, and in 1835, 574,936.85 acres; yet, in each of these last two years, the average price obtained for the public lands, as shown by the Land Office returns, is *greater* than in 1833, when less than one tenth the number of acres were covered by pre-emption claims. Nothing, then, in point of fact, is gained by the government by the present system of public sales, while it introduces fraud and oppression, and a sacrifice of the industrious settler to the baleful spirit of speculation.

No nation but this speculates upon her citizens in the sale of the public domain. Great Britain, France, Spain, Mexico, gave their lands to their citizens upon the condition of settlement only. The various States of this Union having public lands of their own to sell, sell them at nominal prices to settlers, and not to speculators. From various State laws, of a similar character, we will quote from the laws of the State of Maine only. By the first section of her act of 1824, she declares that her lands, in limited quantities, "shall be sold to such persons *only* as may wish to become actual settlers," and the price fixed is "thirty cents per acre;" and, by the eighth section of the same act, there is secured to every actual settler, upon any tract, "a prior right of purchase" Here are the settlement and pre-emption principle, both embodied, in the laws of Maine; and your committee believe that the same principles, substantially, will be found in the laws of all the States having public lands of their own within their limits: nor are the checks and guards against frauds in the laws of those States by any means so numerous and rigid as those proposed in this bill. Frauds may have occurred under the State laws which could not take place under the provisions of this bill. But because frauds may have been perpetrated in some cases upon lands in the old States, did those States consent, or would they ever have consented, to throw open all their lands for entry by speculating monopolists, and turn their citizens round to buy of them at exorbitant prices? Why should the old States confine the sales of their own lands to actual settlers, and refuse to act upon the same principles as regards the sale of the lands in the new States? Why sell to settlers only in their own States, and to speculators mainly in the new States? If these lands were within the limits of any old State, and subject to sale by their legislatures, how soon would they reduce the price, and limit the sales to actual settlers? But now, how different the policy. The question seems to be, not what will best promote the settlement and cultivation of the soil of the West, but how can we derive most money from sales of the public lands to speculating monopolists.

There are many millions of acres of the public lands that will remain forever unsold at the present price. To hold these lands at a price that can never be obtained for them, is to violate the spirit of the compacts by which they were ceded to the general government; which compacts declare that they shall be "*disposed of*." To refuse a sale altogether, would be a manifest infraction of the compacts; and is not the exaction of a price which the lands will never bring, equivalent to a refusal to sell? But we are told by the opponents of reduction and graduation that the sales of the public lands are still progressing in the State of Ohio. But this State, as we

will show, is an exception to the general rule. She has neither mountains nor vast inundated swamps, nor unproductive pine barrens, nor unculturable prairies, to create a large body of refuse lands. She has, as appears from the authentic documents, but 666,000 acres of public lands unsold, ascertained to be unfit for cultivation. Far different is the case in all the other new States and Territories of the Union.

By a resolution of the Senate of the 25th of April, 1828, the registers and receivers of all the various land districts were required to report the quantity, quality, and probable value of the unsold public lands. This report was made in 1828, and we annex hereto, in a table marked, "A," the estimates compiled from these reports. To this table your committee would desire to call the attention of the Senate. From this table it appears that but 666,000 acres of land were ascertained to be unfit for cultivation in the whole State of Ohio, and the average price of all the unsold public lands in Ohio was estimated at sixty-seven cents per acre; in Indiana, the quantity unfit for cultivaton, 2,430,000, and the average price per acre, of all the unsold public lands, ninety cents; in Illinois, 6,027,000 acres unfit for cultivation, and the average price per acre, fifty cents, of all the unsold public lands; in Missouri, 5,700,000 acres unfit for cultivation, and the average price per acre of all the unsold public lands, twenty cents; in Alabama, 6,915,000 acres unfit for cultivation, average price per acre of all the unsold public lands, twenty cents; Mississippi, 8,294,000 acres unfit for cultivation, average price per acre, seventeen cents, of all the unsold public lands; Louisiana, unfit for cultivation, (*very partial returns*) 687,000 acres, average price per acre of all the unsold public lands, thirty-seven cents. From the annexed table, made out from the official returns, it appears that of the whole 83,110,873 acres unsold and subject to entry on the 30th of June, 1828, there were returned 34,278,000 acres unfit for cultivation; 5,614,000 acres first-rate (no doubt now entered) and the remainder, being 43,218,000 acres, inferior. But, from the general data from the land offices not making specific returns, but giving general information, at least 13,000,000 more must be set down as unfit for cultivation, making the total amount 56,218,000 acres unfit for cultivation. From the returns furnished, the average price per acre of the 83,110,873, subject to entry on the 30th June, 1828, is *thirty cents.* Now, should this vast body of public lands be held forever at one unvarying price of $1 25 cents per acre? Is such a course consonant with the spirit of the compacts by which these lands were acquired? Is it just to the States in which these lands are situate? Is it wise, as a mere question of revenue? Why hold at one unvarying price lands so utterly different in value? As well might you fix the golden eagle and a fifty-cent piece of silver at the same value, because they were of the same size, as to fix a section of refuse lands and a section of fresh lands at the same price, because their superficial extent was the same.

Your committee will select, from many cases of a similar character, that of the Augusta land office, Mississippi, as presented by the authentic returns. The number of acres unsold, on the 30th of June, 1828, was 5,670,000 acres, the average price estimated by the register and receiver, five to eight cents per acre; first-rate, none; worth the minimum price, none; unfit for cultivation, 5,000,000 of acres; which land had then been subject to entry from five to eighteen years, and consequently has been now subject to entry from thirteen to twenty-six years. And is this land selling, or will it ever sell, at the present price? By the returns from the Commissioner of the Land Office, under date of the 21st of April, 1836, giving a statement of the lands purchased at that office, from its establishment to the close of the year 1830, when the valuable Choctaw lands were ceded, and shortly afterward in part attached to this land district, it appears that the whole amount sold in the old district was 4,700 acres, and not an acre beyond the minimum price. This presents conclusive evidence that these lands never will sell at the present price, and that they are truly estimated by the register and receiver of the land district, at an average price of from five to eight cents per acre. At the present rate of sales for the last twenty-six years, exhibited by the above returns from that office, it would require 7,839 years to sell out only one half the lands in the Augusta land district, being a period exceeding the time from the creation of the earth to the present moment; and many other of the old land districts will exhibit nearly similar results. By the returns from the land office under date of the 27th of April, 1836, it appears there were then subject to entry at private sale 119,259,728.34 acres, showing that the *refuse* has increased 36,148,855 since the 30th of June, 1828, and must continue to increase, as new districts are from time to time exposed to sale. Taking the average of the value of the refuse of 1828 as a fair estimate of the value of the refuse of 1836, there would now be in market at least 80,000,000 of acres not worth the minimum price, and at least 60,000,000 of this 80,000,000 unfit for cultivation. But it may be asked, whence, then, come the present large sales of the public lands? These sales and entries arise from the following sources: 1st, from the sales of a small portion of the lands embraced in table A, as subject to entry on the 30th of June, 1828, leaving the present unsold balances of those lands *still less valuable;* 2dly, and almost entirely, from the prodigious quantity of fresh land offered for sale *since* the 30th of June, 1828—the whole quantity offered for sale up to the 1st of January, 1836, being 169,178,042, and the refuse, 119,259,728. Why then hold up this immense mass of refuse lands at prices the lands will never bring? The graduation principle is the nearest approach to justice which can be devised, while the refusal to graduate is the most unjust and unequal. The new States seem to be looked to now rather as a source of revenue from the sales of their lands, than with a view to the promotion of their settlement and prosperity. Calculations of the increased population of the new States are held up to the jealous scrutiny of the people of the old States, as if the new States were not members of the same confederacy, and as if those calculations were not most useful which would demonstrate what system would best promote the welfare and prosperity of the whole Union. Our wonderful growth as a nation has been mainly promoted by the settlement of the West.

And have not the people who settle these new States stronger claims to the consideration of the government, in regard to the disposition of the public domain, than the older members of the confederacy? The people who have settled and are settling the new States, give to your public domain there nearly all its value. But for them, those lands would still remain a mighty wilderness, like the lands of Oregon, utterly valueless, however fertile, because it was a wilderness. The people who settle the new States encounter many difficulties and dangers. In the early settlement of the country they are generally surrounded by a savage foe, and the soil they cultivate is often moistened by their blood. The life of the pioneer is almost universally one of toil and danger. He can enjoy but few of the comforts, and none of the luxuries of life. To subdue the wilderness is not an easy conquest. The early settlers of a new country enter the mighty forests of the West, finding your lands there bearing no value. They explore and conquer the wilderness; they make roads and bridges, towns and cities, with their own labor and their own capital, and thus give to your public lands nearly all their market value. They give these States to the Union, and have surely a stronger claim upon you, as regards the disposition of the public lands, than any people who have never seen these new States, and expended neither time nor capital in improving the lands within their limits. Take from the new States the labor and capital employed there by their citizens, and your public lands would have little or no market value. These are facts that should never be forgotten by the just and generous citizens of the older States of the Union. Let us sell, then, only for settlement and cultivation, and at reduced prices, and we will make some return to the new States for the value which their labor and capital have given and are giving to your public domain.

The committee propose the sale and entry of all the public lands in forty-acre lots—a measure highly important to the poorer class of citizens, and injurious to no interest whatever. We also recommend that all public lands which shall have remained unsold for thirty-five years after they become subject to entry, shall be ceded to the States, respectively, in which such unsaleable refuse is situate, at the price paid by the United States for surveying the lands.

If we may take Ohio as an example, less than a million of acres will be obtained by any State under this provision. If more land than this is obtained by any one State, it will be because the refuse remaining unsold after a lapse of thirty-five years from the period of its becoming subject to entry in such State, will be almost wholly unfit for cultivation, and would not, from the nett proceeds of the sales, pay the expenses incurred by the government for continuing the land offices in those States. Your committee herewith report a bill conformable to the principles of this report.

TABLE A.

Compiled from the returns made to the Senate of the United States, in 1828, *by the registers and receivers of the various land offices, in pursuance of a resolution of the Senate, of April* 25, 1828.

State and District.	Quantity unsold at $1 25 per acre, on 30th June, 1828.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by the United States.	Offered as gifts by foreign powers.
	Acres.	*Acres.*	*Acres.*	*Cents.*	*Years.*	*Years.*
Marietta, Ohio	406,000	None.	100,000	50	8 to 28	
Zanesville, do.	647,900	None.	.....	..	8 to 24	..
Steubenville, do.	131,835	None.	None.	100	8 to 28	..
Chillicothe, do.	1,011,928	None.	126,000	75	8 to 28	..
Cincinnati, do.	800,000	.....	.....	103	8 to 28	..
Wooster, do.	162,483	None.	40,000	90	8 to 24	..
Piqua, do.	2,294,000	.....	.....	..	6 to 8	..
Delaware, do.	1,641,900	200,000	400,000	50	4 to 7	..
Total in Ohio	7,196,256	200,000	666,000			
Jeffersonville, Indiana	1,499,926	70,000	280,000	44	8 to 20	..
Vincennes do.	3,406,445	850,000	1,700,000	..	6 to 21	100
Crawfordsville, do.	1,952,260	.....	100,000	125	1 to 8	..
Indianapolis, do.	1,842,000	350,000	350,000	..	4 to 8	..
Fort Wayne, do.	1,546,000	200,000	.....	..	2 to 5	..
Total in Indiana	10,245,625	1,470,000	2,430,000			
Kaskaskia, Illinois	1,480,000	.....	.....	..	1 to 12	100
Shawneetown, do.	2,630,000	1,995,000	296,000	100	7 to 14	..
Edwardsville, do.	2,788,000	118,000	1,195,000	48	3 to 12	..
Vandalia, do.	2,793,000	900,000	1,800,000	54	4 to 7	..
Palestine, do.	2,496,000	500,000	1,000,000	30	5 to 7	..
Springfield, do.	1,947,000	212,000	1,734,000	12½	1 to 4	..
Total in Illinois	13,195,000	2,935,000	6,027,000			
St. Louis, Missouri	2,219,000	None.	1,600,000	15	3 to 10	40
Franklin, do.	2,709,000	.....	.....	..	3 to 10	40
Jackson, do.	4,430,000	88,000	4,000,000	12½	2 to 8	40
Palmyra, do.	2,513,000	71,000	100,000	..	3 to 10	40
Lexington, do.	1,700,000	.....	.....	62½	1 to 4	..
Total in Missouri	13,574,000	159,000	5,700,000			
St. Stephens', Alabama	2,200,000	.....	.....	..	4 to 16	100
Cahaba, do.	2,418,000	.....	.....	..	7 to 10	..
Huntsville, do.	3,322,000	None.	2,100,000	..	7 to 19	..
Tuscaloosa, do.	3,149,000	None.	3,000,000	5	2 to 7	..
Sparta, do.	2,502,000	687,000	1,815,000	40	1 to 5	..
Total in Alabama	13,613,000	687,000	6,915,000			
Washington, Mississippi	1,870,000	None.	1,179,000	40	7 to 20	75
Mount Salus, do.	3,230,000	Very little.	2,115,000	25	1 to 5	..
Augusta, do.	5,670,000	None.	5,000,000	5 to 8	5 to 18	100
Total in Mississippi	10,670,000	.....	8,294,000			
New-Orleans, Louisiana	.....	.....	Nearly all.	..	1 to 4	80
Ouachita, do.	1,389,000	95,000	740,000	26	2 to 6	80
Opelousas, do.	1,266,000	Very little.	.....	50	2 to 10	80
St. Helena, do.	.....	Very little.	Nearly all.	..	..	..
Total in Louisiana	2,655,000	95,000	740,000			

TABLE A—Continued.

State and District.	Quantity unsold at $1 25 per acre, on 30th June, 1828.	First rate.	Unfit for cultivation.	Average value per acre.	Offered for sale by the United States.	Offered as gifts by foreign powers.
	Acres.	*Acres.*	*Acres.*	*Cents.*	*Years.*	*Years.*
Detroit, Michigan	3,162,926	.....	.....	..	1 to 11	100
Monroe, do.	1,120,000	.....	.....	..	2 to 4	
Little Rock, Arkansas	2,758,554	Little.	Great.	..	2 to 7	40
Batesville, do.	2,683,671	53,000	2,500,000	3½	2 to 6	40
Tallahassee, Florida	1,571,810	10,000	1,000,000	10	1 to 3	100
St. Augustine, do.	312,731	5,000	5,000	50	½	100
Aggregate	83,110,873	5,614,000	34,278,000			

A BILL to arrest monopolies of the public lands, and purchases thereof, for speculation, and substitute sales to actual settlers only, in limited quantities, and at reduced prices; to equalize the grants of the public domain among the several new States of the Union; and to provide for the cession of the unsaleable refuse to the States in which such lands may be situate.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act, no further sales of the lands of the United States, at public auction, shall be permitted.

SEC. 2. *And be it further enacted,* That, in all the respective land districts of every State and Territory of the Union, where approved surveys of any townships of the public lands never yet offered for sale are now filed in the land offices of said districts, respectively, the register and receiver of said land offices, respectively, shall immediately advertise said lands for sale, for four months continuously, in some newspaper printed at the city of Washington, in the District of Columbia, and, also, for the same period of time, in some newspaper printed in said land district, if there be any newspaper printed therein, and if there be no newspaper printed therein, then in some newspaper printed in said State or Territory in which said lands so advertised to be sold are situate; whereupon said lands shall become subject to entry in the manner hereafter provided by this act; and in the same manner, hereafter, as approved surveys of the lands of the United States, from time to time, are filed in the respective land offices, the register and receiver of said land offices, respectively, shall also advertise said lands for sale, from time to time, in the manner and for the period prescribed by this act; whereupon said lands shall also become subject to entry in the manner provided by this act.

SEC. 3. *And be it further enacted,* That, hereafter, no one person shall be permitted to enter more than one section of any land of the United States now subject to entry, or that may hereafter become subject to entry, under the provisions of this act; and before making any entry hereafter, the applicant shall file his affidavit with the register and receiver of the land district in which the lands sought to be entered are situate, stating that said lands are sought to be entered by said applicant for the use of said applicant, and not in trust for another, and for settlement, cultivation, and occupancy, by said applicant, and not for speculation; whereupon, on payment of the price required by this act, the receiver of the proper land district, by and with the consent of the register thereof, endorsed upon the application for the land, shall issue a receipt to the applicant for said purchase-money for said land.

SEC. 4. *And be it further enacted,* That any applicant obtaining a receipt for any land, under the provisions of this act, who shall fail to commence the occupancy of said land within four months from the date of said receipt, shall forfeit the purchase-money therein specified, and the title, to the United States; and any person so commencing said occupancy of said land, as above specified, and abandoning the occupancy thereof at any time within three years after the commencement of said occupancy, shall forfeit the purchase-money so paid for said land, and the title, to the United States.

SEC. 5. *And be it further enacted,* That where two or more persons apply at the same time for the same section or part of a section of land, then the preference in the purchase shall be given to the first occupant; and when any land so sought to be entered has never been occupied by any of said applicants, then the preference in purchase shall be given to the most aged of said applicants.

SEC. 6. *And be it further enacted,* That no patent shall issue for any land entered under the provisions of this act, until three years after the date of the receiver's receipt for the purchase-money paid for said land; nor shall any patent issue for said land, unless upon proof made before the register and receiver of the proper land district in which said lands are situate, by the oath of at least two credible witnesses, and of the applicant, establishing the fact that said applicant has cultivated and occupied said land for three years continuously, since the date of the receiver's receipt for the purchase-money of said land as aforesaid; and any sale, contract for sale, lease, or contract for lease, by said applicant, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the purchase money specified in said receiver's receipt, and the title, to the United States; and any one swearing falsely, to obtain, for him or herself, or for another, the benefit of any provision of this act, shall be guilty of perjury; and any one procuring another to swear falsely to obtain for any one the benefit of any provision of this act, shall be guilty of subornation of perjury.

SEC. 7. *And be it further enacted,* That any person who is now the owner and cultivator of any tract of land, may, upon satisfactory evidence thereof to the register and receiver of the proper land district, be permitted to enter any unoccupied adjoining tract of the public lands, not exceeding one section, and receive the receiver's receipt on paying the price specified by this act; but no patent for said tract shall issue until three years after the date of said receipt, and that any sale, contract for sale, lease, or contract for lease, of said land, so specified in said receipt, prior to the emanation of the patent, shall be utterly null and void, and operate as a forfeiture of the purchase-money specified in said receipt, and the title, to the United States: *Provided, also,* That no receipt for land shall be issued by said receiver to said applicant, except upon affidavit, previously made by said applicant, before the register and receiver of the proper land district, that said land so sought to be entered by said applicant, is unoccupied, and that said entry is sought to be made by said applicant for the purpose of enlarging the adjoining farm or plantation of said applicant, and not for speculation.

SEC. 8. *And be it further enacted,* That no one who, under the provisions of this act, shall enter a section of land, shall be permitted to make any further entry; and that, after the passage of this act, all the lands of the

United States shall be subject to entry, under the provisions of this act, in sub-divisions, not less than a quarter quarter-section.

SEC. 9. *And be it further enacted*, That all lands of the United States, whether now subject to entry or not, shall hereafter be entered only in the manner prescribed by this act: *Provided, however*, That no right accrued and vested under any existing law or treaty, shall in any manner be affected by the provisions of this act.

SEC. 10. *And be it further enacted*, That there shall be granted to each of the States of Missouri, Louisiana, and Mississippi, a quantity of land equal to the quantity heretofore granted by Congress to the State of Ohio, for the purpose of internal improvement; and that a like quantity shall be granted to each of the Territories of the United States, upon their admission as States of the Union; and that there shall be also granted to each of the States of Indiana, Illinois, and Alabama, a quantity of land, which, together with the quantity already granted to each of said States for the purposes of internal improvement, will make the grant to each of said States for the purpose of internal improvement, equal to the quantity already granted to the State of Ohio for the purpose of internal improvement; which said lands shall be selected within the limits of said States respectively, and in such manner as the legislatures thereof shall direct, and be located in parcels, conformably to sectional divisions and sub-divisions of not less than three hundred and twenty acres, or one-half section, in any one location, on any public land subject to entry or which may hereafter become subject to entry; which said locations may be made at any time within five years after the passage of this act, and as regards any Territories not already admitted as States of the Union, within five years after said Territories shall have been admitted as States of the Union; and all roads, bridges, or canals, which may be constructed by any of said States respectively, from the net proceeds of the sales of said lands, shall be free for the transportation of the United States mail and munitions of war, and for the passage of the troops of the United States, without the payment of any toll whatever.

SEC. 11. *And be it further enacted*, That all public lands that now are, or hereafter shall have been, subject to entry five years, and less than ten years, and still remaining unsold, shall be subject to entry at the price of one dollar per acre; and all lands in like manner remaining unsold after they now are, or hereafter shall have been subject to entry ten years, and less than fifteen years, shall be liable to entry at ninety cents per acre; and all lands in like manner remaining unsold after they now are, or hereafter shall have been, subject to entry fifteen years, and less than twenty years, shall be liable to entry at eighty cents per acre; and all lands in like manner remaining unsold after they now are, or hereafter shall have been, subject to entry twenty years, and less than twenty-five years, shall be liable to entry at the price of seventy cents per acre; and all lands in like manner remaining unsold after they now are, or hereafter shall have been, subject to entry twenty-five years, and less than thirty years, shall be liable to entry at the price of sixty cents per acre; and all lands in like manner remaining unsold after they now are, or hereafter shall have been, subject to entry thirty years, and less than thirty-five years, shall be liable to entry at the price of fifty cents per acre; and all lands in like manner remaining unsold that now are, or hereafter shall have been, subject to entry thirty-five years, and upward, shall be ceded to the States respectively in which said lands are situate, upon payment into the Treasury of the United States of the prices paid for surveying said lands.

SEC. 12. *And be it further enacted*, That all laws and parts of laws, repugnant to the provisions of this act, be and the same are hereby repealed.

24TH CONGRESS.] No. 1542. [1ST SESSION.

IN FAVOR OF GRANTING TO THE INHABITANTS OF A TOWNSHIP IN ILLINOIS OTHER LANDS IN LIEU OF THEIR SIXTEENTH SECTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JUNE 28, 1836.

Mr. CASEY, from the Committee on Public Lands, to whom were referred the petitions of certain citizens of Madison county, State of Illinois, reported:

That the sixteenth section in each township of six miles square, in all the new States and in the State of Illinois, which is one of those States, is granted to the inhabitants of the townships respectively, for the use of schools. That section 16, in township 4 north, range 8 west of the third principal meridian, in the said county of Madison, and State of Illinois, was granted and secured to the inhabitants of said township for the use of schools. That while the citizens were in the peaceable possession and enjoyment of said right, the Congress of the United States, by an act passed on the 27th of February, 1815, granted the right of pre-emption to all the settlers on the said sixteenth section in a certain district in the then Territory of Illinois, of which the township above mentioned forms a part.

The settlers on section 16, in said township, availed themselves of the benefit of said law, and under the pre-emption act, appropriated to their own use and benefit the said sixteenth section of land. By the provision of an act of Congress, the Register of the Land Office was authorized and required to select other lands in said township, as near as practicable to the lands so appropriated to the settlers under the pre-emption law, in lieu of said sixteenth section; and the same so selected to be selected should be reserved for the use of schools for said township. In the execution of this act of Congress, the register selected section No. 1, in said township, for the inhabitants of the township, for the use of schools. The petitioners represent to your committee, which statement is sustained by positive proof adduced to them, that section 16, in said township, which was originally reserved for the use of schools, is worth ten dollars per acre, and section 1, which is now the school section for said township, is not good land, and is not worth more than one dollar per acre. The petitioners state further, that they had no agency, or gave no consent whatever, in the act of the government depriving them of their right to section 16, in said township, which was originally granted to them.

As the government, by the act of Congress, and by the acts of their agents, has deprived the inhabitants of said township of their right in said section 16, your committee deem it an act of justice to grant them relief, and therefore report a bill for that purpose.

24TH CONGRESS.] No. 1543. [1ST SESSION.

CONFIRMATION OF THE SALE OF PUBLIC LANDS IN CERTAIN CASES.

COMMUNICATED TO THE SENATE, JUNE 30, 1836.

TREASURY DEPARTMENT, *June* 29, 1836.

SIR: I have the honor to submit to the Committee on Public Lands the enclosed communication, of this date, from the Commissioner of the General Land Office, and respectfully request the attention to it of the committee.

I am, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. R. BOON, *Chairman of Committee on the Public Lands.*

GENERAL LAND OFFICE, *June* 29, 1836.

SIR: It has frequently occurred that in the creation of new land districts they are made to include within their limits lands which were embraced within the limits of districts previously in existence, and which lands had been made subject to entry at the land offices previously established. It has also not unfrequently occurred that the laws creating such new districts have failed to assign a special period either for the commencement of operations at the offices for the new districts, or for the cessation at the old offices of entries of the lands transferred.

In cases of this kind some unavoidable delay must exist, as it is to be expected, before the new office can be got into operation. The new officers must give bonds—new tract books must be opened, and transfers of township plats, books, and papers, take place from the old to the new office, and transcripts from the tract books of the old office be furnished in cases where circumstances do not admit of transfer of entire book. These operations may occupy several months, and in consequence of this necessary delay, it appears to have been the practice of my predecessors, on considerations of public convenience, to permit, in the meantime, private entries of such lands to be continued at the old office, until the new office was prepared to receive applications from purchasers; and sales are believed to have been made in this manner to a large extent.

In a communication on this subject between the department and the Attorney General of the United States, I am advised of the opinion of that office that "this seems to be a very clear case for the enactment of a confirmatory law, giving "validity to all entries and sales of the public lands in pre-emption and other cases, made in the old districts where the proceedings, in other respects, have been fair and regular."

In concurrence with this opinion, I have the honor to submit the project of a bill which I would respectfully propose to you to present to the consideration of Congress.

With great respect, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1544. [1ST SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JULY 2, 1836.

Mr. LAWLER, from the Committee on Private Land Claims, to whom were referred the petition and documents of James Innerarity, surviving partner of the house of John Forbes & Co., reported:

That it appears, from the documents and papers referred to, that there was a valid Spanish grant for the lot in the bill reported herewith, and that it was presented to, recognized by, and reported formally on, by the commissioner of the United States, and regularly sold to John Forbes & Co., in whose favor a bill is reported.

24TH CONGRESS.] No. 1545. [2D SESSION.

STATEMENT OF THE NUMBER OF CLAIMS FOR BOUNTY LAND FILED, AND WARRANTS ISSUED, DURING THE YEAR ENDING SEPTEMBER 30, 1836.

COMMUNICATED TO CONGRESS WITH THE ANNUAL MESSAGE OF THE PRESIDENT, DECEMBER 2, 1836.

Return of claims which have been deposited in the Bounty Land Office in the year ending the 30th September, 1836, for services rendered during the Revolutionarg war.

Number of claims received from the 1st October, 1835, to the 30th September, 1836, inclusive		876
Claims for which land warrants have issued	40	
Claims found to have been previously satisfied	202	
Claims not entitled to bounty lands	204	
Claims in which applicants' names are not returned on the records	302	
Claims on which further evidence was required	96	
Claims for which regulations were sent	32	
		876

Abstract of the number of warrants issued in the year ending the 30th September, 1836.

1	lieutenant colonel	450
1	major	400
7	captains, 300 acres each	2,100
7	lieutenants, 200 do.	1,400
1	deputy purveyor of the general hospital	400
1	surgeon's mate	300
21	rank and file, 100 acres each	2,100
1	to make up a deficiency in the quantity of land due to an officer of the medical staff	150
Total...40	warrants.	Total acres, 7,300

Warrants signed by Generals Knox and Dearborn, on file unclaimed 48

Return of claims which have been deposited in the Bounty Land Office in the year ending the 30th September, 1836, for services rendered during the late war.

Claims suspended, per last report		300
Claims since received		692
Total		992
Claims on which warrants have issued	128	
Claims found to have been previously satisfied	155	
Claims not entitled to bounty lands	118	
Claims returned for further evidence	154	
Claims for which regulations were sent	140	
Claims on file, suspended	297	
		992

Abstract of the number of warrants issued for the year ending the 30th September, 1836.

Warrants issued under the acts of Congress of 24th December, 1811, and 11th January, 1812		127
Warrants issued under the act of Congress of 10th December, 1814		1
Total warrants		128
Whereof, of the first description, 127 granted of 160 acres each		20,320
Whereof, of the last description, 1 do. 320 do.		320
Total acres		20,640

DEPARTMENT OF WAR, *Bounty Land Office, November* 15, 1836.

The foregoing is respectfully reported to the honorable Secretary of War, as the proceedings of this office for the year ending the 30th September, 1836.

WM. GORDON, *First Clerk.*

24TH CONGRESS.] No. 1546. [2D SESSION.

OPERATIONS OF THE GENERAL LAND OFFICE DURING THE YEAR 1836.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 6, 1836.

TREASURY DEPARTMENT, *December* 6, 1836.

SIR: I have the honor herewith to transmit to the House of Representatives the annual report of the Commissioners of the General Land Office, showing the operations of that office for the past year.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. JAMES K. POLK, *Speaker of the House of Representatives.*

GENERAL LAND OFFICE, *December* 1, 1836.

SIR: I have the honor herewith to present statements exhibiting the operations of the several land offices for the year 1835, and the first, second, and third quarters of the year 1836, indicating the quantity of land sold; the amount of cash and scrip received in payment therefor; the amount of the incidental expenses; and the amount of moneys paid into the Treasury by the receiver of public money, during the said period. See tables marked A and B.

Transmitted herewith, are also copies of the estimates of appropriation required by this branch of the public service during the ensuing year, viz.:

For the General Land Office, see paper marked C.

The act of 4th July, 1836, entitled, "An act to reorganize the General Land Office," having omitted to make provision for the payment of the salaries of the officers and clerks whom it authorized to be employed, the paper marked C also indicates the amount required to be appropriated to meet the payment for those salaries to 31st December, 1836.

For the offices of the surveyors general, see paper marked D.

For surveying the public lands, see paper marked E.

Document marked F, is composed of a circular letter, addressed to the surveyors general, on the 1st September, 1836, together with their replies thereto, in relation to their estimates for the ensuing year, and the progress and present condition of the public surveys. F No. 2, is a compilation of those estimates.

In the surveying district, composed of the States of Ohio, Indiana, and Michigan, the amount of lands surveyed, and of lands yet to be offered for sale, remain the same as represented in the last annual report of the late Commissioner. The new surveys in these districts, to be effected under instructions recently issued, embrace all the former small Indian reservations ceded under treaties made this year with the Pottawatamie, Chippewa, and Wyandot Indians, and all that portion of Michigan not heretofore surveyed, which borders upon Lake Michigan, south of Thunder bay river, and north of Grand river, estimated at about 275 townships.

In Wisconsin Territory, formerly designated Michigan west of Lake Michigan. In addition to the returns of the 65 townships in the Green Bay district, alluded to in the report of last year, and which have since been received, the office has been advised of the completion of the balance of the surveys in this district, amounting to 119 townships and fractional townships, making in the aggregate about 184 townships and fractional townships surveyed, and yet to be offered for sale, being all the lands in the Wisconsin Territory, east of the Mississippi river, to which the Indian title has been extinguished. The necessary instructions have been issued for the survey of the Sac and Fox cession west of the Mississippi river, and binding on the river, which was ceded by treaty of the 21st of September, 1832, and estimated to contain 250 townships, and also for laying off the towns named in the act of the last session of Congress, approved on the 2d day of July, which are situated on this tract.

In *Missouri* and *Illinois*.—Since the report of the late surveyor general (30th January, 1836) was submitted to Congress, (now forming document No. 215, H. R. 1st session, 24th Congress,) no returns of surveys have been made to this office, with the exception of the two townships on Rock river, Illinois, which were surveyed for the Polish exiles. The communication from the present surveyor general, dated 3d November, 1836, and the accompanying papers marked A, B, and C, afford all the information received respecting the present situation of the field and office work of the surveying district composed of those two States. The present surveyor general, having only recently entered upon the duties of his office, cannot be expected yet to have had the time and opportunity of entering fully into the state of the arrears. He remarks in his communication above referred to, that "the only work now going on in the field is as follows:

"By Joseph Montgomery, who is completing the surveys under his contract of 1834.

"By D. A. Spaulding, who is finishing his contract of the 9th June, 1835.

"And by Jesse Applegate, under his contract of the 25th day of May, of the present year."

It being doubtful, from the foregoing report, whether the field work of the three contracts it enumerates constitutes all the field work to be completed of the outstanding contracts, or simply the amount of field work at present prosecuting, the surveyor general has been again written to for more precise information.

On referring to pages 10 and 11 of the surveyor general's report of the 30th of January, 1836, it appears that the returns of 36 townships in Missouri, and of 134 townships in Illinois, from the field notes of which the plats had been constructed, were at that date in his office. This is all the certain information, now in possession of this office, in relation to the returns of the field work of the contracts exhibited in the lists.

In *Arkansas* nearly all the lands that have been surveyed, and returned to this office, have been offered for sale. The outstanding contracts for surveying, at the commencement of the present year, embraced the exteriors of 69 townships, and the subdivisions of 60 townships, as will appear by the last annual report of the surveyor general then in office, which accompanied the report of the Commissioner of December 5, 1835, (see document H. R. 1st Session, 24th Congress,) to which, in the absence of the expected report of the present incumbent, I beg leave to refer. The surveys recommended in the surveyor general's report, just referred to, constitute the new surveys which have been ordered this year, and amount in all to 110 townships and fractional townships, selected in different parts of the State, with a view to the public accommodation; of these, 60 townships are to be subdivided for market.

In *Louisiana.*—There are in this State, prepared for market, but not yet offered for sale, 250 townships and fractional townships, situated chiefly in the southeastern district, and in the north end of the Opelousas (southwestern) district, near the great raft of Red river, and 110 townships known to be surveyed, the returns of which have not yet been received. In addition to the survey of private claims, &c., already in progress, the surveyor general has been instructed respecting the survey of the tract recently ceded by the Caddo Indians, on the great raft of Red river, which it is said may be estimated at one million of acres.

In *Mississippi.*—With the exception of about 40 townships, situated chiefly in the Chocchuma district, and upon the south boundary of the Chickasaw cession, all the lands in this State, north of 31° of latitude, have been surveyed, and, excepting eight townships, recently returned, have been brought into market. The expected report of the newly appointed surveyor general for this State, on the condition of the surveys in his district and the details of his office, has not been received; but as soon after its arrival as practicable, the instructions alluded to in the Commissioner's report of last year, relative to the examination of the errors in locating and surveying the confirmed private claims south of 31° of latitude, will be renewed.

The expectations expressed in the Commissioner's report of last year, in regard to the progress of the surveys in the Chickasaw cession of 1832, have been fulfilled. The plats of 307 townships and fractional townships (including the portion of the cession in Alabama) have been returned to this office; and 249 of them, having been proclaimed for sale, 58 townships and fractional townships remain to be offered; the survey of the remainder of the cession, estimated to be about equal to 30, is nearly completed, and will be finished, it is expected, in a short time after the running of the line separating this cession from the Choctaw cession of 1830, now in progress, is completed. These townships are situated near that line, and in the southwestern part of the cession, near the Mississippi.

In *Alabama.*—With the exception of the Cherokee lands, recently ceded, and a few islands in the Tennessee river, and fractions of townships, situated chiefly upon the unsettled eastern boundary of the State, and those south of 31° of latitude, all the lands have been surveyed and offered for sale. The eastern boundary line of the State not having been yet determined, so far as this office is informed, the instructions have been withheld for closing the public surveys upon that line, for which a special appropriation of $1,000 was made at the last session of Congress; which, therefore, has not been expended As these surveys must remain unfinished, to the serious injury of a large number of settlers on the lands, and in their immediate vicinity, until the line in question is recognized by the proper authorities, it is hoped that early steps may be taken for its final adjustment, either by recognizing the line said to have been already run, and marked under the authority of the State of Georgia, or by causing a new line to be run.

In *Florida.*—In consequence of continued Indian hostilities, the surveying operations in this district have been suspended, and will have to remain so until the removal of the Seminole Indians shall be effected. There are, at present, 211 townships and fractional townships prepared for market, but not offered for sale, all of which are situated east of the Suwanee, and north of the Withlacoochee river. The surveys in the western portion of the territory have, for the most part, been completed, and the lands brought into market.

Interspersed throughout the different surveying districts, there are a number of small tracts, portions of townships, islands, and swamps, susceptible of being reclaimed, &c., which, from various causes, were not surveyed at the time of the survey of the contiguous lands. The present enhanced value of most of those tracts appears to render them matter of public interest, which is increasing every year; and it is regretted that the frequent attempts to effect the survey of them have hitherto failed, by reason of the inadequacy of the present maximum of compensation.

The frequent inquiries and great interest manifested in relation to lands of this description induced this office, in the circular letter of the 1st September last, to call the attention of the surveyors general to the subject, and to require them to estimate specifically for the cost of all such work. In pursuance of such instruction, it will be perceived, from the accompanying documents, that the surveyor general of Ohio, Indiana, and Michigan, and the surveyor general of Florida, have both estimated for surveying unfinished portions of townships, islands, lakes, &c., at the average of five dollars per mile; and the surveyors general of Alabama and Louisiana have both estimated for similar description of work, at a price not exceeding eight dollars per mile; and it will be perceived that those specific estimates are taken into view in the estimate of surveying expenses for the next year, submitted by this office.

The paper G, herewith transmitted, is a statement, showing the amount of forfeited land stock, issued and surrendered at the United States land offices to the 30th September, 1836; also, the amount of military land scrip surrendered to the same period.

The paper H is an exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, and showing the balance of cash in the receivers' hands at the date of the last monthly accounts current, and the periods to which the receivers' quarterly accounts have been rendered.

Land scrip and Virginia military surveys.

Since the last annual report from this office, the second section of the act entitled, "An act making appropriation for the civil and diplomatic expenses of government for the year 1835," has been complied with by the issuing of scrip, in satisfaction of all the Virginia military warrants, surrendered to the 1st day of September of that year, with the exception of about thirty-eight thousand acres on warrants suspended by reason of defects in the title papers, but which, it is expected, will be speedily completed. Considerable progress has also been made during the same period, in the issuing of patents on surveys founded on Virginia military warrants, and the office indulges the hope that all the remaining cases will be disposed of prior to the date of the next annual report.

The issuing of patents for lands sold.—Pre-emption claims.

The pre-emption claims, under the act of June 19, 1834, and those under the different acts of 1814, 1816, 1830, 1832, and 1833, have had a tendency to delay the issuing of the patents for lands sold, in nearly all the United States land offices. The late law granted to the settlers the term of *two years* from the date of its passage, at any time during which they might establish their claim, and make payment therefor. But, in case the lands were proclaimed for public sale during the continuance of the pre-emption term, the pre-emption was required to be established before the commencement of such public sale.

The ordinary private entries being permitted to proceed during the whole term of operation of the pre-emption law, it has resulted that numerous instances exist where the land, to which pre-emption claims have been

satisfactorily established, are discovered to have been previously entered at ordinary private sale. The consequence has been, that no patents for lands, sold in any of the land districts during the pre-emption term, (from 19th June, 1834, to 19th June, 1836,) could with safety be issued until after the receipt of the June returns for 1836, affording evidence of the entire amount of pre-emption claims admitted under the law. In addition to this cause of delay in the issuing of patents, it has been made the duty of this office to review the whole of the evidences on which pre-emption claims were admitted, in order to ascertain that the provisions of the law had been fairly complied with in each case—a labor which has occupied a large share of attention, and which has so far progressed as to admit of the release of the certificates of purchase, for the purpose of patenting, in the Helena and Fayetteville districts, in Arkansas; in all the districts of Ohio, Indiana, Michigan, and Missouri; the districts of Cahaba and Demopolis, in Alabama; the Green Bay district in Wisconsin; and the Mount Salus (now Jackson) district in Mississippi; so that, with some few exceptions, the patents for lands sold in the enumerated districts will be no longer delayed by pre-emption claims.

The number of certificates of purchase issued at the land offices, during the year, ending on the 30th of September last, is found to be 184,949.

The present aggregate number of certificates of purchase remaining in this office, on which patents are to be issued, is ascertained to be 263,017. Of these, it may be remarked, that a large portion includes several tracts, instances being numerous where they require the issuing of from ten to twenty separate patents.

Recorder's Office.

Since the commencement of operations in the office of the Recorder of the General Land Office, in August last, with a much smaller force than is intended to be permanently allotted to the duties of that bureau (of writing, recording, and transmitting patents,) there have been written therein 21,724 patents, and 21,661 have been recorded. In addition to which, there have been otherwise prepared, since the act of reorganization, 4,680 patents, all of which will bear date subsequent to that act.

Much interruption of the regular course of business in that bureau, resulted from the unavoidable necessity, connected with general official convenience, of frequently detaching from it, at different periods, many of the persons there employed, for the purpose of assigning them to duty on other branches of the office. From this cause, it may be said, the bureau has but recently been operating with an unchanged regular force, and that, if no necessity for the interruption alluded to, had existed, a heavier amount of work would have been accomplished during the same period.

Since the date of the last annual report, the number of patents actually transmitted, together with those now in immediate course of transmission to the district land offices, is 80,940, bearing date prior to the act of reorganization.

The absence of the solicitor, provided for this office by the act of reorganization, has, no doubt, prevented as rapid a progress in deciding cases of conflicting pre-emption claims as might have resulted under the complete organization of the pre-emption bureau. I am happy, however, in being enabled to state, that, since the adjournment of Congress, a very considerable number of cases of contested pre-emption claims, have been settled, or placed in proper train for final decision, many of which were peculiarly complicated.

The registry of the sales of public lands (a labor indispensably necessary in order to impose a test to the accuracy of the operations of the land offices) has progressed with unexampled rapidity, since the increased means of executing the duties of this office have been placed at its disposal.

The impediments to the issuing of patents for sales of public lands in the Louisiana districts, hitherto existing, are in rapid process of being removed, so far as operations in this office are concerned; and this subject will receive that degree of special attention which its importance imperatively demands.

In conclusion, I have to state, that, under the provisions of the Chickasaw treaties of the 20th October, 1832, and 24th May, 1834, the sales of the lands ceded thereby commenced at Pontotoc, Mississippi, on the first Monday in January last; and, by the returns made to this office, it appears that, up to the 30th of September last, they amounted to the sum of $1,080,118 61. The operations at that office are not included in any of the statements herewith furnished, as the net proceeds of the sales constitute a fund for the benefit of that tribe, and are not available to the Treasury for the general purposes of the government.

All of which is most respectfully submitted,

JOHN M. MOORE, *Acting Commissioner of the General Land Office.*

Hon. Levi Woodbury, *Secretary of the Treasury.*

A.

Statement of public lands sold, of cash and scrip received in payment therefor, of incidental expenses thereon, and of payments into the Treasury on account thereof, in the year 1835.

Land Offices.	Lands sold after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Amount of incidental expenses.	Am't paid into the Treasury during the year.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.		
Marietta, Ohio	18,465.29	$23,094 11	$22,828 67	$15 44	$250 00	$1,611 00	$19,238 98
Zanesville, do.	81,441.12	101,321 13	84,820 01	609 46	15,891 66	3,600 06	90,082 51
Steubenville, do.	4,817.94	6,022 42	6,022 42	.....	.....	1,224 46	5,100 00
Chillicothe, do.	23,943.29	29,911 44	26,456 01	459 60	2,995 83	1,797 08	10,700 00
Cincinnati, do.	31,251.96	38,986 60	33,364 73	5,321 87	300 00	2,132 10	29,839 54
Wooster, do.	8,537.61	10,672 02	10,559 30	112 72	.....	1,519 37	9,383 18
Lima and Wapahkonneta, do.	226,381.15	282,976 44	274,018 24	1,060 21	7,897 99	6,963 07	269,275 13
Bucyrus, do.	266,592.23	333,240 28	319,821 13	.....	13,419 15	6,708 79	307,159 49
Total	661,425.59	826,224 44	777,890 51	7,579 30	40,754 63	25,555 93	731,778 83
Jeffersonville, Indiana	69,198.40	86,420 81	84,187 45	817 81	1,415 55	2,994 57	86,050 25
Vincennes, do.	135,002.65	168,769 86	168,065 79	704 07	.....	4,844 17	134,683 55
Indianapolis, do.	274,692.05	343,363 36	320,539 40	79 61	22,749 35	7,005 24	331,611 19
Crawfordsville, do.	236,779.08	295,985 18	294,635 18	.....	1,350 00	7,381 95	290,929 01
Fort Wayne, do.	396,738.01	502,809 47	501,201 14	.....	1,608 33	7,347 08	453,230 60
La Porte, do.	474,494.66	678,217 88	677,917 88	.....	300 00	7,653 74	503,127 78
Total	1,586,904.85	2,075,571 56	2,046,546 84	1,601 49	27,423 23	37,226 75	1,799,632 38
Shawneetown, Illinois	10,299.12	12,873 92	12,285 72	463 20	120 00	1,222 14	4,650 00
Kaskaskia, do.	19,870.66	24,838 90	23,935 50	403 40	500 00	1,522 43	19,241 00
Edwardsville, do.	345,794.98	432,406 92	429,082 52	295 20	3,029 20	6,103 89	341,617 00
Vandalia, do.	29,165.82	36,462 59	36,269 17	160 00	33 33	2,156 43	46,778 11
Palestine, do.	38,376.84	47,971 29	47,921 29	.....	50 00	1,916 08	30,333 34
Springfield, do.	478,976.56	599,331 83	598,596 32	80 00	655 56	8,718 81	584,170 65
Danville, do.	155,784.21	194,607 01	193,882 01	.....	725 00	6,258 86	181,369 66
Quincy, do.	367,337.99	382,154 82	380,319 82	.....	1,835 00	6,891 02	453,670 05
Galena, do.	280,979.73	368,206 19	367,506 19	.....	700 00	6,916 58	333,780 00
Chicago, do.	370,043.38	505,845 04	505,449 78	95 26	300 00	7,593 42	465,515 22
Total	2,096,629.29	2,604,698 47	2,595,248 32	1,502 06	7,948 09	49,299 66	2,461,125 03
St. Louis, Missouri	52,327.99	65,410 26	64,717 98	442 28	250 00	2,357 86	59,733 14
Fayette, do.	98,995.52	123,888 36	123,879 82	8 54	.....	3,854 66	103,273 57
Palmyra, do.	385,705.51	482,188 97	480,722 89	16 08	1,450 00	6,981 16	452,450 40
Jackson, do.	36,518.60	45,809 08	45,809 08	.....	.....	2,266 23	41,500 00
Lexington, do.	87,956.85	109,980 14	109,980 14	.....	.....	4,014 03	95,806 84
Springfield, do.	676.00	845 00	845 00	.....	.....	527 13	.....
Total	662,180.47	828,121 81	825,954 91	466 90	1,700 00	20,101 07	752,763 95
St. Stephen's, Alabama	94,999.92	118,750 11	118,653 37	96 74	.....	2,498 24	66,680 17
Cahaba, do.	396,751.81	496,188 68	495,091 33	1,097 35	.....	7,583 46	488,422 06
Huntsville, do.	38,803.03	48,509 01	47,794 93	714 08	.....	2,839 97	45,490 00
Tuscaloosa, do.	243,030.82	303,798 83	303,798 83	.....	.....	7,434 07	360,000 00
Sparta, do.	34,518.78	43,160 24	43,160 24	.....	.....	1,958 20	35,217 58
Demopolis, do.	423,389.39	536,657 68	536,641 68	16 00	.....	8,617 60	759,625 00
Montgomery, do.	289,572.75	362,208 19	362,208 19	.....	.....	7,071 42	337,501 88
Mardisville, do.	60,941.32	76,176 52	76,176 52	.....	.....	3,194 47	61,298 12
Total	1,587,007.87	1,985,449 26	1,983,525 09	1,924 17	.....	41,197 43	2,154,234 81
Washington, Mississippi	104,963.48	131,078 45	130,506 03	572 42	.....	3,333 64	130,670 81
Augusta, do.	187,474.90	234,341 51	230,641 51	.....	3,700 00	5,312 62	141,000 00
Mount Salus, do.	958,812.65	1,224,489 45	1,224,167 42	322 03	.....	6,849 67	935,839 96
Chocchuma, do.	339,866.41	432,020 61	432,020 61	.....	.....	7,175 27	245,020 00
Columbus, do.	1,340,063.71	1,813,695 53	1,813,547 32	148 21	.....	5,731 40	1,925,000 00
Total	2,931,181.15	3,835,625 55	3,830,882 89	1,042 66	3,700 00	28,402 60	3,377,530 77
New-Orleans, Louisiana	105,167.77	131,459 92	131,459 92	.....	.....	3,632 77	100,166 57
Opelousas, do.	39,488.21	49,360 26	49,360 26	.....	.....	208 50	39,604 87
Ouachita, do.	158,509.12	198,136 76	197,962 76	174 00	.....	5,326 15	192,400 00
St. Helena, do.	22,790.78	28,488 47	28,488 47	.....	.....	1,647 13	15,000 00
Total	325,955.88	407,445 41	407,271 41	174 00	.....	10,814 55	347,171 44

Statement of public lands sold, &c.—Continued.

Land Offices.	Lands sold after deducting erroneous entries.		Amount received in cash.	Amount received in scrip.		Amount of incidental expenses.	Am't paid into the Treasury during the year.
	Acres.	Purchase money.		Forfeited land stock.	Military land scrip.		
Batesville, Arkansas	75,067.00	$93,833 74	$93,833 74	.....	.....	$3,138 79	$49,485 00
Little Rock, do	33,935.42	42,419 35	42,419 35	.....	.....	2,511 46	37,361 68
Washington, do.	70,735.92	88,428 33	88,428 33	.....	.....	4,034 49	145,636 88
Fayetteville, do.	15,332.26	19,165 28	19,165 28	.....	.....	2,185 58	30,839 52
Helena, do.	434,957.15	544,081 29	544,081 29	.....	.....	8,221 88	390,848 50
Total	630,027.75	787,927 99	787,927 99	.....	.....	20,092 20	654,271 58
Detroit, Michigan	405.170.44	506,479 76	506,063 18	$361 17	$55 41	11,818 50	494,243 75
Monroe, do.	666,415.03	833,018 71	832,918 71	.....	100 00	7,076 23	802,000 00
Bronson, do.	745,662.34	932,076 70	932,076 70	.....	.....	7,787 20	844,264 19
Total	1.817,247.81	2,271,575 17	2.271,058 59	361 17	155 41	26,681 93	2,140,507 94
Mineral Point, Wisconsin	109,171.52	136,540 38	136,540 38	.....	.....	3,887 82	141,244 40
Green Bay do.	108,372.39	180,168 69	180,168 69	.....	.....	6,241 88	160,003 30
Total	217,543.91	316,709 07	316,709 07	.....	.....	10,129 70	301,247 70
Tallahassee, Florida	48,364.31	60,455 38	60,455 38	.....	.....	2,052 95	37,336 32
St. Augustine, do.	.....	.....	.....	.....	.....	.....	.....
Total	48,364.31	60,455 38	60,455 38	.....	.....	2,052 95	37,336 32

RECAPITULATION.

Ohio	661,435.59	826,224 44	777,890 51	7,579 30	40,754 63	25,555 93	731,778 83
Indiana	1,586,904.85	2,075,571 56	2,046,546 84	1,601 49	27,423 23	37,226 75	1,799,632 38
Illinois	2,096,629.29	2,604,698 47	2,595,248 32	1,502 06	7,948 09	49,299 66	2,461,125 03
Missouri	662.180.47	828,121 81	825,954 91	466 90	1,700 00	20,101 07	752,763 95
Alabama	1,587,007.87	1.985,449 26	1,983,525 09	1,924 17	.....	41,197 43	2,154,234 81
Mississippi	2,931,181.15	3,835,625 55	3,830,882 89	1,042 66	3,700 00	28,402 60	3,377,530 77
Louisiana	325,955.85	407,445 41	407,271 41	174 00	.....	10,814 55	347,171 44
Arkansas	630,027.75	787,927 99	787,927 99	.....	.....	20,092 20	654,271 58
Michigan	1,817,247.81	2,271,575 17	2,271,058 59	361 17	155 41	26,681 93	2,140,507 94
Wisconsin	217,543.91	316,709 07	316,709 07	.....	.....	10,129 70	301,247 70
Florida	48,364.31	60,455 38	60,455 38	.....	.....	2,052 95	37,336 32
Grand Total	12,564,478.85	15,999,804 11	15,903,471 00	14,651 75	81,681 36	271,554 77	14,757,600 75

GENERAL LAND OFFICE, *December* 1, 1836.

JOHN M. MOORE, *Acting Commissioner*

B.

Statement of public lands sold, of cash, Treasurer's receipts, and scrip received therefor, of incidental expenses thereon, and of payments into the Treasury on account thereof, in the first, second, and third quarters of the year 1836.

Land Offices.	Lands sold after deducting erroneous entries.		Amount received in cash and Treasurer's receipts.		Amount received in scrip.		Amount of incidental expenses.	Am't paid into the Treasury during the three quarters of the year.
	Acres.	Purchase money.	Cash.	Treasurer's receipts.	Forfeited land stock.	Military land scrip.		
Marietta, Ohio	61,117.00	$76,460 25	$76,460 25	.....	.....	.....	$1,878 94	$51,622 59
Zanesville, do.	115,417.41	139,321 96	120,516 17	.....	$130 80	$18,674 99	3,804 83	101,452 48
Steubenville, do.	3,167.76	3,959 70	3,824 70	.....	135 00	.....	942 76	2,908 96
Chillicothe, do.	84,046.62	105,058 28	101,418 87	.....	163 91	3,470 50	3,027 46	109,500 00
Cincinnati, do.	95,816.76	119,770 95	116,483 32	.....	2,387 63	900 00	3,263 36	78,230 89
Wooster, do.	7,512.64	9,390 80	9,370 80	.....	20 00	.....	995 99	7,160 51
Bucyrus, do.	225,474.03	341,247 64	328,115 75	.....	111,131 89	2,000 00	5,046 35	358,280 35
Lima, do.	373,852.44	467,474 24	442,870 84	.....	139 87	24,463 53	7,267 33	427,029 44
Total	966,404.66	1,262,683 82	1,199,060 70	.....	14,114 10	49,509 02	26,227 02	1,136,185 13
Jeffersonville, Indiana	219,486.66	274,364 73	270,281 81	.....	40 00	4,042 92	4,744 42	265,715 43
Vincennes, do.	441,495.03	551,900 86	543,990 83	.....	260 03	2,650 00	5,746 00	555,687 50
Indianapolis, do.	243,969.27	304,991 62	236,672 14	.....	351 00	67,968 48	4,854 12	230,378 23
Crawfordsville, do.	292,474.83	365,671 59	334,524 55	.....	.....	31,147 04	5,107 81	332,769 88
Fort Wayne, do.	1,000,425.34	1,253,202 75	1,243,249 55	$1,200 00	78 20	8,675 00	6,601 41	1,241,360 05
La Porte, do.	392,362.91	491,026 58	480,392 21	.....	.....	10,634 37	6,966 02	633,707 37
Total	2,590,214.04	3,241,153 13	3,114,111 09	1,200 00	729 23	125,117 81	34,019 78	3,259,618 46

Statement of public lands sold, &c.—Continued.

Land Offices.	Lands sold after deducting erroneous entries.		Amount received in cash and Treasurer's receipts.		Amount received in scrip.		Amount of incidental expenses.	Am't paid into the Treasury during the three quarters of the year.
	Acres.	Purchase money.	Cash.	Treasurer's receipts.	Forfeited land stock.	Military land scrip.		
Shawneetown, Illinois	120,371.18	$150,546 88	$149,206 88		$1,240 00	$100 00	$4,248 55	$148,034 75
Kaskaskia, do.	127,173.64	158,957 05	158,643 30		313 75		4,032 93	152,059 76
Edwardsville, do.	409,965.05	512,688 53	508,595 62		80 00	4,012 91	3,843 06	576,705 36
Vandalia, do.	201,349.11	271,919 41	261,246 08		80 00	10,593 33	6,687 11	238,364 40
Palestine, do.	88,957.46	111,196 83	109,796 83			1,400 00	3,254 73	124,370 74
Springfield, do.	339,102.69	498,895 30	486,309 36			12,585 94	4,427 53	482,762 02
Danville, do.	214,667.57	268,353 84	196,752 98			71,600 86	6,474 34	160,020 00
Quincy, do.	454,715.96	568,513 35	567,063 35			1,450 00	5,035 04	575,416 77
Galena, do.	414,006.58	517,536 94	517,111 94			425 00	6,962 48	367,844 32
Chicago, do.	186,285.41	232,861 07	232,761 07			100 00	5,391 40	237,754 42
Total	2,556,594.65	3,291,469 20	3,187,487 41		1,713 75	102,268 04	50,417 17	3,063,332 54
St. Louis, Missouri	152,608.87	190,761 70	190,485 09		135 99	140 92	4,663 27	177,824 50
Fayette, do.	213,173.01	266,483 00	266,195 02		162 98	125 00	5,503 96	234,707 83
Palmyra, do.	608,946.44	761,221 70	755,621 70			5,600 00	6,981 45	765,642 04
Jackson, do.	119,354.42	150,311 48	149,800 54			510 94	4,227 36	139,200 00
Lexington, do.	182,228.41	228,070 76	227,470 76			600 00	5,932 64	178,080 17
Springfield, do.	4,128.03	5,271 64	5,271 64				2,103 48	
Total	1,280,439.18	1,602,120 28	1,594, 844 75		298 97	6,976 56	29,414 16	1,495,454 54
St. Stephen's,* Alabama								262,500 00
Cahaba,† do.	378,631.00	473,289 87	473,627 60		262 27		4,663 35	466,286 30
Huntsville, do.	60,572.56	75,717 65	74,527 56		1,190 09		2,986 22	80,486 68
Tuscaloosa, do.	209,437.05	261,795 94	261,795 94				7,048 49	265,000 00
Sparta, do.	110,107.01	137,657 50	137,657 50				3,800 00	117,462 58
Demopolis, do.	217,494.61	271,868 81	271,868 81				6,004 07	298,500 03
Montgomery, do.	145,145.70	181,432 26	181,432 26				4,619 13	187,583 81
Mardisville, do.	59,655.54	74,569 43	74,569 43				2,494 32	77,225 83
Total	1,181,043.47	1,476,931 46	1,475,479 10		1,452 36		31,615 58	1,755,045 23
Washington, Mississippi	142,276.92	177,849 11	177,033 02		816 09		4,364 97	172,665 81
Augusta, do.	270,807.26	336,247 66	333,947 66			2,300 00	5,150 80	393,500 00
Mt. Salus and Jackson, do.	344,494.04	430,918 05	430,718 05			200 00	1,671 16	630,015 02
Chocchuma, do.	146,491.10	183,113 72	183,113 72				4,696 13	341,850 00
Columbus, do.	785,722.71	966,652 89	951,873 97		78 92	14,700 00	5,046 51	1,288,466 85
Total	1,689,792.03	2,094,781 43	2,076,686 42		895 01	17,200 00	20,929 57	2,886,497 68
New-Orleans,‡ Louisiana	265,593.37	332,254 62	332,254 62				5,814 55	76,443 95
Opelousas, do.	122,076.28	152,594 99	152,408 32		186 67		3,925 51	135,700 00
Ouachita, do.	248,164.30	310,205 92	310,205 92				6,699 49	300,250 14
St. Helena, do.	126,188.50	157,735 62	157,735 62				4,221 42	159,070 00
Total	762,027.45	952,791 15	952,604 48		186 67		20,660 97	671,464 09
Batesville, Arkansas	42,851.68	53,689 61	53,689 61				2,383 56	54,622 28
Little Rock, do.	255,454.00	319,317 73	319,317 73				8,502 49	316,769 69
Washington, do.	246,618.76	308,273 62	308,273 62				6,760 27	304,425 00
Fayetteville, do.	109,384.72	136,730 79	136,730 79				4,604 91	88,957 00
Helena, do.	164,790.36	205,987 93	205,687 93			300 00	5,655 71	238,921 80
Total	819,099.52	1,023,999 68	1,023,699 68			300 00	27,906 94	1,003,695 77
Detroit, Michigan	1,355,094.32	1,694,401 34	1,666,711 15			27,690 19	6,685 72	1,562,432 18
Monroe, do.	455,477.65	573,930 73	570,530 73			3,400 00	7,069 78	510,000 00
Bronson and Kalamazoo, do.	1,461,867.32	1,827,334 24	1,826,034 24			1,300 00	9,135 51	1,908,803 20
Ionia, do.	125,070.79	156,446 76	156,446 76				2,739 28	
Genesee, do.	97,919.39	122,452 87	122,452 87				1,080 18	73,542 18
Total	3,495,429.47	4,374,565 94	4,342,175 75			32,390 19	26,710 47	4,054,777 56
Mineral Point, Wisconsin	310,971.89	388,759 64	371,632 11			17,127 53	7,279 03	336,363 56
Green Bay, do.	203,761.49	255,631 58	253,994 08			1,637 50	6,979 39	206,422 06
Milwaukie, do.	34,881.53	43,848 56	41,548 56	$2,000 00		300 00	877 50	
Total	549,614.91	688,239 78	667,174 75	2,000 00		19,065 03	15,135 92	542,785 62

* No returns. † Returns received to 31st August only. ‡ Returns received to 30th June only.

Statement of public lands sold, &c.—Continued.

Land Offices.	Lands sold after deducting erroneous entries.		Amount received in cash and Treasurer's receipts.		Amount received in scrip.		Amount of incidental expenses.	Am't paid into the Treasury during the three quarters of the year.
	Acres.	Purchase money.	Cash.	Treasurer's receipts.	Forfeited land stock.	Military land scrip.		
Tallahassee, Florida	43,770.98	$54,713 71	$54,713 71	.....	.....	.....	$2,058 45	$48.723 26
St. Augustine,* do.	.....	.....	.....	.....	.....	.....	.....	.....
Total	43,770.98	54,713 71	54,713 71	.....	.....	.....	2,058 45	48,723 26
Received by Treasurer of the U. S.	.....	.....	.....	.....	.....	.....	.....	131,350 00

RECAPITULATION.

Ohio	966,404.66	1,262,683 82	1,199,060 70	.....	$14,114 10	$49,509 02	26.227 02	1,136,185 13
Indiana	2,590.214.04	3,241,158 13	3,114,111 09	$1,200 00	729 23	125,117 81	34,019 78	3,250,618 46
Illinois	2,556,594.65	3,291,469 20	3,187,487 41	.....	1,713 75	102,268 04	50,417 17	3,063,332 54
Missouri	1,280,439.18	1,602,120 28	1,594,844 75	.....	298 97	6,976 56	29,414 16	1,495,454 54
Alabama	1,181,043.47	1,476,931 46	1,475,479 10	.....	1,452 36	.....	31,615 58	1,755,045 23
Mississippi	1,689,792.03	2,094,781 43	2,076,686 42	.....	895 01	17,200 00	20,929 57	2,886,497 68
Louisiana	762,027.45	952,791 15	952,604 48	.....	186 67	.....	20,660 97	671,464 09
Arkansas	819,099.52	1,023,999 68	1,023,699 68	.....	.....	300 00	27,906 94	1,003,695 77
Michigan	3,495,429.47	4,374,565 94	4,342,175 75	.....	.....	32,390 19	26,710 47	4,054,777 56
Wisconsin	549,614.91	688,239 78	667,174 75	2,000 00	.....	19,065 03	15,135 92	542,785 62
Florida	43,770.98	54,713 71	54,713 71	.....	.....	.....	2,058 45	48,723 26
Received by Treasurer of the U. S.	.....	.....	.....	.....	.....	.....	.....	131,350 00
Grand total	15,934,430.36	20,063,454 58	19,688,037 84	3,200 00	19,390 09	352,826 65	285,096 03	20,048,929 88

*No sales.

JNO. M. MOORE, *Acting Commissioner.*

GENERAL LAND OFFICE, *December* 1, 1836.

C.

Estimate of the expenses of the General Land Office for the year 1837, *under the act of Congress of the 4th of July,* 1836, *for the reorganization thereof, and an account of deficiency in appropriation for* 1836, *viz.:*

Salary of the Commissioner	$3,000	
Salary of the principal clerk of the public lands	1,800	
Salary of the principal clerk on private land claims	1,800	
Salary of the principal clerk of the surveys	1,800	
Salary of the recorder	1,500	
Salary of the solicitor	2,000	
Salaries of the clerks, draughtsman and assistant draughtsman	95,100	
Salaries of messengers, assistant messengers, and packers	3,350	
Total salaries for 1837		$110,350 00
The salaries of the Commissioner, and other officers and persons employed in the General Land Office during the year 1836, under its former and present organization, are estimated to amount to	$51,524 99	
On the 1st of January, 1836, the agent for paying salaries had a balance in his hands of $138 89: and as by the act of the 9th of May, 1836, there was appropriated toward the payment of salaries in the General Land Office the sum of $23,500, there was applicable to that object for the present year, the sum of	23,638 89	
Thus leaving a deficiency now required to be appropriated on account of the salaries for the year 1836, no appropriation having been made by the act of the 4th of July, 1836, of		27,886 10
Total for 1836 and 1837		$138,236 10
For the cost of 150,000 pieces of parchment for patents, including the cost of printing the same, at 17 cents per piece, and also the cost of books for patent records,		29,250 00
For tract books, the various other articles of books and stationery, furniture, expense of advertising land sales, and all other items of contingent expenses, including office rent for the additional building required		10,000 00
For attending to the fixtures of the additional building occupied by this office, regulating the night watch, and superintending the purchase of fuel and other articles required for the same		250 00
Three watchmen at $400 each		1,200 00
One day laborer		365 00
Total		179,301 10

D.

Estimate of the salaries for the offices of the surveyors general for the year 1837.

Salary of the surveyor general northwest of Ohio	$2,000	
Salary of the clerks in his office, per acts 9th May, 1836	6,300	
Salary of the clerks employed in transcribing the field notes for the General Land Office	3,200	
		$11,500
Salary of the surveyor general for Illinois and Missouri	$2,000	
Salary of the clerks in his office, per acts 9th May, 1836	5,820	
		7,820
Salary of the surveyor general for Arkansas	$1,500	
Salary of the clerks in his office, being $1,800 less than the amount appropriated by the acts of 9th May, 1836	2,800	
		4,300
Salary of the surveyor general for Louisiana	$2,000	
Salaries of the clerks in his office, per acts of 9th May, 1836	4,000	
With an additional submission of	300	
		6,300
Salary of the surveyor general for Mississippi	$2,000	
Salary of the clerks in his office, per acts of 9th May, 1836	6,000	
		8,000
Salary of the surveyor general for Alabama	$2,000	
Salary of the clerks in his office, per acts 9th May, 1836	2,000	
		4,000
Salary of the surveyor general for Florida	$2,000	
Salary of the clerks in his office, being $500 less than the amount appropriated by the acts of 9th May, 1836	3,000	
Salary of the clerks employed in transacting the field notes for the General Land Office	2,000	
		7,000

The field notes in the office of the surveyor general for Alabama have all been transcribed for transmission to this office; and in the other offices where no special appropriation is asked for that object, the regular force will be employed upon that duty, so far as the current business will admit.

Submitted by the surveyor general for Louisiana.

To defray the expenses of completing the copies of confirmations and order of survey, and procuring from the offices of the registers copies of plats, sketches, and other evidences necessary to the correct location of the private claims, as explained in his letter accompanying the report from the General Land Office	$2,000
For office rent and fuel in the offices of the surveyors general	2,500

E.

Estimate of the appropriations required for surveying the public lands during the year 1837.

Referring to the estimates of the surveyors general, that will be submitted with the annual report from this office, for the probable extent of the surveying operations in the year 1837, it is respectfully submitted, that, in addition to the existing unexpended balances of appropriations for surveying public lands, there be appropriated for 1837 an aggregate amount for that object, to be duly apportioned among the several surveying districts, according to the exigencies of the public service, $150,000.

Also, that for the completion of unfinished portions of townships, islands, lakes, &c., the surveying of which cannot be effected at the present maximum rates of mileage allowed by law, the following appropriations be made, agreeably to the accompanying estimates of the surveyors general, viz.:

For Ohio, Indiana, Michigan, and Wisconsin, to be applied not exceeding $5 per mile	$3,040
For Florida, to be applied not exceeding $5 per mile	6,000
For Louisiana, to be applied not exceeding $8 per mile	20,000
For Alabama, in addition to $2,500 remaining unexpended for the same object, appropriated by the act of Congress of 9th May, 1836, and both appropriations to be applied not exceeding $8 per mile	1,000

As the estimates have not been received from the surveyor for Illinois and Missouri, and from the surveyor for Mississippi, reference is made to the annual report of the General Land Office, and to the documents accompanying the same from the first-named officer, for a view of the present situation of the business in his district and office; and to the same report for a statement of the work to be performed in Mississippi. Should it be decided to extend the surveying operations in the districts under the charge of those officers during the next year, such portion of the general appropriation now asked for, as may be required by the circumstances in each case, will be apportioned to those districts.

Whenever the required estimates for those offices are received, they will be submitted.

F.

GENERAL LAND OFFICE, *September* 1, 1836.

SIR: You are requested to furnish this office with an estimate, for the year 1837, of the amount of the surveying which the *public* interest requires to be performed within your surveying district, together with a separate estimate of the expenses of your office for the same year, accompanied by a statement exhibiting the manner in which the appropriation of 1836 for extra clerk-hire has thus far been applied, and the amount which will be required the ensuing year for the prosecution of the work now in progress under that appropriation.

I have likewise to call your attention particularly to the surveys within your district, comprising portions of townships, islands, &c., remaining unfinished or unsurveyed from various causes, but chiefly on account of the maximum price allowed by law being inadequate to pay for the work. In many of these cases the lands have become valuable, and should be surveyed where the enhanced price would justify it. With a view, therefore, of obtaining a special appropriation for that purpose, I have to request that you will report a list of all such of these tracts as are deemed worth surveying at augmented prices, specifying the number of miles, and, as nearly as you may be enabled to judge, the cost per mile, for surveying the same, making the amount a separate item in your general estimate.

As these estimates are to be laid before the Secretary of the Treasury in time to enable him to submit them to Congress at the beginning of the approaching session, it will be necessary that you should furnish them before the close of this month, if possible.

I am, &c., ETHAN A. BROWN, *Commissioner.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, September* 21, 1836.

SIR: In obedience to the instructions contained in your letter of the 1st instant, I have the honor to submit to you an estimate of the expenses of this office for the year 1837, with a statement of "the manner in which the appropriation of 1836, for extra clerk-hire, has thus far been applied, and the amount which will be required the ensuing year for the prosecution of the work now in progress under that appropriation."

The act of the 9th of May last, "providing for the salaries of certain officers therein named," &c., authorizes the surveyor general of Ohio, Indiana, and Michigan, to employ two clerks, at a sum not exceeding $2,300, and he is allowed the further sum of $4,000 for additional clerk-hire. The additional force here provided for was probably intended to be employed (in part) in transcribing the field notes of the public surveys in this office, for preservation at the seat of government. This work was commenced early in the present year, and on which three or four clerks were employed, most of their time, for near three months. This increase, however, of the current business arising out of the surveys in the Milwaukie district, Wisconsin Territory, which could not be laid over without injury to the public interests, required all the force of the office. The transcribing the field notes will be resumed and continued whenever, and as often as the important current duties of the office will permit.

This course, which the necessity of the case seemed to call for, will, I trust, be approved of by you.

It is probable that the amount of public surveys to be made in this district, the ensuing year, will fully equal that of any former year.

The experience of the past has shown that the amount of business growing out of the surveys, which, in that case, would devolve upon this office, cannot be performed by a less number of clerks than are now employed in it. In view of the important object in transcribing the field notes, for preservation at the seat of government, it is very desirable that that work should be prosecuted as expeditiously as may be consistent with a correct and prompt discharge of our current duties. The expediency, therefore, of making a liberal appropriation at once for that object, so as to accomplish it at an early period, must be apparent; particularly as no provision has been made, nor measures taken by the government, to provide fireproof rooms, in which to keep the field notes, books, and papers of this office, which (the field notes and plats especially) it is of incalculable importance to the people of this surveying district, and indeed to the whole nation, should be safely kept and preserved.

If it should be your intention to recommend to Congress, at its approaching session, the printing of all the field notes of the public surveys in this office, as recommended in my communication of the 19th of March last, still, should that measure be adopted, the same increase of allowance for clerk-hire will be necessary; for much of the field notes will have to be arranged and transcribed for the press, and the proofs of the whole work read in this office.

In my communication to the Committee of Ways and Means, of the 5th of March last, on the subject of the course of business in this office, (a copy of which was transmitted to you,) I recommended the expediency of providing by law for compensation for a messenger for this office. The expense is now borne by the surveyor general; otherwise the appropriate duties of messenger would devolve on the clerks themselves, at a loss of time.

The justice and propriety of making provision by law, also, for office rent and fuel for this office, has from time to time, for many years past, been urged. I renew my claim to be relieved from these burdens, and cannot but hope that the justice of the claim will be readily admitted and provided for.

Let it be remembered that the salary of the surveyor general is the same now that it was when the office was first created, forty years ago; while the expenses of the office, in the items above mentioned, have greatly increased, as well as the duties and responsibilities of the officer himself.

With the foregoing brief views, I beg leave to submit the following estimate for the expenses of this office for the year 1837:

For two clerks (chief clerk and principal draughtsman) as provided by act of 9th of May, 1836...	$2,300 00
For additional clerk-hire, per said act.....	4,000 00
For compensation for extra clerks to transcribe the field notes of the public surveys, for preservation at the seat of government.....	3,200 60
For compensation for messenger for this office.....	300 00
For stationery and office furniture.....	350 00
For postage on letters and packets.....	650 00
For office rent and fuel.....	250 00
	11,050 00

All which is respectfully submitted.

Very respectfully, sir, your obedient servant, ROBT. T. LYTLE.

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

SURVEYOR GENERAL'S OFFICE, *Cincinnati, September* 21, 1836.

SIR: In compliance with the instructions in your letter of the 1st instant, I have the honor to submit the following estimate of the amount of surveying which the public interest requires to be performed within this surveying district, for the year 1837; and the amount of appropriation which may be necessary for that purpose.

The appropriations for this object for the current year, in this district, are:

For surveys in Ohio	$650 00
For surveys in Michigan peninsula	15,000 00
For surveys in Michigan, west of the lake, and in Wisconsin Territory	50,000 00
Total	$65,650 00
Out of this sum there will have been expended within the current year, for surveys in Milwaukie district, (Wisconsin Territory,) in Indiana, and in Ohio, including incidental expenses, stationery, postage, &c., about	23,000 00
Leaving an unexpended balance of this year's appropriation of	$42,650 00
Of which balance there is applicable to the surveys in Wisconsin Territory, about	$27,650 00
And in Michigan peninsula	15,000 00
	42,650 00

The survey of a series of townships, including exterior lines and meanders of rivers, lakes, &c., will average about eighty miles per township. And in that portion of this district which is to be the scene of our future operations, the surveys cannot be made for a less price than three dollars per mile, the maximum allowance; estimating, then, the Sac and Fox cession west of the Mississippi, in Wisconsin Territory, at two hundred and fifty townships, and the Ottawa and Chippewa cession in Michigan peninsula, at two hundred and seventy-five townships, the quantity of surveying in the former will be twenty thousand miles, at an expense of sixty thousand dollars; and in the latter, twenty-two thousand miles, at an expense of sixty-six thousand dollars.

Assuming that the entire of these two tracts may be surveyed next year, together with a portion of the Ottawa and Chippewa cession in the *northern* peninsula of Michigan, (between the straits of Mackinac and Lake Superior) there will be wanted the following sums for the prosecution of the public surveys in this surveying department for the ensuing year; subject, however, to such modifications as the views of the department, in regard to the *amount* of surveys which may be ordered for that year, may render expedient:

For surveying the public lands in Michigan peninsula, in addition to the appropriation for 1836	$51,000 00
For surveying the public lands in the *northern* peninsula of Michigan, (between the straits of Mackinac and Lake Superior)	20,000 00
For surveying the public lands in Wisconsin Territory, in addition to the unexpended balance of the appropriation for 1836	32,350 00
For surveying *unfinished* portions of townships, rivers, lakes, islands, &c., in the old surveys, referred to in the accompanying list and report on that subject	3,040 00
	106,390 00

All which is respectfully submitted.

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

ROBERT T. LYTLE.

Hon. ETHAN A. BROWN, *Commissioner General Land Office, Washington.*

SURVEYOR GENERAL'S OFFICE, *September* 21, 1836.

SIR: In compliance with your instructions of the 1st instant, I report to you a list (subjoined) of portions of townships, islands, &c., which remain unfinished or unsurveyed, from various causes, and which are deemed worth surveying at augmented prices.

In Ohio.

	MILES.
1. Meanders of the Scioto river, in townships 4 and 5 south, range 9 east, 1st meridian	4
2. Survey of sundry islands in the Miami and Maumee rivers	25
3. Survey of numerous small lakes in various parts of the State, preventing the sale of the lands around them	40

In Indiana.

4. A small tract in township 4 north, range 2 east, 2d meridian, on White river	1
5. Meanders of White river in townships 2 and 4 north, range 7 west	15
6. Survey of sundry islands in the St. Joseph's, Maumee, Wabash, Tippecanoe, Eel, and White rivers	50
7. Survey of numerous small lakes in different parts of the State, preventing the sale of the lands around them	100

In Michigan.

8. Meanders of river Au Sable and Lake Erie, in townships 7 and 8 south, range 8 east	3
9. Survey of sundry islands in the Huron, Raisin, St. Clair, St. Joseph's, Kalamazoo, Grand, and other rivers	70
10. Survey of numerous small lakes in old surveys, preventing the sale of the lands around them	300
Total number of miles	608

The foregoing comprise all the unsurveyed portions of land of the description referred to by you, which are now recollected; time not permitting an examination of the plats of the whole district, to make out a minute list.

The contents of the fractional sections on White river, in townships 2 and 4 north, range 7 west, 2d meridian, Indiana, (item 5,) have been several times called for by the register of the land office at Vincennes, but which could not be furnished for want of the survey. There are other portions of that river, and of the east fork of White river, of which there are no meanders in this office; on which account subdivisions of a number of unsold fractional sections on these rivers could not be furnished to the register.

Inquiries are frequently made at this office concerning unsurveyed *islands*, in the several rivers named in the foregoing list. All of these which contain land fit for cultivation, or which would be saleable on account of timber, or other advantages, ought to be surveyed and prepared for sale.

The unsurveyed *small lakes*, scattered over a large portion of this surveying district, are very frequently referred to as preventing the sale of the sections, or parts of sections, in which they are situated. This subject, in reference to lakes of this description in Michigan, was laid before the Commissioner of the General Land Office, many years ago, by the surveyor general. A portion of his correspondence on that subject accompanies this, marked A, B, C.

From the detached situation and small amount of these several surveys, and the loss of time in travelling from one to another, and the difficulty of finding old corners and lines, and connecting the new surveys with them, I am of opinion that it would require an *average* of at least five dollars per mile, to induce a competent surveyor to undertake such work.

Estimating, then, the whole of the surveys of the description alluded to at *six hundred and eighty miles*, and at an average expense of five dollars per mile, it would require an appropriation of *three thousand and forty dollars*.

All which is respectfully submitted.

Very respectfully, sir, your obedient servant,

ROBERT T. LYTLE.

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office, Washington.*

A.

Extract of a letter from Edward Tiffin, surveyor general, to John Biddle, register of the land office at Detroit, Michigan.

SURVEYOR GENERAL'S OFFICE, *Chillicothe, April* 9, 1825.

SIR: I have received your letter of the 24th March ult., on the subject of the small lakes being included in the calculation of the contents of the public lands in Michigan Territory, &c.

From the information I had from the surveyors of public lands in Michigan, several years ago, I then addressed a letter to the Commissioner of the General Land Office, recommending the survey of the small lakes, for the purpose of excluding them from the estimate of the quantities of the land; and I was instructed by Mr. Meigs to survey and exclude such lakes as might *be five or six miles*, or more, in circumference, and having good saleable lands on their margins. These instructions I gave to the surveyors for their government, and under them a considerable number of lakes have been surveyed; many of which are not half the extent of those authorized by the Commissioner to be excluded.

I agree with you in opinion, that all the small lakes, having saleable land around them, ought to be surveyed, and excluded in the estimates of the contents of the public lands; and for the purpose of obtaining instructions to this effect, I shall again lay the subject before the Commissioner of the General Land Office, with a copy of your letter, and urge the necessity of the remedy sought for.

B.

SURVEYOR GENERAL'S OFFICE, *Chillicothe, April* 9, 1825.

SIR: I enclose you a copy of a letter from the register of the land office at Detroit, received this morning, urging the necessity of surveying the small lakes, with which the Territory of Michigan abounds, for the purpose of excluding them from the estimate of the contents of the public lands. Several years ago, Mr. Meigs, former Commissioner of the General Land Office, authorized me to survey such lakes, bounded by saleable lands, as are five or six miles in circumference. This has been done; but there are a vast number of *smaller* lakes which remain *unsurveyed* for want of authority from government, by which means a great quantity of excellent land, on the margin of those lakes, is effectually excluded from market. By surveying those lakes, and excluding them from the estimate of the quantity of land in the sections where situated, I am of opinion that the public interests would be greatly subserved in the increase of sales.

Look, if you please, at the general plat of the public lands in Michigan Territory, on which most of the small lakes, intersected by the section lines, are shown.

I respectfully and earnestly recommend this subject to your consideration, and request your instructions thereon.

Yours, respectfully, E. TIFFIN.

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

C.

SURVEYOR GENERAL'S OFFICE, *Chillicothe, December* 26, 1825.

SIR: Referring to your letter to me of the 23d of May last, and to my letter-book, I discover that the "estimate of the probable expense of surveying such lakes, included in the surveys of the townships heretofore made

and returned, as have not been surveyed, and which it may be deemed expedient to survey," has been inadvertently neglected to be furnished to you.

The estimate called for is herewith enclosed, and I hope that it will be received in time to be made an item in the appropriation asked for for the ensuing year.

I am, &c.

E. TIFFIN.

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

Estimate of the probable expense of surveying such lakes in the surveyed townships of United States land, in the Territory of Michigan, as have not been surveyed, and which it may be deemed expedient to survey.

In the returns of the deputy surveyor of the surveys of the United States lands, those lakes only, over or very near, which their lines pass, are noted in their field books. But it is represented by those who have surveyed in Michigan, that in those parts of the Territory where small lakes abound, there are numerous lakes, deep and incapable of being drained, which are situated in the *interior* of the sections. Having this fact in view, and carefully examining the township plats, on which are laid down such lakes as are noted by the surveyors, I think it probable that there will be at least *three hundred and fifty miles* of surveying in the *unsurveyed* lakes which come under the description mentioned in the letter of the Commissioner of the General Land Office to me, of the 23d May last, and which, at the present price allowed for surveying, (viz., two dollars and fifty cents per mile,) would require an appropriation of *eight hundred and seventy-five dollars;* which estimate is respectfully submitted.

E. TIFFIN.

SURVEYOR GENERAL'S OFFICE, *Cincinnati, October* 6, 1836.

SIR: In my annual estimate for salaries for 1837, communicated to you on the 21st September last, the following item was inadvertently left out, and which you will be pleased to insert in the proper place in that estimate:

"For compensation to the surveyor general,.....$2,000."

And that sum will be added to the total amount.

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

ROBERT T. LYTLE.

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office, Washington.*

SURVEYOR GENERAL'S OFFICE, *City of St. Louis, November* 3, 1836.

SIR: In compliance with your letter requiring a report of the business of this office, both in the field and in the office, I submit the following statement thereof:

The only work now going on in the field is as follows:

By Joseph Montgomery, who is completing the surveys under his contract of 1834;

By D. A. Spaulding, who is finishing his contract of the 9th of June, 1835;

And by Jesse Applegate, under his contract of the 25th day of May of the present year.

The force of the office is engaged as follows:

1. Examining the field-notes of the surveys returned under the contracts specified in the papers marked A, B, and C, accompanying another communication of this day.

2. Constructing plats of the new surveys, making the requisite copies thereof, and calculating the areas of the fractional sections.

3. Calculating the areas, and subdividing the fractional sections of the old surveys, and preparing plats thereof for the district land offices, and for the General Land Office under the act of Congress of the 5th of April, 1832.

4. Recording and copying field-notes of the old surveys, at which three clerks are employed.

5. Furnishing such information and copies of such plats and notes of surveys and other papers, as the various wants of the public require.

6. Preparing orders of survey, and the necessary plats and descriptions for the survey of private claims confirmed by the late act of Congress.

7. Renewing the mutilated and worn-out plats for the district land offices; at which one clerk is engaged under the appropriation of $5,000 by an act of Congress approved 27th of June, 1834, to enable the respective surveyors general to furnish the several land offices with renewed township plats. (See page 56 of the acts of the first session of the 23d Congress.)

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

DANIEL DUNKLIN.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

CLASS A.

Statement of the surveys contracted for, and authorized by instructions under the general appropriation for surveying public lands, and which have not been examined, sanctioned, and fully paid for by the surveyor general; and showing the estimated amount that will be wanted to adjust the accounts which will probably be presented during the present quarter, and early in the first quarter of 1837.

No.	Names of contracting deputy surveyors, and of persons authorized to execute surveys under instruction.	Dates of contracts and instructions.	Estimated amounts of the surveys not examined and sanctioned by the surveyor general.		Amount advanced by Mr. Langham.	Estimated amount unpaid.	Estimated amount of accounts which will probably be presented during the present qr., or early in the first qr. of 1837.
			Miles.				
1	William S. Hamilton	July 19, 1833	800	$2,400 00	....	$2,400 00	.....
2	James W. Stephenson	Aug. 18, 1833	700	2,100 00	....	2,100 00	.....
3	Charles R. Bennet and Luther H. Bowne	Sept. 2, 1833	60	180 00	....	180 00	.....
4	Elias Barcroft	Octob. 12, 1833	78	234 00	....	234 00	.....
5	Joseph C. Browne	June 10, 1833	1,004	3,012 00	$2,580	432 00	$432 00
6	Joseph C. Browne	Feb'y 10, 1834	35	105 00	....	105 00	105 00
7	Elias Barcroft	Nov. 8, 1834	35.43	106 31	....	106 31	106 31
8	John R. Porter	Octob. 9, 1834	45.08	135 24	....	135 24	135 24
9	John M. Robinson	Octob. 24, 1833	120	360 00	....	360 00	360 00
10	John M. Robinson	Octob. 15, 1834	252	756 00	....	756 00	756 00
11	Lisbon Applegate	April 10, 1835	16	48 00	....	48 00	.....
12	Edward McDonald	April 3, 1835	248.44	745 34	....	745 34	745 34
13	Erskine Stansbury	April 3, 1835	791	2,373 00	300	2,073 00	2,073 00
14	Jesse Applegate	June —, 1835	528	1,584 00	....	1,584 00	1,584 00
15	E. T. Christy	April 10, 1835	300	900 00	....	900 00	900 00
16	D. A. Spalding	June 9, 1835	800	2,400 00	300	2,100 00	2,100 00
17	Joseph C. Browne	Sept. 21, 1835	4	12 00	....	12 00	12 00
18	James Finley	Surveying and connecting private claims with public surveys in Missouri, under instructions of 1835 and 1836.	130	390 00	....	390 00	390 00
19	Isaac Woods						
20	George C. Harbison						
21	William Bartlett						
22	John Rodney						
23	Allen Pirsinger	Correcting some surveys in Illinois county tract in 1836.	80	240 00	....	240 00	240 00
24	J. W. Brattle						
25	Hans Patten						
26	J. D. Manlove						
27	Charles R. Bennet	— —, 1836	60	180 00	....	180 00	180 00
			6,086.95	18,260 89	3,180	15,080 89	10,118 89

Making an estimated aggregate of $10,118 89, which will be wanted to adjust the accounts that will probably be presented and allowed during the current quarter, and early in the first quarter in 1837.

CLASS B.

Statement of the surveys contracted for under the appropriation of twenty thousand dollars, for surveying the lands in Illinois to which the Indian title was extinguished, by the treaty with the Pottawatomies of the 20*th October*, 1832, *and ratified on the* 11*th of January*, 1832; *and which have not been examined, sanctioned, and fully paid for by the surveyor general* (*see pages* 44 *and* 45 *of the acts of the* 2*d session of the* 22*d Congress, for the appropriation, and page* 1 *of the appendix to said acts for the treaty*).

No.	Names of contractors.	Dates of contracts.	Estimated amounts of the surveys not examined and sanctioned by the surveyor general.		Amount advanced by Mr. Langham.	Estimated amount unpaid.	Estimate of what it is supposed will be wanted during the present (4th quarter) of 1836, or early in the first qr. of 1837.
			Miles.				
1	Enoch Moore	Aug. 12, 1833	708	$2,124 00	....	$2,124 00	$2,124 00
2	William L. D. Ewing	Aug. 15, 1833	750	2,250 00	$1,823 38	426 62	426 62
3	Edward Smith	Sept. 27, 1833	9.57	28 72	....	28 72	28 72
4	Daniel W. Beckwith	Oct. 29, 1833	32	96 00	....	96 00	96 00
			1,499.57	4,498 72	1,823 38	2,675 34	2,679 34

Making an estimated aggregate of $2,579 34, which will be wanted to adjust the accounts that will probably be presented and allowed during the present quarter, and early in the first quarter of 1837.

CLASS C.

Statement of the surveys contracted for under the appropriation of twenty thousand dollars for surveying a portion of the public lands in the southwestern part of the State of Missouri, to which the Indian title was extinguished in 1832; *and which have not been examined, sanctioned, and fully paid for by the surveyor general* (*see page* 59 *of the acts of the* 1*st session of the* 23*d Congress for the appropriation*).

No.	Names of contractors.	Dates of contracts.	Estimated amounts of the surveys not examined and sanctioned by the surveyor general.		Amount advanced.	Estimated amount unpaid, and for which it is expected accounts will be presented during present qr. and 1st qr. of 1837.
			Miles.			
1	Elias Barcroft	Nov. 6, 1834	792	$2,376 00	$1,200 00	$1,176 00
2	Jesse Applegate	Nov. 16, 1834	414	1,242 00	....	1,242 00
3	Joseph Montgomery	Dec. 9 & 27, '34	762	2,286 00	....	2,286 00
4	E. T. Christy	Dec. 11, 1834	774	2,322 00	....	2,322 00
5	William Drinker	Dec. 23, 1834	762	2,286 00	....	2,286 00
6	R. T. Holliday	April 2, 1835	762	2,286 00	....	2,286 00
7	Edward McDonald	April 3, 1835	513.55	1,540 66	....	1,540 66
			4,779.55	14,338 66	1,200 00	13,138 66

Making an aggregate of $13,138 66, which it is estimated will be wanted to pay the accounts that will probably be presented and allowed during the current quarter, and early in the first quarter of 1837.

SURVEYOR'S OFFICE, *Little Rock, Arkansas, December* 22, 1836.

SIR: Your letter of the 29th August ult., requesting the "usual estimates" for the year 1837, was received on yesterday; and, in compliance therewith, I have the honor to submit the following, as the probable expenses of this office for the year designated, viz.:

For surveying public lands	$25,000
For salary of surveyor general	1,500
For salary of regular clerks	1,800
For salary of extra clerks	1,000
For postage	125
For stationery	125
For office furniture and printing	100
For house-rent and fuel	300
	29,950

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

EDWARD CROSS.

T. L. SMITH, Esq., *Register U. S. Treasury, Washington City.*

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, October* 20, 1836.

SIR: Before offering the estimate required by your letter of the 1st ult., permit me to make a few remarks in reference to the description of surveys that the public interest requires; and to explain the reasons why the service of the current year will fall short of the amount anticipated by the last appropriation.

The early part of the season was unusually wet, and unfavorable to such surveying as remains to be executed in this State, being ridges of rich alluvial land adapted to cultivation, separated by cypress swamp, subject to inundation: and when it was possible to survey, the attention of most of the deputies, as well as those employed in the office, was required to give effect to the law allowing pre-emptions of the back tracts, which expired on the 15th of June last, and which unfortunately required a resurvey and renewal of the maps for most of the tracts that were entered.

But a small portion of that part of the appropriation intended to cover the expenses of resurveys and the location of claims could be used, in consequence of this office not being provided with sufficient data to enable us to identify the ancient boundaries of the tracts. The copies of the confirmations and orders of survey being incomplete, the records and plats, on which the confirmations are based, being in the offices of the registers, and not in this office, and the original records appertaining to the office of surveyor general before the cession of the country having been withheld.

For the residue of the appropriation, there are contracts for surveys, part of which will be completed in all the month of December, and the balance perhaps not before March or April; it is presumed, therefore, that the balance that may remain will be carried to the account of next year's payments.

While on this subject, I have to inform you that the contracts taken under the last appropriation have been almost without exception, unprofitable to the deputies, and in many instances they have sustained considerable loss; partly owing to the season, but principally on account of the difficulty of the work they had contracted to perform.

Considering the advanced price of labor and provisions, the difficulties and delays to be encountered, and the

increased outfit and extra hands necessary to survey the alluvial lands in this State, I am of opinion that six dollars per mile would be very moderate compensation for the districts of this description of work that have been performed within the last year; and those remaining being still more difficult and remote, and the islands and detached parts of townships that the public interest requires should be surveyed, will, I have no doubt, in many instances require eight dollars per mile to insure faithful execution.

To illustrate this more fully, permit me to remark, that the prices of labor and provisions in this country have increased at least one hundred per cent. within the last two years, and the demand for engineers and surveyors has even exceeded that ratio; but, on the other hand, the demand for the description of land above referred to has increased to such an extent as to make it almost certain that the additional price would exceed the increased expense a hundred fold.

As I before remarked, much of our time has been employed during the current year in attending to the location of the back tracts which were entered by claimants owning the lands fronting on watercourses; the law making it necessary that the shape of those tracts should be changed, our duties have been extremely difficult and embarrassing. This has made it necessary occasionally to require the assistance of the extra clerks; the residue of their time has been employed in performing the following works:

In the district north of Red river eighteen townships have been protracted and calculated, and the maps and descriptive notes made out in triplicate; and the descriptive notes of two others made in triplicate, and the field notes recorded.

In the southwestern district thirteen townships have been protracted and calculated, twenty-six township maps and the descriptive notes made out in triplicate, and the field notes of fourteen recorded.

In the St. Helena district seven townships have been protracted and calculated, and made out in triplicate.

To afford this office the means of locating the private claims correctly, and to decide on the correctness of former locations and the surveys of the adjacent lands which have not yet been approved, the copies of confirmations and orders of survey should be made complete, and copies of all plats, sketches, and other evidences relating to the location of the claims, should be obtained from the offices of the several registers.

In conclusion, I beg leave to submit to you the following copy of the estimates for the year 1837, which I have sent to the Register of the Treasury, to wit:

For surveying the public lands and private claims in Louisiana	$20,000
Completing the surveys of the townships in the parishes of Rapides and Avoyelles, and bordering on the Teche; the islands south of Grand lake and Lake Palourde; Pecan island and other islands west of the Atchafalaya; the lands bordering on Lake Pontchartrain, and the isthmus south of Lake Borgne, say 2,500 miles, at $8 per mile	20,000
To defray the expenses of completing the copies of confirmations and orders of survey, and procuring from the offices of the registers copies of plats, sketches, and other evidences necessary to a correct location of private claims	2,000
Salary of surveyor general	2,000
Regular clerk's salary	1,500
Extra clerks' salary, necessary to bring up the arrears of work in the office	2,800
Postages on letters and packages	100
Stationery, &c	250
Office rent and fuel	220
	48,870

I am, sir, with great respect, your obedient servant,

H. T. WILLIAMS, *Surveyor General.*

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

SURVEYOR'S OFFICE, *Florence, Ala., September* 20, 1836.

SIR: I have to acknowledge the receipt of your letter of the 1st inst., calling on this office for the estimates for the year 1837.

The expenses of this office will require—

For salary of the surveyor general	$2,000
For salary of clerk and draughtsman, $1,000 each	2,000
Contingent expenses, &c	200

Congress has appropriated the sum of thirty-five hundred dollars, heretofore, "for additional clerk-hire, in order to bring up the arrears, and transcribing the field notes of said office, for the purpose of having them preserved at the seat of government." Of this sum, $1,993 06 will have been expended at the close of the present quarter. The field notes have been all copied for the General Land Office, and sent to Washington. I am now having them copied into strong books, for record and preservation in this office. The fund remaining will be amply sufficient for that purpose. No extra clerk-hire, beyond the present means, will be needed during the year 1837, unless it is the intention of the government to have the Cherokee lands surveyed entire, and brought into market during the next year; but I do not presume such will be the case.

Should those lands be surveyed during the next year, the sum of twenty thousand dollars will be required for that service.

The following portions of townships remain unsurveyed in the Cahaba land district, to wit:

In township No.	6	of range No.	8	(estimate)	21 miles.
do.	15	do.	8	11	do.
do.	18	do.	8	4	do.
do.	20	do.	8	10	do.
do.	18	do.	12	4	do.
do.	8	do.	11	2	do.
do.	8	do.	19	9	do.
do.	6	do.	10	8	do.
				69	do.

The islands in the Alabama and Tombigbee rivers are, perhaps, worth surveying. I have no correct means of ascertaining the number or the quantity of miles to survey them and connect them with the surveys on the main shore, but would presume something like fifty miles, more or less.	50 miles.
	119

The above work could not be done, on contract, for less than eight dollars per mile, as it lies in very detached situations. I should presume that an appropriation of one thousand dollars, and the surveyor general being authorized to contract at a price not exceeding eight dollars per mile, would finish all remnants of work in the State.

He should also be authorized by law to contract for the surveying and locating of all private claims south of the 31st degree of latitude, at a price not exceeding eight dollars per mile. An appropriation was made at the last session of Congress for finishing all work south of that line; but, unless the surveyor general be empowered to give an adequate compensation, the work can never be done.

Recapitulation.

Salary of surveyor general	$2,000 00
Clerk and draughtsman, $1,000 each	2,000 00
Contingent expenses	200 00
Survey of the Cherokee lands	20,000 00
Survey of all unfinished townships, islands, &c.	1,000 00
	25,200 00

All which is respectfully submitted.

With great respect, sir, your obedient servant,

JAMES H. WEAKLEY.

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

JACKSON, TENNESSEE, *October* 6, 1836.

SIR: Your letter of the 1st ult. has been transmitted to me, and I hasten to comply with your request, so far as circumstances will permit.

The prosecution of the public surveys during the ensuing year must depend entirely on the removal of the Seminole Indians, and you will readily acknowledge, from past experience, that this desirable event is mixed with much uncertainty. I shall assume, however, their certain removal as the ground of this estimate.

Estimate—Surveyor's Office of Florida for the year 1837.

Surveying public lands at the price established by law	$10,000
Surveying public lands on the Suwanee and Apalachicola rivers, and adjacent islands, with some scrap surveying believed to be valuable, and all of difficult execution, $5 per mile. Supposed amount,	6,000
Surveying private land claims, awarded by the Supreme Court of the United States, heretofore suspended by Indian hostilities, together with other confirmed claims, arising in the progress of public surveys, on the second parallel—supposed amount	4,000
Salary of surveyor general, $2,000; three clerks, $3,000	5,000
Extra clerk hire for copying field-notes for General Land Office, (without the former appropriations unexpended)	2,000
Total amount of estimate	27,000

On the subject of former appropriations for copying field notes, I have to remark (as previously advised) that the situation of the country precluded the employment of clerks for that service; they could not be found to undertake that duty at what I considered a reasonable compensation; therefore, none other than a small amount of former appropriations has been disbursed on that account, and which you will find in my salary account for the first quarter of 1836, (or the one preceding, as I write from memory.) Shortly before I left Tallahassee, I had occasion to call your attention to this subject, requesting information of the amount paid for transcribing field notes by the surveyors general of Mississippi and Louisiana, and that my corresponding clerk would, in conformity with that information, endeavor to procure clerks in my absence, under forms of contracts left with him. If this information has not been furnished, I will thank you to advise me thereof, addressed to Tallahassee, whither I contemplate setting out in a few days, with my health (as I believe) re-established.

I regret to say, that recent advices inform me that my clerks have been very sick, since my departure in July, and much sickness is prevalent in that country.

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

ROBERT BUTLER.

E. A. BROWN, Esq., *Commissioner of the General Land Office.*]

F—No. 2.

Compilation from the accompanying estimates of the surveyors general for surveying the public lands for the year 1837.

By the surveyor general at Cincinnati:		
For surveying in Michigan peninsula, in addition to the appropriation for 1836...	$51,000 00	
For surveying in northern peninsula.....	20,000 00	
For surveying in Wisconsin Territory, in addition to the unexpended balance of appropriation for 1836.....	32,250 00	
For surveying unfinished portions of townships, islands, lakes, &c., at an average expense of $5 per mile.....	3,040 00	
		$106,290 00
By the surveyor general for Arkansas:		
For surveying the public lands.....		25,000 00
By the surveyor general for Florida:		
For surveying the public lands in the event of the removal of the Seminole Indians..	10,000 00	
For surveying islands and small detached portions of the public lands, at a price not exceeding $5 per mile.....	6,000 00	
For surveying private land claims, as confirmed by the Supreme Court of the United States.....	4,000 00	
		20,000 00
By the surveyor general for Alabama:		
For surveying the Cherokee lands in Alabama, if intended to be surveyed in 1837..	20,000 00	
For surveying unfinished portions of townships, islands, &c., at a price not exceeding $8 per mile.....	1,000 00	
		21,000 00
By the surveyor general for Louisiana:		
For surveying public lands and private claims.....	20,000 00	
For surveying unfinished portions of the islands, &c., at price not exceeding $8 per mile.....	20,000 00	
For expenses attending the survey of the private claims in procuring copies of plats, diagrams, &c., from the registers.....	2,000 00	
		42,000 00

G.

Statement showing the amount of forfeited land stock issued and surrendered at the United States land offices to the 30*th September*, 1836; *also, the amount of military land scrip surrendered to the same period.*

Land Offices.	Forfeited land stock.		Military land scrip.
	Total amount issued at the land offices to Sept. 30, 1836.	Total amount surrendered at the land offices to Sept. 30, 1836.	Total am't surrendered at the land offices to Sept. 30, 1836.
Marietta, Ohio.....	$5,370 93	$5,501 35	$874 25
Zanesville, do.....	23,891 72	43,741 73	262,520 44
Steubenville, do.....	48,474 07	29,872 57	1,824 93
Chillicothe, do.....	51,792 96	27,763 69	85,818 52
Cincinnati, do.....	141,984 71	132,420 38	11,654 93
Wooster, do.....	13,123 00	15,303 44	1,700 00
Lima, do.....	.....	11,185 40	83,837 07
Bucyrus, do.....	.....	22,805 61	91.298 21
Total for the State.....	284,637 39	288,594 17	539,528 35
Jeffersonville, Indiana.....	28,789 09	35,094 58	57,352 73
Vincennes, do.....	40,756 49	27,605 56	3,825 00
Indianapolis, do.....	.....	3,552 67	393,935 89
Crawfordsville, do.....	.....	4,604 60	105,825 97
Fort Wayne, do.....	.....	226 21	18,940 21
Laporte, do.....	.....	200 00	12,096 03
Total for the State.....	69,545 58	71,283 62	591,975 83

STATEMENT G—Continued.

Land Offices.	Forfeited land stock.		Military land scrip.
	Total amount issued at the land offices to Sept. 30, 1836.	Total amount surrendered at the land offices to Sept. 30, 1836.	Total am't surrendered at the land offices to Sept. 30, 1836.
Shawneetown, Illinois	$25,308 88	$19,140 07	$1,585 83
Kaskaskia, do.	11,734 81	5,795 10	1,038 75
Edwardsville, do.	10,274 64	11,758 35	44,812 80
Vandalia, do.	.....	2,602 99	23,661 98
Palestine, do.	.....	642 05	2,800 00
Springfield, do.	.....	3,349 01	65,834 47
Danville, do.	.....	.....	80,213 36
Quincy, do.	.....	.....	2,838 44
Galena, do.	.....	.....	900 00
Chicago, do.	.....	95 26	400 00
Total for the State	47,318 33	43,382 83	224,085 63
St. Louis, Missouri	6,297 41	7,550 80	390 62
Fayette, do.	12,305 70	11,438 66	125 00
Palmyra, do.	.....	2,628 24	7,066 08
Jackson, do.	.....	.....	510 94
Lexington, do.	.....	147 27	600 00
Total for the State	18,603 11	21,764 97	8,692 64
St. Stephen's, Alabama	51,957 48	35,919 47	.....
Cahaba, do.	38,374 36	50,411 34	.....
Huntsville, do.	63,004 47	51,589 22	100 00
Tuscaloosa, do.	.....	10,701 29	.....
Sparta, do.	.....	1,654 63	.....
Demopolis, do.	.....	2,959 67	.....
Mardisville, do.	.....	424 60	.....
Total for the State	153,336 31	153,660 22	100 00
Washington, Mississippi	61,232 41	34,545 13	.....
Augusta, do.	.....	.....	3,700 00
Mount Salus and Jackson, Mississippi	473 36	24,524 00	1,903 33
Columbus, Mississippi	78 92	227 13	14,700 00
Chocchuma, do.	.....	.....	.....
Total for the State	61,784 69	59,296 26	20,303 33
Opelousas, Louisiana	3,291 28	3,275 82	.....
Ouachita, do.	.....	174 00	.....
Total for the State	3,291 28	3,449 82	.....
Detroit, Michigan	1,101 59	10,713 72	53,220 59
Kalamazoo, do.	.....	16 00	7,900 00
Monroe, do.	.....	.....	17,382 32
Ionia, do.	.....	.....	.....
Genesee, do.	.....	.....	.....
Total for the State	1,101 59	10,729 72	78,503 91

STATEMENT G—Continued.

Land Offices.	Forfeited land stock.		Military land scrip.
	Total amount issued at the land offices to Sept. 30, 1836.	Total amount surrendered at the land offices to Sept. 30, 1836.	Total am't surrendered at the land offices to Sept. 30, 1836.
Helena, Arkansas	.....	.....	$300 00
Total for the State	.....	.....	300 00
Green Bay, Wisconsin	.....	.....	1,637 50
Mineral Point, do.	.....	.....	17,127 63
Milwaukie, do.	.....	.....	300 00
Total for the Territory	.....	.....	19,065 03
Tallahassee, Florida	.....	$11,200 00	.....
Total for the Territory	.....	11,200 00	.....
Grand total of stock issued at the land offices	$639,618 28	.....	.....
Add amount of stock issued at the Treasury under the 4th section of the act of 23d May, 1828, for moneys forfeited (on lands sold at New York in 1787) by Edgar and Macomb	29,782 75	.....	.....
Aggregate	669,401 03	663,361 61	1,482,554 72

GENERAL LAND OFFICE, *December* 1, 1836.

JNO. M. MOORE, *Acting Commissioner.*

H.

Exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered; showing the balance of cash in the receivers' hands at the date of their last monthly accounts current; and the period to which the receivers' quarterly accounts have been rendered.

Land offices.	State or Territory.	Monthly returns.		Admitted balance of cash in hands of receivers, per last monthly account current.	Period to which the receivers' quarterly acc'nts have been rendered.
		Period to which rendered by the register.	Period to which rendered by the receiver.		
Marietta	Ohio	Oct. 31, 1836	Oct. 31, 1836	$1,337 48	Sept. 30, 1836
Zanesville	do.	do.	do.	14,958 41	do.
Steubenville	do.	do.	do.	240 56	do.
Chillicothe	do.	do.	do.	16,683 78	do.
Cincinnati	do.	Sept. 30, 1836	Sept. 30, 1836	36,227 16	do.
Wooster	do.	Oct. 31, 1836	Oct. 31, 1836	2,285 09	do.
Lima	do.	do.	do.	.....	do.
Bucyrus	do.	do.	do.	367 55	do.
Jeffersonville	Indiana	do.	do.	.....	do.
Vincennes	do.	Sept. 30, 1836	do.	36,659 57	do.
Indianapolis	do.	do.	do.	7,287 75	do.
Crawfordsville	do.	do.	Sept. 30, 1836	8,957 07	do.
Fort Wayne	do.	Oct. 31, 1836	Oct. 31, 1836	235,487 07	do.
La Porte	do.	do.	do.	33,065 84	do.
Shawneetown	Illinois	do.	do.	987 64	do.
Kaskaskia	do.	Sept. 30, 1836	Sept. 30, 1836	8,728 03	do.

EXHIBIT H—Continued.

Land Offices.	State or Territory.	Monthly returns.		Admitted balance of cash in hands of receivers, per last monthly account current.	Period to which the receivers' quarterly acc'nts have been rendered.
		Period to which rendered by the register.	Period to which rendered by the receiver.		
Edwardsville	Illinois	Oct. 31, 1836	Oct. 31, 1836	$6,430 62	Sept. 30, 1836
Vandalia	do.	do.	do.	16,215 08	do.
Palestine	do.	do.	do.	8,790 65	do.
Springfield	do.	do.	do.	7,193 84	do.
Danville	do.	Sept. 30, 1836	Sept. 30, 1836	53,877 10	do.
Quincy	do.	do.	do.	4,036 49	do.
Galena	do.	April 30, 1836	July 31, 1836	110,926 34	Mar. 31, 1836
Chicago	do.	Oct. 31, 1836	Oct. 31, 1836	22,221 65	Sept. 30, 1836
St. Louis	Missouri	do.	do.	.....	do.
Fayette	do.	Sept. 30, 1836	do.	51,896 35	do.
Palmyra	do.	do.	Aug. 31, 1836	23,958 20	Mar. 31, 1836
Jackson	do.	do.	Sept. 30, 1836	9,611 30	Sept. 30, 1836
Lexington	do.	do.	do.	61,693 24	do.
Springfield	do.	Aug. 31, 1836	Aug. 31, 1836	5,042 02	do.
St. Stephen's	Alabama	Feb. 29,* 1836	Oct. 31, 1835	30,483 89	Sept. 30, 1835
Cahaba	do.	Aug. 31, 1836	Aug. 31, 1836	62,910 73	June 30, 1836
Huntsville	do.	Oct. 31, 1836	Oct. 31, 1836	22,647 39	Sept. 30, 1836
Tuscaloosa	do.	do.	do.	.....	do.
Sparta	do.	do.	do.	62,314 41	do.
Demopolis	do.	do.	do.	29,290 73	do.
Montgomery	do.	Aug. 31, 1836	do.	.....	do.
Mardisville	do.	Oct. 31, 1836	do.	13,645 06	do.
Washington	Mississippi	do.	do.	7 77	do.
Augusta	do.	do.	do.	9,926 72	do.
Jackson	do.	Sept. 30, 1836	Sept. 30, 1836	.....	do.
Choechuma	do.	do.	do.	21,187 95	June 30, 1836
Columbus	do.	Aug. 31, 1836	Aug. 31, 1836	116,545 71	Aug. 31, 1836
New Orleans	Louisiana	May 31, 1836	June 30, 1836	277,231 66	June 30, 1836
Opelousas	do.	Oct. 31, 1836	Oct. 31, 1836	1,462 69	Sept. 30, 1836
Ouachita	do.	do.	Sept. 30, 1836	9,072 01	do.
St. Helena	do.	Sept. 30, 1836	do.	6,542 26	do.
Detroit	Michigan	Oct. 31, 1836	Oct. 31, 1836	215 00	do.
Kalamazoo	do.	July 31, 1836	July 31, 1836	2,055 26	do.
Monroe	do.	June 30, 1836	do.	13,460 96	do.
Genesee	do.	Sept. 30, 1836	Sept. 30, 1836	2,185 72	do.
Ionia	do.	Oct. 31, 1836	Oct. 31, 1836	878 45	do.
Mineral Point	Wisconsin	do.	Sept. 30, 1836	37,496 18	do.
Green Bay	do.	do.	Oct. 31, 1836	62,352 44	do.
Milwaukie	do.	Sept. 30, 1836	Sept. 30, 1836	40,671 06	do.
Batesville	Arkansas	Oct. 31, 1836	Oct. 31, 1836	42,270 80	do.
Little Rock	do.	do.	do.	7,448 84	do.
Washington	do.	Feb. 29, 1836	Sept. 30, 1836	30,308 49	do.
Fayetteville	do.	Aug. 31, 1836	Aug. 31, 1836	50,094 99	do.
Helena	do.	July 31, 1836	Sept. 30, 1835	11,607 72	do.
Tallahassee	Florida	Oct. 31, 1836	Oct. 31, 1836	14,951 70	do.
St. Augustine	do.	No sales.	.....	.....	.....

* Received at the Treasury for March.

GENERAL LAND OFFICE, *December* 1, 1836.

JOHN M. MOORE, *Acting Commissioner.*

24TH CONGRESS.] No. 1547. [2D SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 13, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of James A. Williams, of Blount county, Alabama, reported:

That it appears from the statement of petitioner, supported by the affidavit of a disinterested person, that he settled upon and improved a small tract of government land, which had been offered for sale at the Huntsville land office, in said State; that when he was enabled to procure the money to enter it, as he intended to do when he made the improvement, one Alexander Williams took the numbers of the said tract, as he supposed correctly, for petitioner, who was at the time confined by sickness; that afterward he made the entry at said land office according to the numbers thus taken, which turned out to be east half of the *north*west quarter of section twenty-one, township eleven, range two west, instead of the east half of the *south*west quarter of the same section, which included his improvement, and was the tract he really intended to purchase; that as soon as he discovered that he had entered, instead of his improvement, another piece of land entirely worthless, and which he never designed to enter, he made application at said office to correct the mistake, but the register refused to make the correction. From this state of facts, your committee recommend the relief prayed for, allowing petitioner to relinquish the tract purchased by mistake, and apply the sum paid thereon to the purchase of other lands in that district subject to private entry, and report a bill accordingly.

24TH CONGRESS.] No. 1548. [2D SESSION.

CIRCULAR FROM THE TREASURY THAT GOLD AND SILVER ONLY BE RECEIVED IN PAYMENT FOR THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE, DECEMBER 14, 1836.

TREASURY DEPARTMENT, *July* 11, 1836.

In consequence of complaints which have been made of frauds, speculations, and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous if not partial facilities, through bank drafts and bank deposites, and the general evil influence likely to result to the public interests, and especially the safety of the great amount of money in the Treasury, and the sound condition of the currency of the country, from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money, the President of the United Sates has given directions, and you are hereby instructed, after the 15th day of August next, to receive in payment of the public lands nothing except what is directed by the existing laws, viz.: gold and silver, and in the proper cases, Virginia land scrip; provided that, till the 15th of December next, the same indulgences heretofore extended as to the kind of money received, may be continued for any quantity of land not exceeding 320 acres to each purchaser who is an actual settler, or bonafide resident in the State where the sales are made.

In order to insure the faithful execution of these instructions, all receivers are strictly prohibited from accepting for land sold, any draft, certificate, or other evidence of money or deposite, though for specie, unless signed by the Treasurer of the United States, in conformity to the act of April 24, 1820. And each of those officers is required to annex to his monthly returns to this department, the amount of gold and of silver respectively, as well as the bills received under the foregoing exception; and each deposite bank is required to annex to every cerlificate given upon a deposite of money, the proportions of it actually paid in gold, in silver, and in bank-notes. All former instructions on these subjects, except as now modified, will be considered as remaining in full force.

The principal objects of the President, in adopting this measure, being to repress alleged frauds, and to withhold any countenance or facilities in the power of the government from the monopoly of the public lands in the hands of speculators and capitalists, to the injury of the actual settlers in the new States, and of emigrants in search of new homes, as well as to discourage the ruinous extension of bank issues and bank credits, by which those results are generally supposed to be promoted, your utmost vigilance is required, and relied on, to carry this order into complete execution.

LEVI WOODBURY, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1549. [2D SESSION.

ON A CLAIM TO LAND IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 21, 1836.

Mr. PATTERSON, from the Committee on Private Land Claims, to whom was referred the petition of Norman Holt, reported:

That in his said petition he sets forth that some five or six years since he settled on the public lands, in the State of Indiana, in what is now called Owen county, in the Vincennes land district; that he built a house and cleared twenty acres of land, on the southwest quarter of the northeast quarter of section 25, township 12, range 5, north; that, in the month of January last, (1836,) he became enabled to pay the government price for said land, and for the purpose of carrying to the land officers the correct numbers of said land, he called on two of his neighbors, Solomon Baker and Samuel Coffman, who gave him, as he verily believes, the proper numbers of the land on which he resided; that he went to the land office, and gave the same numbers of the land as furnished him by Baker and Coffman, and for which he received a certificate of purchase for, as he thought, the same land; that he went home and laid by his certificate, and went to work on said land, supposing it to be his own, and that he knew no better until he was notified by one William Fry to leave the premises; that he (Fry) had entered the land; that he (Holt) went to his certificate, and found that there was an error in the entry; that it called for the southwest quarter of the southeast quarter of section twenty-five of township twelve, in range five, instead of the southwest quarter of the northeast quarter of section twenty-five, township twelve, range five; that finding himself defeated in getting the land, by the mistake of the officers of the land office, (as he believes,) he went and examined the land described in the certificate, and finds it poor and broken, and not such a tract as he can ever expect to support his family upon, and he prays Congress to permit him to surrender this certificate, given to him at the land office, and permit him to apply the money paid for the same on any unsold lands within the same land district.

On examining the testimony in support of his claim, your committee find the affidavit of four individuals, who are neighbors of said Holt, all of whom testify that Holt informed them, before he went to the land office, that he intended to enter the land on which he resided, and that, after his return, he said to them that he had done so. Two of them, to wit, Solomon Baker and Samuel Coffman, declare that said Holt did apply to them, as stated in his petition, for the proper numbers of the land on which he resided, and that they did give him the true number, viz.: the southwest quarter of the northeast quarter of section twenty-five, township twelve, range five, to be sold in the Vincennes district.

Your committee, in view of this case, as set forth in the petition, and the evidence sustaining it, are decidedly of the opinion that the said Holt is entitled to the relief prayed for in his petition. They are satisfied that there was a mistake in the entry. There could have been no inducement for the petitioner to have given any other number than that which would secure the land on which he had made his improvement, and whether the mistake in the entry was made by the petitioner or the officers of the land office, the committee think it due to the petitioner that he shall have the privilege of applying the money paid for said land on any of the unsold lands in said land district, and they have, therefore, reported a bill for his relief.

24TH CONGRESS.] No. 1550. [2D SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of James Morrison, reported:

That he claims under Charles Dewey, who states by his affidavit that he is now (in October, 1836) fifty-one years old; that he settled, by pre-emption from the Spanish government, in 1802, upon the premises. (He must then, according to his own affidavit, have been seventeen years old.) It is not stated from what officer of the Spanish government the permit was obtained; neither is it produced, nor the non-production thereof accounted for in any way. The affiant, Dewey, states that he conveyed all his interest on the improvement, (consisting of a cabin,) in 1805, to James Morrison, for a valuable consideration, (the amount not stated.) The proof produced of any settlement is wholly indefinite and unsatisfactory, the petition and affidavit vague and uncertain, and not such in the estimation of your committee to authorize them to pass the claim.

24TH CONGRESS.] No. 1551. [2D SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 23, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of Jehu Hollinsworth, of Blount county, Alabama, reported:

That petitioner represents that, with a view of entering a forty-acre tract of land, on which he had settled and improved, within the Huntsville land district, he caused the numbers to be taken by an individual whom he believed understood such business, but who, by mistake, furnished petitioner with the number of the southwest quarter of the northwest quarter of section two, in township eleven, range three east, instead of the corresponding number in section eleven, same township and range; from which erroneous number the petitioner made the entry, and paid the purchase money. It is stated that the land actually entered does not embrace any part of petitioner's improvement, and is barren and worthless. It further appears that petitioner is, by disease and defective eyesight, rendered incapable of using proper diligence in taking correctly the numbers of land. The important facts in this case, to wit: that the petitioner had an improvement on the public land which he intended to enter, the mistake in the entry, and the worthless character of the land he entered by mistake, are substantially proven by affidavits of disinterested persons.

Your committee, therefore, recommend relief as prayed for, authorizing petitioner to surrender the land entered by mistake, and appropriate the amount paid toward other lands subject to private entry in said land district; and report a bill accordingly.

24TH CONGRESS.] No. 1552. [2D SESSION.

ON A CLAIM TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 23, 1836.

Mr. CHAPMAN, from the Committee on the Public Lands, to whom was referred the petition of William James Aarons, of Blount county, Alabama, reported:

That the petitioner states that he settled a tract of government land that had been offered for sale, some years ago, and made an improvement, with an intention of making an entry of a small part, so as to include his improvement, as soon as he could procure the means of doing so; that when he was prepared to do so, he employed the surveyor of the county to ascertain the number of the legal subdivision, so as to embrace his houses and improvement; that this individual, by mistake, as petitioner presumes, took the numbers of the southwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter, of section 32, in township 10, range 4 east, of the basis meridian of the Huntsville land district, instead of the corresponding numbers in section 33, where petitioner's improvement was situated. By these false numbers the entry was made at the said land office, and the price paid. The petitioner states that the land entered by mistake as aforesaid is poor, unimproved, and entirely valueless; that he did not discover the mistake until some short time after, when he immediately applied at said office to get it corrected; but the register refused to make the correction, under the rules governing such cases. By a note addressed to the said register by said county surveyor, and the certificate of the receiver, it appears that application was made to alter the entry, as stated. The petitioner asks to be allowed to surrender the land entered by mistake, and apply the money paid thereon to the purchase of other lands.

From the above state of facts, the committee believe that the said land was not intended to have been purchased by the petitioner, but another tract, on which his improvement was situated, in a different section, and that he used due diligence in applying to have the mistake corrected; and therefore recommend that the prayer of the petitioner be granted, and report a bill accordingly.

24TH CONGRESS.] No. 1553. [2D SESSION.

ON A CLAIM TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 26, 1836.

Mr. LAWLER, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Hernandez, reported:

That the petitioner states that he claims a tract of land, containing about 800 arpens, which he alleges was granted to him by the Spanish government, in October, 1817; that his claim was presented to the commissioners

appointed to decide claims to lands in the district of West Florida, in due time, and was omitted in the report of the abstract of lands confirmed by said commissioners, and that the title-papers are recorded in the record-book containing the records of Spanish titles, &c.; but the petitioner has failed to present any of the title-papers, or certified copies of them, without which your committee believe it would be unsafe for Congress to act upon those claims. Your committee therefore ask to be discharged from the further consideration of the subject.

24TH CONGRESS.] No. 1554. [2D SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 27, 1836.

Mr. R. GARLAND, from the Committee on Private Land Claims, to whom was referred the petition of Polly Lemon, reported:

That the petitioner is entitled to a tract of land, containing 640 acres, situated between the Rio Hondo and the Sabine, or that part of the State of Louisiana commonly called "the Neutral Territory," a short distance from Fort Jesup. She presented her claim to the register of the land office and receiver of public moneys for the land district south of Red river, in Louisiana, for their decision and report thereon, under the acts of Congress passed for the purpose of adjusting claims to land in that district, who recommended it, among many others, for confirmation; and on the 24th day of the month of May, in the year 1828, an act was passed confirming the claims mentioned in the said report, (*vide* Laws U. S., vol. 8, page 109,) except some specially enumerated. The petitioner remained in possession of the land so claimed and confirmed to her, making it her home. In the year 1832, the commanding officer at Fort Jesup made a representation to the War Department of the great inconveniences that the officers and troops stationed at that post were subjected to, in consequence of a number of persons being settled around it, (some of them not bearing very good characters,) and from their keeping grog-shops or other establishments calculated to interfere with the proper discipline of the garrison. He therefore suggested the propriety of reserving all the public lands around the fort, for the distance of three miles from the flag-staff. In the correspondence relative to this reservation, the late General Leavenworth states there are several private claims that were good, which would fall within the limits of the reservation, and suggests the propriety of extinguishing them by giving the owners lands elsewhere, or paying a certain sum for them. A correspondence of some length took place on the subject of the proposed reservation, between the commanding officer at Fort Jesup, the Quartermaster General, General Macomb, the late register of the land office at Opelousas, the Commissioner of the General Land Office, and the Secretary of War, which resulted in the matter being submitted to the President, who directed a large tract of land around the fort, viz., about twenty-five sections, to be reserved for public purposes, the whole of which was taken possession of by order of the officer commanding. About the same time, General Leavenworth was directed to make arrangements with the owners of the claims that might fall within the reservation to extinguish their titles: he reports to the department that he had taken measures to do so, and entered into agreements with them all, (except three,) which would be satisfactory; but they were to be subject to the approbation of the department, and would require the sanction of an act of Congress. With whom these agreements were made, and what stipulations they contained, the committee are not informed, as it does not appear that the general ever sent them to Washington, and his death renders it impossible to know what they were. From his statement they were inchoate, and possibly, at the time he informs the War Department of having made them, the contracts were not reduced to writing. This correspondence, however, shows it was not the intention of the government to take the property of individuals without compensation. The government has been in possession of the land since the year 1833, and has paid nothing for it.

In the month of January last, the petitioner made application to the register of the land office and receiver of public moneys, at Opelousas, Louisiana, to have her claim located and surveyed according to law, at the place where her settlement was made, and to issue to her a patent certificate for the land. These officers declined doing so, alleging, as a reason, that "the tract claimed by her is the section 27, in township No. 8 north, of range No. 10 west, being one of the sections of land reserved by the President as part of a military reservation for Fort Jesup." From this decision of the register and receiver, the petitioner, by her agent, appealed to the late Commissioner of the General Land Office for relief. He replies to the application, that the land claimed is within the reservation around Fort Jesup; that he has referred to the Department of War, and is advised by it "that so long as Fort Jesup is occupied by the troops of the United States, the tract of land referred to will be necessary for military purposes." That fort has been occupied since about the year 1822, and there is no probability of its being abandoned.

It is proved very satisfactorily that the land of which the petitioner has been deprived, is worth from seven to ten dollars per acre.

The case is one which, in the opinion of the committee, presents a claim for prompt and ample relief. They therefore report a bill.

24TH CONGRESS.] No. 1555. [2D SESSION.

ON A CLAIM TO LOCATE A MILITARY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 28, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom was referred the petition of the heirs of Francis Jarvis, deceased, reported:

The facts set forth in the petition, and sustained by the proof, in behalf of the heirs of Francis Jarvis, deceased, show that a land warrant for 100 acres, No. 6345, was issued to the heirs of said Francis Jarvis, and was located in the Virginia military district, in the State of Ohio; that some time after said location, it was ascertained by the surveyor that said warrant was located upon lands previously appropriated; and, in consequence thereof, the said warrant was surrendered for the issuance of scrip under the act of the 30th of May, 1830; but before it was again located, or could be attended to by the heirs, a subsequent act of Congress passed, prohibiting scrip to issue on lost entries; or, at least, this is the interpretation given to said act by the surveyor's officers, &c. at the land office.

Your committee consider that the prayer of the petitioners is reasonable, and have reported a bill accordingly.

24TH CONGRESS.] No. 1556. [2D SESSION.

ON CLAIMS TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 30, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom were referred the documents pertaining to various land claims, for lands lying between the Rio Hondo and Sabine rivers, reported:

That the register and receiver of the southwestern land district was directed by the act of Congress of the 3d of March, 1823, and a supplemental act thereto passed on the 25th of May, 1824, as commissioners to examine into the claims, take testimony, &c., recommend for confirmation or rejection, to Congress, such claims as should be submitted them in a given time, as will more fully appear by a reference to said acts. The register and receiver, in pursuance of said authority, proceeded in the performance of the duty assigned them, took testimony, and adjudicated many claims, confirming some and rejecting others. Among those which were recommended for confirmation, were a certain number which were suspended by Congress in the passage of an act of the 24th of May, 1828, (which confirmed the balance,) as the act recites that they should be suspended "until it is ascertained whether they are situated in the country claimed by the Caddo Indians."

There has been no information obtained upon this point; but it is believed there has been sufficient information obtained to supersede the necessity of that inquiry. It is believed by the committee, from the best information within their reach, that the Caddo Indians had no right of any sort there, except a permissive right, and that the citizens who claimed by habitation, cultivation, or otherwise, were not trespassers or intruders upon the Indian lands. A thorough inquiry has been made of the Secretary of War, for such information as was in possession of his department in relation to the country whence the Caddoes came; what time they settled in the country in question; and what right they hold and claim in these lands.

The Secretary has communicated all the information at his command, which, taken with his correspondence with one of your committee, is too voluminous to incorporate in this report. And although there is no direct evidence which is absolutely conclusive, yet there is much circumstantial testimony which is extremely persuasive to establish these facts:

That, anciently, these Indians inhabited a country much farther southwest than the one which is now the subject of inquiry; that about thirty years ago they were driven by their enemies (the Osages) from the country they then inhabited upon the white settlements, where they were permitted to remain until the late treaty with them, in the making of which it appears that the Secretary of War did not consider that they had any title to the country, but was induced to give them the sum, perhaps $80,000, to relinquish their possessions and go off *peaceably*, as will more fully appear by the correspondence upon that subject.

The committee are therefore of opinion that those cases which were suspended by the 1st section of the act of 1828, are as meritorious as those which were confirmed, and have reported a bill for the confirmation of those claims which were suspended.

24TH CONGRESS.] No. 1557. [2D SESSION.

ON A CLAIM TO LAND IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 30, 1836.

Mr. HUNTSMAN, from the Committee on Private Land Claims, having had under consideration the resolution of the House, adopted on the 20th instant, directing them to inquire into the "expediency of so amending the act of the last session of Congress for the relief of the heirs of Thomas Reddock, as to confine the confirmation of the tract of land therein mentioned to the section originally located and claimed by the said Reddock, and upon which his improvements were made," reported:

The object of the resolution seems to be to remove the difficulties which lie in the way of the claimants in getting the title to a particular spot of ground described in the body of the foregoing act, but which is controlled by the following proviso annexed:

"And provided also, that should said tract of land be included in any reservation heretofore made, under treaty with any Indian tribe, that the said heirs be, and they are hereby authorized to locate the same quantity in legal divisions or subdivisions, on any unappropriated lands of the United States, in said territory, subject to private entry."

Upon a recent examination, your committee have discovered that the tract of land claimed by the heirs of Thomas Reddock is embraced within an Indian reservation, according to a treaty made with the Sac and Fox Indians on the 4th of August, 1824, and ratified the 18th of January, 1825, the first section of which, after ceding to the United States the lands described in certain boundaries, lying between the Mississippi and Missouri rivers, &c., has the following reservation, to wit: "It being understood that the small tract of land lying between the Desmoine and the Mississippi, and the section of the above line between the Mississippi and Desmoine, is intended for the use of the half-breeds belonging to the Sac and Fox nations, they holding it, however, by the same title and in the same manner that other Indian titles are held."

The particular tract under consideration lies within the boundaries reserved for the half-breeds of the Sac and Fox tribes, under this treaty. If the principle laid down in the Constitution of the United States be correct *in relation to treaties with Indian tribes*, that "a treaty is the supreme law of the land," then this question is at rest, and those half-breeds must enjoy undisturbed all the benefits under it. If it is considered as a mere question of contract between the government and those Indian tribes, (without possessing those high constitutional obligations which are considered of a sacred character,) then the United States has contracted and agreed with these Indian tribes that this reservation shall remain for the use and benefit of those half-breeds, and it would be a violation of that contract to make any other disposition of it to the prejudice of their rights.

Again, if this land belonged to those Indians, either in fee-simple or the usufructory right, then the particular tract here specified has never been ceded to the United States, but, on the contrary thereof, has been expressly reserved from cession by the Indians, with the assent of the United States.

Your committee are not aware of any instance where the government of the United States has knowingly sold or granted lands in the Indian boundary, whatever the States may have done. It is believed by your committee that the last expression in the clause of reservation, to wit, "They holding it, however, by the same title and in the same manner that other Indian titles are held," is entitled to this interpretation; that they here acknowledge that their right is only a usufructory one, and that, when they choose to sell and surrender it, the United States alone are to be the purchasers, which is the common condition by which *other Indian titles are held* in the United States. Your committee think these principles are so plain, that it is not necessary at this time to go into an elaborate discussion of them, notwithstanding they are informed the property is immensely valuable—perhaps worth to the amount of several hundred thousand dollars. This has perhaps been produced by the circumstance of a town being laid off upon the land, at a commanding situation upon the bank of the Mississippi, and other advantages appertaining thereto; but it is no reason that the government should violate its faith or infract a treaty solemnly made with an Indian tribe.

Your committee, therefore, feel constrained to report unfavorable upon this application, and that it is such as ought not to be granted.

24TH CONGRESS.] No. 1558. [2D SESSION.

ON CLAIMS TO LAND IN ARKANSAS.

COMMUNICATED TO THE SENATE, JANUARY 2, 1837.

Mr. SEVIER, from the Committee on Private Land Claims, to whom was referred a resolution directing them to inquire into the expediency of confirming to the purchasers thereof certain tracts of land sold to them by John Pope, late governor of Arkansas, by virtue of an act of Congress authorizing him to dispose of ten sections of the public lands to build a State-house at Little Rock, in Arkansas, reported:

That they find, by an act of Congress, approved March 2, 1831, entitled, "An act granting a quantity of land to the Territory of Arkansas for the erection of a public building at the seat of government of said Territory," "that the legislature of said Territory was authorized to select, or cause to be selected, a quantity of the unappropriated public lands in the Territory of Arkansas, not exceeding ten sections, and in portions not less than a quarter-section," which was granted to said Territory for the purpose of raising a fund for the erection of

a public building at Little Rock, the seat of government of said Territory; and by the second section of that act, they find that the legislature of said Territory was authorized to adopt such measures for the sale of said tract of land, or any part thereof, at such times and manner, and convey the same by such deeds, as they might deem expedient; and upon the presentation of such deeds of conveyance as they should adopt and give to the purchasers, it was made the duty of the President to issue patents to them as in other cases. They also find that, by a subsequent act of Congress, approved July 4, 1832, entitled, "An act to authorize the governor of the Territory of Arkansas to select ten sections of land granted to said Territory for the purpose of building a legislative house for said Territory, and for other purposes," that all the authority and power given to the legislature of Arkansas by the aforesaid act of the 2d of March, 1832, upon the subject of the ten sections of land, &c., was vested in and given to the governor of said Territory; and in pursuance of this authority, the governor of Arkansas undertook and executed the trust vested in him by the act of the 4th of July, 1832, in selecting, selling, and transferring the ten sections of land granted by Congress to Arkansas for the purposes set forth in those acts. He has disposed of a quantity of the unappropriated public lands, not exceeding ten sections; but in executing the trust he has, in more instances than one, taken with fractions of said ten sections, claims adjoining and contiguous fractions; but in every such instance, when he has thus taken fractions, it has been the whole of the fraction, and in conformity to legal subdivisions; and in every such location, when the fractions were taken, if the number of acres of which they consisted amounted in quantity to less than a quarter-section, the United States were credited as for a quarter-section of land. At the proper department it is contended that every fraction, however small, shall be counted as a quarter-section: the consequence is, that although Governor Pope's location does not exceed, but falls short of, the number of acres which compose ten sections, many persons who purchased of him and have paid him the cost of their purchases, believing he had power to sell them the land they bought, will, without the interposition of Congress, be deprived of their land, and lose the money they have paid for it.

The committee further state, all the money paid by the purchasers for the land they purchased of the governor has been expended; that the territorial government has ceased to exist; that Governor Pope is no longer a citizen of the State; and, under a full view of the whole case, considering that he was the agent of the government in disposing of the ten sections of land for a laudable public purpose, that a quantity not exceeding ten sections was disposed of by him, when they consider that the purchasers bought and paid in good faith, and are without remedy, they think that a rigid technical construction of the statute, when the interest of the United States is so small, ought not to operate to their prejudice; and, therefore, they report a bill, ratifying and confirming the official proceedings of the late Governor Pope, in this particular.

24TH CONGRESS.] No. 1559. [2D SESSION.

IN FAVOR OF ALLOWING CERTAIN PRE-EMPTION CLAIMS UNDER THE ACT OF THE 19TH OF JUNE, 1834.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1837.

Mr. YELL, from the Committee on the Public Lands, who were instructed to inquire into the expediency of allowing all such persons as were actually residing on, or cultivating any portion of, the public land, and who were prevented from obtaining their pre-emptions, under the act of 1834, and previously, by a failure or delays in surveying the public lands, a right to enter one quarter-section, to include their residence or improvements; or where such lands have been subsequently floated upon or sold, a right to enter one quarter-section, and one additional eighth, as a compensation for their improvements, to be located in the same district where such improvements or residence may have been had, reported:

That, under the privilege of the act of Congress, granting a pre-emption to actual settlers, passed on the 19th of June, 1834, every settler or occupant residing upon public lands prior to the passage of said act, and who was in possession, and cultivated any part thereof, in the year 1833, was entitled, for two years, to the benefit of said act; but from various causes, over which the occupant had no control, such as the failure of the surveyor general to cause the land to be surveyed, and the plats thereof filed in the land offices, or the lands having been reserved from sale by the government, the occupant was denied the benefit of said act previous to its expiration, which was on the 19th June, 1836.

The committee are satisfied that the occupant, who brings himself within the provisions of the act of the 19th June, 1834, but who has been prevented from reaping the benefits thereof by a failure or non-compliance on the part of the government, or its authorized agents, in not placing him in a situation to receive the benefit of said act, is, and in good faith ought to be, entitled to the benefit of said act, until the obstacle is removed by the general government. Therefore, they recommend the extension of the benefit of said act to all settlers who come within its provisions, until said land shall be offered at public sale.

24TH CONGRESS.] No. 1560. [2D SESSION.

ON A CLAIM TO LAND IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1837.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, to whom was referred the petition of Hiner Stigermire, reported:

That, it appears in the year 1834 the petitioner, being desirous of entering a small piece of land for farming purposes, and being a stranger in the country, and unacquainted with the mode of entering lands, he procured a surveyor to make the necessary examination for him, and furnish him with a memorandum of the numbers by which he could make the entry. Being furnished with the numbers by the surveyor of the land he desired to enter, he proceeded to the land office in the city of St. Louis, State of Missouri, and there entered the southeast quarter of the southwest quarter of section thirty-one, township forty-five north, in range one east, agreeably to the memorandum furnished him by the surveyor, and obtained a certificate of the same from the register. Some time afterward, when it was too late to correct the mistake, the petitioner states that he discovered the numbers furnished him by the surveyor were not those which he wanted, they being the southwest quarter of the northwest quarter, same township and range as above. That in good faith he settled upon the land which he supposed he had entered, and made valuable improvements upon it as his future home. The petitioner asks that, upon relinquishing the entry which he made through mistake, he may be allowed to enter the land on which he lives, being the land which he originally intended to enter, and which is yet liable to entry.

Your committee, deeming the prayer of the petitioner reasonable, have reported a bill accordingly.

24TH CONGRESS.] No. 1561. [2D SESSION.

PAYMENTS TO THE NEW STATES OUT OF THE FIVE CENT. PROCEEDS OF THE SALES OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1837.

TREASURY DEPARTMENT, *December* 31, 1836.

SIR: In obedience to a resolution of the House of Representatives, of the 26th instant, "directing the Secretary of the Treasury to lay before the House a statement of the various sums paid to the new States respectively, out of the five per cent. upon the net proceeds of the sales of public land within their respective limits; and likewise copies of the reports made by said States or agents, respectively, in relation to the objects to which said sums have been appropriated, and the manner of their appropriation," I have the honor to submit the accompanying report, from the register, of the payments made to the States named out of the five per cent. funds. No statements from those States of the manner in which the money paid has been disbursed by them can be found in this department, and none are believed to have been made by any of the States.

All of which is respectfully submitted.

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. JAMES K. POLK, *Speaker of the House of Representatives.*

Statement of the payments made to the States of Ohio, Indiana, Alabama, Missouri, Illinois, Mississippi, Louisiana, and Arkansas, out of the five per cent. of the net proceeds of the sales of land within their respective limits; prepared in pursuance of a resolution of the House of Representatives of the 26th December, 1836.

States.	Proportion of the five per cent. paid.	Amount paid.
Ohio	Three per cent.	$464,366 51
Indiana	Three per cent.	388,102 61
Alabama	Three per cent.	301,809 63
Missouri	Three per cent.	146,929 20
Illinois	Three per cent.	260,328 96
Mississippi	Three per cent.	338,808 02
Louisiana	Five per cent.	106,535 19
Arkansas	Three per cent.	4,790 00
		2,011,670 12

TREASURY DEPARTMENT, *Register's Office, December* 29, 1836.

T. L. SMITH, *Register.*

24TH CONGRESS.] No. 1562. [2D SESSION.

ON THE VALIDITY OF LAND CLAIMS IN THE SOUTHEASTERN DISTRICT OF LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 4, 1837.

TREASURY DEPARTMENT, *January* 4, 1837.

SIR: In compliance with the provisions of the second section of the act of the 6th February, 1835, I have the honor, herewith, to transmit the report of the register and receiver of the land office for the southeastern district of Louisiana, made to the department under that act, together with a communication from the Commissioner of the General Land Office, touching the validity of the claims therein enumerated.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *January* 3, 1836.

The Commissioner of the General Land Office, to whom was referred, on the 30th ultimo, the report of the register and receiver of the land office for the southeastern district of Louisiana, under the provisions of the act of the 6th of February, 1835, entitled, "An act for the final adjustment of claims to lands in the State of Louisiana," upon claims to lands in that district, for his opinion "touching the validity of the respective claims," as required by the second section of that act, begs leave to report:

That, as the present report is unaccompanied by the documents upon which the claims therein mentioned are founded, or the other evidence adduced to the land officers in their support, (although the second section of the act under which the report is made requires that it should be accompanied by such testimony,) it is not in the power of the Commissioner to scrutinize and examine the claims in question, and his examination has necessarily to be confined to the brief statement which the report itself furnishes respecting each claim. From this consequently imperfect investigation, no objections are perceived to the recognition of claims numbered 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, as it is believed that they all come within the principles which have heretofore governed Congress in providing for the confirmation of claims within Louisiana. In relation, however, to the two other claims included in the report, he has to observe, that No. 5 is the claim of M. A. Musé to a tract of 556.85 arpens, in the parish of Pointe Coupée, at a place called the Bend, founded "on a title derived from the government holding the domain of Louisiana, in the year 1763," and "habitation and cultivation back to the year 1771." By the report, and the accompanying letter from the surveyor general, it appears that the land now claimed, having been entered as claim No. 291, in the report of the register and receiver of the 5th September, 1833, by the "police jury of the parish of Pointe Coupée," in behalf of the inhabitants of the parish, was confirmed to them by the act of the 3d of March, 1835, supplementary to the act of the 4th July, 1832, for the final adjustment of claims to lands in the southeastern district of Louisiana.

When the report of September, 1833, was referred to it, this office, in a report thereon made to the Secretary of the Treasury on the 9th of January, 1834, observed, in relation to the land in question, that "No. 251 is a claim set up by the police jury of Pointe Coupée, in behalf of the inhabitants of that parish, to a tract of 920 arpens, in consequence of their having erected a levee on it after it was abandoned by the pretended owners, many years ago. There is no law authorizing the insertion of a claim of this character in the report, inasmuch as it is not founded upon any grant or foreign title, nor is it based upon inhabitation and cultivation by the present claimants, or any other persons. So far as is known to this office, no claim of this description has ever been recognized, and I am decidedly of opinion that it ought not to be confirmed. The fact that the inhabitants of this parish found it necessary or expedient to make a levee on the land in question, for their general benefit, does not, in my opinion, give them any stronger claim to the land above mentioned than the other counties and parishes in the different states would have to such vacant lands in their limits as they might see proper to use or improve in any manner for their common benefit. Another important objection arises from the fact that the confirmation of this tract would justly be considered as authorizing all the other parishes in Louisiana, in which the inhabitants have made levees in front of the public lands binding on the rivers and bayous, to claim the same, in consequence of their having made such levees; and thus, most probably, strip the government of every foot of public land upon such bayous and water-courses. The number of claims in which this case, if now confirmed, would be hereafter referred to as a precedent, cannot be known to this office; nor can the injurious effects which its confirmation would have upon the future interests of the government be now estimated."

The claim now presented is stated to be founded "on *a title* derived from the government holding the domain of Louisiana in the year 1763;" but the precise nature of that title is not mentioned, nor is it clearly stated whether the title itself was obtained in 1763, or whether it emanated at a different period from the government possessing that country in that year. "Proof of inhabitation and cultivation back to the year 1771" is stated by the claimant to be filed with the notice of the claim; but, by reference to the report upon the claim of the police jury, it will be seen that the land officers remark that "it appears that, in the year 1815, the said police jury, in order to save the inhabitants of the said parish from an unavoidable inundation from the river, took possession of the said land, which had been abandoned, as they allege, by the pretended owners, and erected on it, at a considerable expense, the necessary works, levees," &c. I am therefore of opinion that, before any final decision is had in this case, it should be further examined, to ascertain the nature and date of the alleged title, and whether the land was actually abandoned by the claimants, as stated by the police jury; and, if so, to ascertain the time and circumstances of such abandonment. If, however, Congress should see proper to confirm this claim without any further investigation into its merits, it will be necessary either to make such provision in relation thereto as will not impair the title already vested in the inhabitants of the parish of Pointe Coupée by the confirmatory act of 1835, or authorize the claimant to make another location.

No. 10 is the claim of Robert Bell to two tracts of 1,600 arpens each, on the bayou Grosse Tête, and having been reported by the land officers during the last session of Congress, with copies of the papers produced in its support, formed the subject of the report from my predecessor to you, of the 23d of May last; a copy of which

is herewith transmitted, with a view of being considered part of this report. Concurring in the opinion therein expressed, and as, in the letter from the land officers transmitting the present report, it is stated that the receiver of public moneys is of opinion "that the claim should not be confirmed under the present state of the testimony produced by the claimant," the Commissioner cannot recommend its confirmation.

The report and accompanying letter from the land offices are herewith returned.

All which is respectfully submitted.

JAMES WHITCOMB, *Commissioner*.

Hon. LEVI WOODBURY, *Secretary of the Treasury*.

GENERAL LAND OFFICE, *May* 23, 1836.

SIR: The Commissioner of the General Land Office, having examined the papers which the Secretary of the Treasury has been pleased to refer to him, concerning the claim of Robert Bell, reported and recommended for confirmation by the register and receiver at New Orleans, has the honor to submit his views of the case, as required by the statute.

Robert Bell claims, as direct purchaser from Santiago de la Rosa and Joseph Alvarez, two contiguous tracts of land on the west bank of the bayou Grosse Tête, in the parish of Iberville, containing each forty arpens front by the ordinary depth of forty arpens; being in all three thousand two hundred superficial arpens.

The claimant asserts, on the 20th of April, 1836, that the two tracts in question are claimed by virtue of two separate orders of survey issued by Governor Miro: the first in favor of Santiago de la Rosa, on the 21st of October, 1787; the second, in favor of Joseph Alvarez, on the 15th of February, 1789; and that the claim is supported by evidence of habitation and cultivation, on the 20th of December, 1803, and for several years prior thereto.

Two documents are presented, purporting to be orders of survey, signed "Miro," of the substance and date above described, accompanied by the respective petitions.

Daniel McCloud testifies, that in 1797 or 1798 he went, in company with Gobo, a Spaniard, to Grosse Tête, where several people were settled, and recollects Joseph Alvarez and Santiago de *Laxago* there. Lopas Gobo confirms the statement, in all but the date, which he does not recollect, but it was several years before the change of government; that he lived with Laxago at that place for more than two years, till the latter was employed with his neighbor, Joseph Alvarez, by Noland, to go to the Spanish country to catch horses. Witness mentions a report that Nolan was killed and his companions made prisoners.

Charles Sallier, called Savoyard, swears on the 17th November, 1823, that in 1800 or 1801, the persons named Santiago de la Rosa and Joseph Alvarez, at his dwelling at Cazkouchion, on their way to join Philip Noling at Nacogdoches, deposited in his hands, to be restored on their return, different papers, &c. That, some time after, when the defeat of Noling had come to his knowledge, not seeing Rosa and Alvarez return, and not knowing how to read, he caused the papers left in his care to be read by one named Peyrault, as well as he remembers, who told him that among these papers were two concessions or surveys, each of forty arpens front by forty arpens deep, at the bayou Grosse Tête, &c.; that, in the year 1822, the same Rosa and Alvarez returned, who told him that having been made prisoners on the death of Noling, they had only been able to escape within some months; and that he restored them their papers upon their demand.

Thomas Peyrault, sworn on the 17th November, 1823, confirms the statement of Sallier, so far as to his reading papers of that import at the request of Sallier at Cazkouchion.

The register and receiver must be supposed to have become acquainted, by experience, with the ordinary marks of authenticity of the old title-papers in Louisiana, and therefore their judgment in such matters is entitled to much consideration; but the inherent evidence of these alleged concessions raises some doubts of their genuineness. That to Rosa is for an extraordinary quantity of land, even upon the representation of his being the owner of four slaves. That to Alvarez, of equal extent, has no such pretence. Neither of them appears to have been registered under the Spanish government. Their deposit of their papers with a stranger in the Attakapas, their sudden appearance to reclaim them after 21 or 22 years of pretended captivity, and their equally sudden disappearance (no subsequent intelligence of them being pretended) are extraordinary; and all these circumstances tend to render the claim somewhat suspicious to my mind, admitting the witnesses Sallier and Peyrault to be entitled to the full credence which the land officers at New Orleans seem to have given to them. It is also worthy of remark, that none of the evidence in support of these claims was taken before the land officers, and that their favorable report is made on the very same day on which the application bears date.

The Commissioner does not consider the act of the 11th of May, 1820, *et sequitur*, which extend the time for exhibiting and proving claims derived from the Spanish government, as dispensing with all the other conditions required by the act of the 2d March, 1805, one of which requisites is the actual habitation and cultivation of the tract claimed by the inhabitant on the 20th of December, 1803. The witnesses, McCloud and Gobo, represent that Joseph Alvarez and Santiago de Laxago or Loxaga, resided in 1797 or 1798 at the bayou Grosse Tête, but the identity of the latter with Santiago de la Rosa is not in any degree established by the evidence reported by the register and receiver. None of the ancient settlers found there by the witnesses depose on this subject if such were the fact. It would appear from the testimony of Gobo and Sallier, that they departed as early as 1800 or 1801; and the latter dates their return in 1822, at the distance of twenty-one or twenty-two years; consequently, they could not have been inhabitants or cultivators of the lands in question on the 20th of December, 1803.

Lastly, the register and receiver, at New-Orleans, have not reported when, where, or by what mode of conveyance, this claim was assigned to Robert Bell, nor how they arrive at the conclusion that he was a purchaser from Rosa and Alvarez, whence their opinion is formed that he ought to be confirmed in his claim.

From all which, the opinion that the evidence does not warrant the confirmation of the claim, is submitted to the Secretary of the Treasury.

With respect, &c.

ETHAN A. BROWN.

Hon. LEVI WOODBURY, *Secretary of the Treasury*.

NEW-ORLEANS, *December* 14, 1836.

SIR: In conformity with the second section of the act of Congress, entitled, "An act for the final adjustment of claims to lands in the State of Louisiana, approved the 6th of February, 1835," we have the honor of

transmitting herewith our second report, containing seventeen claims, which have been presented to us since our first report, dated the 1st of December, 1835.

In our opinion, all these claims (with the exception of Mrs. Muse, No. 5, and Robert Bell, No. 10,) should be confirmed. A careful examination of these claims proves satisfactorily to our mind that they are all based upon good titles, ancient possession, and continued cultivation, according to the requisites of the law.

The claim of Mrs. Muse (marked No. 5) makes out a satisfactory and legal claim. But we regretted to find that Congress had already confirmed the land in question to the police jury of the parish of the Pointe Coupée. How the error occurred, we are unable to state; but, from the evidence before us, we feel justified in saying, that Mrs. Muse has the legal right to the land. We herewith send a copy of a letter of the surveyor general, addressed to us on this claim.

Claim No. 10 (that of Robert Bell) has been already reported upon by Maurice Canon, late receiver, and the present register. This report was favorable to the claimant. The present receiver, Mr. Carter, feels himself bound to state, that the claim should not be confirmed under the present state of the testimony produced by the claimant; and is of opinion that it should be sent back for further examination, when, if it shall be brought under his notice, he will then point out the defects which he believes to exist, so as to enable the claimant to remove them, if it is in his power, or otherwise to make another report to the department.

We remain, sir, very respectfully, your most obedient servants,

B. Z. CANONGE, *Register.*
RICHARD M. CARTER, *Receiver.*

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington, D. C.*

Reports of the register of the land office and the Receiver of public moneys in and for the southeastern district of the State of Louisiana, on the claims of lands filed in the register's office, in pursuance of an Act of Congress, approved on the 6th day of February, 1835, and entitled, "An Act for the final adjustment of claims to lands in the State of Louisiana.

No. 5.

Margueritte Adélaïde Muse claims a certain tract of land, situate on the right bank of the Mississippi river, descending, in the parish of Pointe Coupée, in said land district, at a place called the Bend, containing twelve arpens front, with the depth of forty arpens, having such opening as to give five hundred and fifty-six and eighty-five hundredths superficial arpens, equal to four hundred and seventy-one and twenty-five hundredths superficial acres, bounded above by lands confirmed to Charles Dufour, by a line running south 77° west, 116° 36′, and below by land claimed by the widow Hypolite Decaux, by a line running south 69° 27′ west, 116° 36′, founded on a title derived from the government holding the domain of Louisiana in the year 1763; and in support of said claim I herewith file a regular chain of title thereto, from the 27th day of April, 1763, as certified from the record of conveyances in said parish of Pointe Coupée, and set forth in the documents marked A, B, C, D, and E, and the proof of habitation and cultivation, back to the year 1771, as per document also herewith filed and certified as aforesaid, marked F, and pray that the said Margueritte Adelaïde Muse be confirmed in her right to said tract of land, with the front, depth, and superficies therein contained, in conformity with the lines and courses as aforesaid; and as in duty bound, &c.

JAMES FORT MUSE,
Attorney in fact for said Margueritte Adélaïde, his wife.

We are of opinion that this claim ought to be rejected, having been already confirmed to the police jury of Pointe Coupée, under class C, No. 251, Cenas's report, 5th September, 1833, and confirmed by an act of Congress of the 3d of March, 1835; and for further reference see, at the end of this report, copy of a letter from the surveyor general.

No. 6.

Antoine Decuir, a free man of color, claims, by virtue of purchase, a tract of land situated in the parish of Pointe Coupée, on the south side of False river, lying between the Bayou Languedoc and Cotonier, about one hundred and fifty miles above the city of New Orleans, measuring twenty-seven arpens eighteen toises and four feet front, and forty arpens in depth, bounded above by the land of Madame Widow Ternant, and below by land of Madame Widow Decuir.

This tract of land was purchased by Joseph Decuir, on the 10th of February, 1783, from two Indian chiefs, and the act of sale was approved and signed by Estevan Miro, then governor of the province of Louisiana, on the 20th of March, 1783. Said land is now claimed in virtue of said purchase, and a peaceable and uninterrupted possession and cultivation since the year 1783; having been during that time constantly and continually inhabited and cultivated by the present claimant and those under whom he holds, as will fully appear by the deeds of sale and depositions herewith presented.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 7.

Antoine Decuir, a free man of color, claims, by virtue of purchase, a tract of land, being a second depth, and lying immediately behind a front depth of the claimant, situated in the parish of Pointe Coupée, on the south side of False river, containing forty-two arpens and a third in front, and forty arpens in depth, with such an opening as to give a superficie of sixteen hundred and ninety arpens, and bounded on the two sides and on the rear by vacant lands.

It appears from an order of survey exhibited, that said land was granted by the Spanish government to Joseph Decuir on the 6th day of September, 1802; said land is now claimed in virtue of the first section of an

act entitled, "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," approved on the 12th of April, 1814, and also in virtue of peaceable and uninterrupted possession and cultivation since the year 1802.

In support of which, he herewith produces said original order of survey and other evidence, &c.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 8.

William Flower, of the city of New Orleans, claims, by virtue of purchase, four certain tracts of land, situated in the parish of Iberville, on the south bank of the river or bayou Manchac, adjoining each other; having forty-four arpens front by forty arpens in depth, and about one hundred miles above the city of New-Orleans, bounded and described as follows:

First. One tract of land granted by the Spanish government to James Smith Yarbourg, in the district of Galveztown, bounded on the upper or western side by lands granted to Juan Aliman, and on the other side by land then vacant, having twenty arpens front by forty arpens in depth, and containing eight hundred superficial arpens; the certificate of survey dated the 6th of July, 1793, and patent issued by the Baron de Carondelet, bearing date the 22d July, 1795.

Second. One other tract of land granted to William Yarbourg, bounded on the upper side by the preceding tract of land, and on the other side by lands granted to James Yarbourg, having eight arpens in front by forty arpens in depth, and containing three hundred and twenty arpens in superficie; the certificate of survey dated 14th of April, 1794, and patent dated 22d of July, 1795.

Third. One other tract of land granted to James Yarbourg, bounded on the upper side by the last preceding tract of land, and on the lower side by lands of William Yarbourg, having eight arpens in front, by forty arpens in depth, and containing three hundred and twenty superficial arpens; the certificate of survey dated 14th of April, 1794, and patent dated 30th of July, 1795.

Fourth. One other tract of land granted to Jordan Yarbourg, bounded on the upper side by the last preceding tract of land, and on the lower side by lands then vacant; having eight arpens in front by forty arpens in depth, and containing three hundred and twenty arpens superficial measure; the certificate of survey, dated 16th of April, 1794, and patent dated 30th of July, 1795.

The said four tracts of land are claimed by virtue of the said four patents and surveys, and of an uninterrupted possession and enjoyment by claimant, and those under whom he holds, for and since the respective dates thereof; in support of which he herewith pro luces the said four patents and surveys (original), with the conveyances from the said patentees to his ancestor, Samuel Flower, as also the conveyance from Samuel Flower to the claimant.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 9.

Constance Lacour, widow of Vincent Ternant, claims, by virtue of purchase, a tract of land situated on the Mississippi, in the parish of Pointe Coupée, about one hundred and fifty miles above the city of New Orleans; containing twelve arpens front, or thereabout, taken on an oblique line, and forming an acute angle with the superior lateral line; forty arpens depth on this last line; bounded on the northeast by the Batture, on the northwest by lands belonging to the late François Porche, on the southwest by lands belonging to the late Jeanne Delatie, widow of J. M. Durand, on the southeast by the superior channel of False river; containing five hundred and eighty-two superficial acres, as it appears by a plan deposited in this office and attached to the claim of the heirs of Barra, No. 3, to which this one is referred as making part of a tract of greater extent originally granted to Jean Baptiste Barra, alias Le Blond.

The land now claimed has been constantly and uninterruptedly inhabited and cultivated by the claimant, and those under whom she holds, since the year 1772.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 10.

Robert Bell claims, by virtue of purchase, two certain contiguous tracts of land situate and lying on the west bank of the bayou Gross Tête, in the parish of Iberville, containing each forty arpens front on said bayou, by the ordinary depth of forty arpens; being in all thirty-two hundred superficial arpens.

The said tracts are held by purchase immediately from Santiago de la Rosa and Joseph Alvarez, who received regular orders of survey for the same, respectively, from the Spanish government, to wit: the former, on the 21st day of October, 1787; aud the latter, on the 15th day of February, 1789; which said orders are herewith presented, together with evidence of habitation and cultivation of the said land by the said grantees, on the 20th of December, 1803, and for several years prior: all of which duly considered, said claimant prays that the said accompanying evidence of his claim may be duly admitted to record, and favorably reported on, &c.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 11.

Pierre Ayraud claims, by virtue of purchase, a certain tract of land, situate in the parish of Ascension, on the right bank of the bayou Lafourche, about three miles from the Mississippi river; having three arpens front, with a depth of eight arpens, within parallel lines, and bounded on the upper side by the lands of Christoval Falcon, and on the lower side by lands belonging to Joseph Gonzales.

The said tract of land is now claimed by virtue of said purchase, and an uninterrupted possession and cultivation by the claimant, and those under whom he holds, for ten years previous to 1801, as it will more fully appear by the affidavit of two old and respectable inhabitants of said parish of Ascension.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 12.

The widow and heirs of Jean D. Bredy claim, by virtue of purchase, a certain tract of land situated on the left bank of the river Mississippi, in the parish of St. John Baptist, measuring one arpent and a half front to said river, and forty in depth; bounded on the upper side by the lands of Honoré Lagroue, and on the lower side by the lands of Charles Lasseigne.

The land is now claimed in virtue of said purchase, and an uninterrupted possession, cultivation, and inhabitation, by the claimants, and those under whom they hold, from the year 1784 until now.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 13.

Leon Vickner claims, by virtue of purchase, a certain tract of land situate on the left bank of the river Mississippi, in the parish of St. John Baptist, about fifty miles above the city of New Orleans, measuring one arpent from the said river, and forty in depth; bounded on the upper side by Pascal Alexander, and on the lower by E. R. Marmillion.

This land is now claimed in virtue of said purchase, and an uninterrupted possession, cultivation, and inhabitation by the claimant, and those under whom he holds, from the year 1788.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 14.

Gustave Delamare claims, by virtue of purchase, a certain tract of land, situate in the parish of Pointe Coupée, about 150 miles above the city of New Orleans, situate on the west side of the river Mississippi, and containing four arpens front, by the ordinary depth of forty arpens, bounded on one side by Widow Manchausée, and on the other by Jacob Myres.

This tract of land is now claimed by virtue of said purchase, and an uninterrupted possession, habitation, and cultivation, by the claimant, and those under whom he holds, since the year 1787.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 15.

Michel Olinde claims, by virtue of purchase, a certain tract of land situate on the west side of False river, in the parish of Pointe Coupée, about 150 miles above the city of New Orleans, containing two arpens front on the ordinary depth of forty arpens, and bounded on one side by Terence Samson, and on the other by lands belonging to the claimant.

The said tract of land is now claimed by virtue of said purchase, and of an uninterrupted possession and cultivation by the claimant, and those under whom he holds, for more than ten years previous to 1803.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 16.

The heirs of Julien Poydras claim, by virtue of purchase, a certain tract of land situate on the south bank of False river, in the parish of Pointe Coupée, containing forty-eight arpens front, and forty arpens in depth, bounded on one side by part of a tract of land which has been the property of the late Benjamin Farrar, and on the other side by that which was the property of the late Joseph Decuir; the said tract of land is composed of the four patented concessions and surveys hereinafter mentioned, granted by Estevan Miro, then governor of the province of Louisiana, to the following persons, viz.: on the 26th April, 1790, ten arpens to Henrique Lagrange; on the 28th September, 1789, ten arpens to Pedro Favre; on the 8th of August, 1789, eighteen arpens to Christoval Beard; and on the 28th of September, 1789, ten arpens to Robert Garrel.

The said tract of land is now claimed by the heirs of the late Julien Poydras, in virtue of said purchase, and of an uninterrupted possession, habitation, and cultivation, by the said Julian Poydras and his heirs, since the year 1803.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 17.

The heirs of Julien Poydras claim, by virtue of purchase, a certain tract of land, situate on the west bank of the lower channel of False river, in the parish of Pointe Coupée, containing twenty arpens front on said channel, and forty arpens in depth, bounded on one side by a tract of land confirmed to Samuel Young, and on the other side by the land of Alexander Baudouin.

The said tract of land now claimed was granted on the 17th July, 1790, to Margaret Farrar, by Estevan Miro, then governor of the province of Louisiana, from whom the said late Julien Poydras bought it on the 26th January, 1801.

The said land has been inhabited and cultivated since the year 1800 until now.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 18.

Marie Marcelitte Deslondes, widow of Gilbert Thomassin Andry, claims, by virtue of purchase, a certain tract of land, situate in the parish of St. John the Baptist, on the left bank of the river Mississippi, containing

two arpens front and forty in depth, bounded on the upper side by lands of Jacob Adam, and on the lower side by lands of Joseph G. Cousteau.

The said tract of land is now claimed in virtue of said purchase, and of an uninterrupted possession, habitation, and cultivation, by the claimant, and those under whom she holds, from the year 1780 up to the present date.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 19.

Michel Thomassin Andry and Antoine Bodousquié claim a tract of land, by virtue of purchase, situate in the parish of St. John the Baptist, on the left bank of the river Mississippi, containing four arpens front to the said river, and forty arpens in depth, bounded on the upper side by a tract of land owned by Joseph and Benjamin Carantin, and on the lower by a tract of land owned by the claimants.

The said tract of land is now claimed by the said Andry and Bodousquié, in virtue of said purchase, and of an uninterrupted possession, habitation, and cultivation by the claimants, and those under whom they hold, from the year 1780 up to this day.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 20.

Michel Cambre claims, by virtue of purchase, a certain tract of land, situate in the parish of St. John the Baptist, on the left bank of the river Mississippi, containing one arpent front and forty arpens in depth, bounded on the upper side by lands of widow Jean Rodrigues, and on the lower by those of Leon Vickner.

This tract of land is now claimed in virtue of said purchase, and of an uninterrupted possession and cultivation by the claimant, and those under whom he holds, since the year 1784.

We are, therefore, of opinion that this claim ought to be confirmed.

No. 21.

The widow and heirs of Pedro Allemand claim, by virtue of purchase, a certrain tract of land, situate on the left bank of the bayou Lafourche, in the parish of Assumption, about three miles from the river Mississippi, containing three arpens front and forty arpens deep, bounded above by land of Francis Monson, and below by land of the claimants.

This tract of land is now claimed in virtue of said purchase, and also in virtue of an order of survey, granted to André Sanchez by the Spanish Government, in the year 1777, and of an uninterrupted possession, cultivation, and habitation, since that time.

We are, therefore, of opinion that this claim ought to be confirmed.

B. Z. CANONGE, *Register.*
RICHARD M. CARTER, *Receiver.*

REGISTER'S OFFICE, *New Orleans, December* 14, 1836.

SURVEYOR GENERAL'S OFFICE, *Donaldsonville, October* 31, 1836.

SIR: In reply to your inquiry in regard to the land fronting on the Mississippi river, in the parish of Pointe Coupée, I have to inform you that Charles Morgan's plantation was confirmed by special act of Congress. The next ten arpens above was confirmed on the report of Cenas and Robison, letter C, No. 250; the next eight arpens above was confirmed upon same report and letter, No. 249; and the twenty-three arpens next above, which includes the old places of A. Porcho, Steem, Madame P. Decoux, and S. Hirriart, being twenty-three arpens, was confirmed by same report and letter, No. 251. This includes the land now claimed by James F. Muse, for his wife.

I am your obedient servant, H. T. WILLIAMS, *Surveyor General.*

B. Z. CANONGE, Esq., *Register of Southeast District of Louisiana.*

24TH CONGRESS.] No. 1563. [2D SESSION.

ON CONTINUING IN FORCE THE ACTS FOR THE ADJUSTMENT OF PRIVATE LAND CLAIMS IN MISSOURI.

COMMUNICATED TO THE SENATE, JANUARY 4, 1837.

Mr. LINN, from the Committee on Private Land Claims, to whom was referred a bill "to continue in force the act for the final adjustment of private land claims in Missouri, approved July 9, 1832, and the act supplemental thereto, approved March 2, 1833," reported:

The board of commissioners appointed under these acts was organized, and entered upon the duties of their office on the 1st of October, 1832, and made their first report under date of the 27th November, 1833, from which the following extract is made:

"In the report now submitted, the board have included only such claims as appear to be entitled to confirmation, and to be placed in the first class. They reserved their decision upon those claims which seemed to be destitute of merit, in law or equity, under the laws, usages, and customs of the Spanish government, for their final report to Congress.

"We were influenced to take this course from the belief that we were authorized by the terms of the act, which provide that the lands contained in the second class shall not be subject to sale until the final report of the recorder and commissioners shall have been made. This view of the subject was the more readily adopted, from the fact that, during the almost entire existence of the board, the cholera has prevailed to such an extent as to prevent, in a great measure, the appearance of the claimants, or their witnesses, before the board. Under such circumstances, ordinary justice, not only to the claimants, but to the government itself, seemed to require that the greatest indulgence should be given which the law could possibly extend."

Your committee further state that, independent of the existence of the Asiatic cholera, which had so important an effect in deranging the whole business of the country for several years in Missouri, repeated resignations of members composing the board took place at different times, which had a great effect in retarding the progress of this business, as, under the law, a majority of the board was not authorized to act.

It appears to your committee that, if there was a necessity for passing the acts of July 9, 1832, and of March 2, 1833, there is equal necessity for continuing them in force until the object for which they were passed has been accomplished; and that such object has not been accomplished is apparent from the last report to Congress made by the commissioners at St. Louis.

In that report, they say that "there yet remain to be acted upon about seven hundred claims within the State of Missouri, and it is respectfully but earnestly recommended to Congress to continue the investigations until the business is finally completed. This, we think, is due to the interest both of the State and general governments, as well as to that of the individuals immediately concerned.

"It should not be concealed that the recent decisions of the Supreme Court have created much uneasiness among persons holding title to lands under the United States, which are claimed by concessions and orders of survey under the French and Spanish governments."

Your committee have reason to believe that many of the claims which remain to be acted on belong to non-residents and minors, who, having no one to attend to their interests, were consequently not pressed upon the consideration of the commissioners. This class of claimants will be the greatest sufferers by a failure to revive these acts.

The bill now presented passed the Senate last session without a dissenting voice, but for want of time was not taken up in the House. Its passage by Congress appears to be demanded by justice to the old French and Spanish claimants, to those holding donation grants under different acts of Congress, and to the high and important consideration of permanently settling the land titles in the State of Missouri connected with these claims.

24TH CONGRESS.] No. 1564. [2D SESSION.

ON A CLAIM FOR THE LOSS OF INDIAN RESERVATIONS IN ALABAMA.

COMMUNICATED TO THE SENATE, JANUARY 12, 1837.

Mr. LINN, from the Committee on Private Land Claims, to whom were referred the petitions of Samual Smith, Semoice, Linn McGhee, and Susan Marlow, Creek Indians, reported:

That, by the treaty of Fort Jackson, concluded with the Creek nation of Indians on the 16th of February, 1815, the petitioners became entitled to a reservation of six hundred and forty acres of land each, to include their improvements; that these lands were sold by the United States, and titles have been acquired by the purchasers. Congress, at its last session, passed laws authorizing these individuals, the present petitioners, to enter, without payment, one *entire* section of land, subject to entry at private sale: thus giving to the petitioners, who had by the action of government been deprived of some of the best lands on the Alabama river, the poor privilege of entering a like quantity of the refuse land, which would not command at public auction one dollar and a quarter per acre; while they are still further restricted to the entry of that quantity in one *entire section*. Thus, in fact, depriving them in effect of all remuneration for the loss of their reservations, as it is perfectly well established that no *entire* section can be found subject to entry at private sale, which would be worth one-tenth part of the lands of which the petitioners were deprived by the action of the government. They ask leave to report a bill for their relief.

24TH CONGRESS.] No. 1565. [2D SESSION.

ON THE SATISFACTION OF MILITARY LAND WARRANTS ISSUED FOR SERVICES DURING THE REVOLUTIONARY WAR.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 13, 1837.

Mr. DUNLAP, from the Committee on Public Lands, to whom was referred the resolution of the House of Representatives instructing the committee to inquire into the expediency of making provision, by law, for the satisfaction of military land warrants issued by the United States, for services during the Revolutionary war, reported:

That, by the act of Congress approved the 27th day of January, 1835, warrants were directed to be issued to the officers and soldiers of the Revolutionary war, until the 1st of January, 1840; there is now no law authorizing the issuance of scrip to them, for their warrants; the act of 1830 having expired, that authorized scrip to issue.

The committee can see no reason why the law authorizing the issuing of scrip should not be extended to the same time that the officer or soldier is entitled to apply for his warrant. The committee have annexed to this report a copy of a letter from William Gordon, of the bounty land office, to the Secretary of War, dated 22d of February, 1836, showing that there was due on that day to the officers and soldiers 263,000 acres of land. The committee, therefore, report a bill.

DEPARTMENT OF WAR, *Bounty Land Office, February* 22, 1836.

SIR: In answer to the inquiry submittted in the enclosed communication from the Commissioner of the General Land Office, and in the resolutions of Congress accompanying the same, I have the honor to present the following abstract, showing the number, rank, and grade of such officers and soldiers of the different lines and corps of the Revolutionary army, as acquired a right to bounty lands from the United States, and who have not yet applied therefor. From which it will be perceived, that should all apply who are at this time entitled, the quantity of 263,000 acres of land will be required to satisfy their claims.

Abstract of claims for Revolutionary military bounty lands, ascertained to be due by the United States, on the 22d *February*, 1836.

1	major general, 1,100 acres; 1 brigadier general, 850 acres,		1,950
5	lieutenant colonels	450 acres each,	2,250
10	majors	400 acres each,	4,000
46	captains	300 acres each,	13,800
91	lieutenants	200 acres each,	18,200
18	ensigns and cornets	150 acres each,	2,700
5	surgeons	400 acres each,	2,000
7	surgeons' mates	300 acres each,	2,100
1	assistant purveyor, hospital department		400
2,156	rank and file	100 acres each,	215,600
Total 2,340	officers and men.	Total acres	263,000

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

WM. GORDON.

Hon. SECRETARY OF WAR.

24TH CONGRESS.] No. 1566. [2D SESSION.

ON A CLAIM TO A PRE-EMPTION RIGHT TO LAND IN FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 13, 1837.

Mr. HUNTSMAN, from the Committee on Private Land Claims, to whom were referred the petition and documents of Jennett Willis, assignee of James Minnie, reported:

That the petitioner sets forth in his petition, which is respectably supported by witnesses, that he was entitled by the several acts of Congress to a pre-emption right to a fraction of land containing about forty acres, including the premises where the light-house at St. Mark's now stands; that the land is low and swampy, and not valuable; that the United States government concluded to reserve it from sale, for the purpose of building a light-house thereon, which has been done, and the said Minnie was consequently dispossessed of the premises. He states that a shell bank of sufficient elevation and dimensions was raised, upon which said light-house was built, and that five acres thereof is sufficient for any government purpose.

He prays the benefit of his pre-emption right for the balance of the fraction. Upon application to the Treasury Department for information upon this subject, your committee have been informed by the Third Auditor that no information is in the possession of the department which enables it to determine how much of the adjoining lands is necessary for the uses and purposes of the light-house, but refers to a statement by many of the most respectable persons in the vicinity, who certify that five acres are sufficient, and that the pre-emption claim is *bona fide*. Your committee have come to the conclusion that there is ample proof to sustain the claim as being a fair one, and that the petitioner would have been entitled to his pre-emption, but for the reservation made by the government. And a certificate from the judge, district attorney, and public surveyor in Florida, has satisfied your committee that five acres of ground, including the light-house, is amply sufficient for the use thereof. And, therefore, they are of opinion that the petitioner is entitled to relief, and have reported a bill accordingly.

24TH CONGRESS.] No. 1567. [2D SESSION.

APPLICATION OF ALABAMA FOR THE EXTENSION OF THE PRE-EMPTION LAWS TO THE SETTLERS ON THE LANDS ACQUIRED FROM THE CHEROKEE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1837.

JOINT MEMORIAL of the General Assembly of the State of Alabama to the Congress of the United States, praying an extension of the pre-emption law.

Your memorialists represent to your honorable body, that, by an act to revive the act entitled, "An act to grant pre-emption rights to settlers on public lands," approved May 29, 1830, passed by the Congress of the United States, and approved June 29, 1834, every settler or occupant of the public lands prior to the passage of said act, who was then in possession and cultivated any part thereof in the year 1833, and held possession of the same in the year 1834, should be entitled to all the benefits and privileges provided by the act entitled, "An act to grant pre-emption rights to settlers on public lands," approved May 29, 1830.

Your memorialists further represent, that the settlers upon the Cherokee lands acquired by a treaty concluded between that tribe of Indians and the United States some time within the last year—that the numerous and highly respectable citizens who have settled their lands are the honest husbandmen who have subdued the forest by their toil and labor, hazarding their lives and those of their families among the savage tribe; who have uniformly become the victims of the speculator, and been forced to purchase their homes at a price far above the real value, or turn their wives and children into the wilderness; therefore, your memorialists pray your honorable body to grant to all the settlers upon the Cherokee lands, within this State, a pre-emption right of one quarter-section, or such number of acres as you may think fit, so as to secure for them a home; therefore,

Be it resolved, That our senators in Congress be instructed, and our representatives be requested, to use their best exertions to procure the passage of a law to forward the object of this memorial.

Resolved further, That the executive of this State cause a copy of this memorial and resolutions to be forwarded to each of our senators and representatives in Congress.

A. P. BAGBY, *Speaker of the House of Representatives.*
HUGH McVAY, *President of the Senate.*

Approved, December 23, 1836.

C. C. CLAY.

24TH CONGRESS.] No. 1568. [2D SESSION.

ON AN APPLICATION FOR LAND AS A GRATUITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 17, 1837.

Mr. LINCOLN, from the Committee on Public Lands, to whom was referred the petition of Wilson Thorp, a citizen of Mercer county, Kentucky, reported:

The petitioner asks that he may be permitted to enter, *free of charge*, any quantity of land which Congress may deem right and proper, on any of the lands of the United States subject to private entry, and seeks to sustain his application by the following representation of circumstances, and the situation of himself and family, viz.: "That he had the misfortune, many years since, to be deprived of his eyesight, and is now wholly and entirely blind. He has a wife and four small children wholly dependent on him for support. He has no estate whatever, but a few articles of personal property, very inconsiderable in value; and able, from the loss of sight, to perform but little profitable labor. He is very desirous of emigration to one of the new States or Territories, but is destitute of the means to purchase a small tract of land if he were there." The character of the petitioner for honesty, and the truth of his representations, are certified by several citizens of the same county with himself.

This application for leave to enter land without payment is a direct appeal to the government for a charitable donation, on the score of personal misfortune. In principle, it in nowise differs from a petition for alms from the Treasury. The case presents, indeed, strong claims to the consideration of the compassionate and benevolent; but

the committee can recognize in its presentation no warrant for an appropriation by the government. The precedent would be full of trouble and mischief, besides being a perversion of the delegated powers of legislation. They ask leave, therefore, to report the following resolution:

Resolved, That the prayer of the petition of Wilson Thorp ought not to be granted.

24TH CONGRESS.] No. 1569. [2D SESSION.

ON CLAIMS TO RESERVATIONS OF LAND UNDER THE FOURTEENTH ARTICLE OF THE TREATY OF DANCING RABBIT CREEK WITH THE CHOCTAW INDIANS.

COMMUNICATED TO THE SENATE, JANUARY 18, 1837.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the memorial of sundry Choctaw Indians, for reservations of land under the 14th article of the treaty of Dancing Rabbit creek, reported:

That, on the 27th day of September, 1830, a treaty was entered into between the United States and the Choctaw nation, which was ratified on the 24th day of February, 1831, and which contained the following stipulation:

"ART. 14. Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child that is living with him, over ten years of age, and a quarter-section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if ever they remove, are not to be entitled to any portion of the Choctaw annuity."

The committee find it clearly established by evidence which has heretofore been submitted to Congress, and published among the reports of committees in the House of Representatives, in vol. 3, Rep. No. 663,* that the whole difficulty of the case, and the necessity for the present application, have grown out of the misconduct of the Indian agent, Colonel William Ward.

It appears from that testimony, that Colonel Ward in some instances neglected to register the names of Indians who had, within the prescribed period, signified to him their intention to remain and become citizens of the State; that in other instances he refused, in the face of the treaty, to notice the application at all; and, finally, that a part of the register which he had made of applications was lost or destroyed through his negligence.

The whole Choctaw nation contained, as ascertained by the census taken shortly after the ratification of the treaty, about 19,554 souls. Of these, 15,000 were removed to the western side of the Mississippi, leaving on the eastern side, in the country ceded by the treaty, 4,554.

The number of heads of families returned by Colonel Ward to the War Department, as having given the notice required by the treaty of their intention to remain, was sixty-nine. Portions of the lands ceded by the treaty were brought into the market and sold under the proclamation of the President, in the months of October and November, 1833.

The complaints against the conduct of the agent, Colonel Ward, in the particulars that have been stated, and the applications for relief, became so numerous, that the locating agent, Colonel George W. Martin, was instructed by the War Department, on the 13th October, 1834, to give public notice that those Indians who considered themselves entitled to reservations under the above-mentioned article of the treaty, and whose names were not upon Colonel Ward's register, should exhibit to him the evidence of their claims; and he was ordered to make contingent locations, (depending for confirmation upon Congress,) for all such heads of families as should be able to bring themselves within the provisions of the treaty, and should induce him to believe, by credible evidence, that their names had been omitted in the register, either by the mistake or neglect of the agent, Colonel Ward. Under these instructions, Colonel Martin received evidence and made contingent locations for 520 heads of families, covering by estimation 615,686 acres of land.

The committee cannot recommend the definitive action of Congress upon the claims thus ascertained, and upon the evidence which has been thus collected and submitted; but they have no hesitation in saying that there is sufficient reason for the institution of a tribunal for the investigation and settlement of claims under the above-mentioned article of the treaty.

The faith of the United States has been solemnly pledged; and the inchoate rights of those claiming under the treaty have been defeated by the misconduct or neglect of the agent of the government.

But although it is true that some have been injured, and are entitled to redress, yet there is little doubt that a wide door has thus been opened to fraud and speculation, which should be carefully guarded against. It should be recollected that these unfortunate people are in a state of pupilage as respects this government, and should be protected against the arts as well as the violence of our people; and that in the desire and under the pretence of maintaining the public faith, Congress should not suffer itself to be made the mere instrument of speculation.

The committee accordingly report a bill for the relief of the memorialists.

---

* *Vide ante*, No. 1523.

24TH CONGRESS.] No. 1570. [2D SESSION.

ON A CLAIM TO LAND IN ILLINOIS.

COMMUNICATED TO THE SENATE, JANUARY 23, 1837.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the petition of James Dutton, reported:

That the petitioner represents that he obtained, by purchase and entry of the public lands, a title to the northwest quarter of section thirty, in township four, south, of range five, west, in the military land district, State of Illinois; that he acquired the title to this tract as a home for himself and family, and has made improvements upon the land to the value of two hundred and seven dollars and fifty cents; that, subsequently, he ascertained that this tract had been patented, long previously, to Isaac Nicholson, for services in the last war. The petitioner produces the certificate of the register and receiver of the proper land district, in proof of the entries of this land, made in 1833 and 1834. He also produces sufficient testimony from the Commissioner of the General Land Office, showing that the land was patented to Isaac Nicholson, on the 23d of January, 1818. The discovery of this error by the register and receiver, in permitting the above-mentioned entries, appears by the letter of the Commissioner of the General Land Office to have been first made known to the petitioner after the 31st of December, 1835. The petitioner sustains, by competent and satisfactory evidence, the allegations in his petition in regard to the value of his improvements.

The petitioner asks to be permitted to enter other lands to the extent of the money advanced for the land and improvements. The committee consider the petitioner clearly entitled to relief. The title obtained by him, through the regular agents of the government of the United States, has failed, and he must not only lose the land, but also the money expended in good faith for the improvements.

The committee, however, consider it a case in which compensation may more properly be made in money than in land, and report a bill authorizing the payment by the United States to the petitioner of the amount advanced for the entry of the land and the value of the improvements.

24TH CONGRESS.] No. 1571. [2D SESSION.

APPLICATION OF WISCONSIN FOR THE EXTENSION OF THE PRE-EMPTION LAWS TO THE LANDS RECENTLY ACQUIRED FROM THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

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

The legislative assembly of the Territory of Wisconsin, respectfully represent: That within the limits of this Territory a very small portion of the public lands have yet been brought into market. The great extent of country recently acquired from the Indians, have held out great inducements to the enterprising emigrants, and they have, in a time almost incredibly short, settled upon nearly the whole of this delightful region of country, unsurpassed in fertility of soil, salubrity of climate, and commercial facilities. The rapid growth and improvement of the western country, for the last two or three years, are unexampled in the history of the settlement of our country. Notwithstanding the many difficulties and dangers incident to the settling of new countries, there are now many respectable towns which have sprung up in a few years to considerable importance, and advancing daily in wealth, enterprise, and industry, seldom known in the first settling of new countries. Nor is the spirit of enterprise and industry limited to her flourishing towns and villages: through the whole region of this country are widely-extended and cultivated farms, where all the business of commerce, agriculture, and domestic industry are prospering to an unparalleled degree. The settlers on the public lands have migrated to this interesting district in good faith, relying upon the liberal policy of the general government heretofore extended to the settlers on the public land, for protection in possession of their homes. Many of them have expended nearly all of their means in the improvement of the country, which has enhanced the value of the public domain to a considerable extent. The legislative assembly of this Territory repose entire confidence in the wisdom and patriotism of the Congress of the United States for the passage of pre-emption laws, to enable him to purchase the land on which he has placed his labor, at the minimum price as now established by law, without which wise and humane system of protection the occupant may be easily deprived of his home, and his family reduced to wretchedness and despair, by being placed in competition with the speculator, who, by paying a small sum more for the land than the occupant is able to pay, takes from him the honest earnings of his own industry, buying the land which he has selected with a view of making it his permanent home, and increased in value four or five hundred per cent. without paying him any compensation therefor, completely placing it in the power of the speculator, to either monopolize a great part of the public land and retard the settlement and improvement of the country, and create the relation of landlord and tenant, or an unlimited moneyed aristocracy, both of which are dangerous to civil liberty.

P. H. ENGLE, *Speaker of the House of Representatives.*
HENRY S. BAIRD, *President of the Council.*

24TH CONGRESS.] No. 1572. [2D SESSION.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND IN ALTERNATE SECTIONS ALONG THE ILLINOIS RIVER, TO AID IN DRAINING THE SAME.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

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

The general assembly of the State of Illinois respectfully represent to your honorable body, that the lands on either side of the Illinois river, from the termination of the Illinois and Michigan canal to its junction with the Mississippi river, a large portion of the way, are subject to annual inundations for a distance varying from one to five miles in width.

Owing to this fact, those lands have not been sold, and cannot be cultivated, although if reclaimed they would, in all probability, soon be sold to individuals, and become fruitful fields where life and energy would abound, where in the present condition they are useless. Your honorable body having the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, cannot but be willing to adopt any measure calculated to aid in carrying into effect this power, or which may be calculated to facilitate the sale and settlement of the public domain. The interests of the United States and this State are identified in every effort to reclaim and bring into market those lands which, in consequence of their natural position, cannot be cultivated. It is confidently believed that a large majority of the bottom lands lying on the Illinois river, which are now lying waste, may, with a reasonable expenditure of public money, be converted into cultivated fields, and the United States thereby be enabled to realize the value of those lands, and the people and the State, the advantages which result from having so large a quantity improved. It is believed that if the United States will grant to the State of Illinois one half of the unsold land (that is, each alternate section, on fractional part three) within three miles of the Illinois river, on both sides, to enable the State to construct roads across the bottoms, and canals and ditches to drain the water from the inundated lands on the river, that the United States will realize more from the sale of the remaining half than will ever be realized by the whole lands without such improvements. For these reasons, your honorable body is respectfully asked to make a grant of the land herein described to the State of Illinois, for the uses and purposes above stated.

JAMES SEMPLE, *Speaker of the House of Representatives.*
W. H. DAVIDSON, *Speaker of the Senate.*

24TH CONGRESS.] No. 1573. [2D SESSION.

APPLICATION OF ILLINOIS FOR A GRANT OF LAND TO AID IN THE IMPROVEMENT OF THE KASKASKIA RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

Resolved by the Senate, (the House of Representatives concurring herein,) That our senators in Congress be instructed, and our representatives requested, to use their influence to procure the passage of a law making a donation of every alternate section of land (or fractional part thereof) belonging to the United States, lying within the immediate bottom lands on either side of the Kaskaskia river, from Shelbyville, in Shelby county, to its confluence with the Mississippi river, for the purpose of improving the navigation of said Kaskaskia river.

JAMES SEMPLE, *Speaker of the House of Representatives.*
W. H. DAVIDSON, *Speaker of the Senate.*

24TH CONGRESS.] No. 1574. [2D SESSION.

APPLICATION OF ALABAMA FOR AUTHORITY TO APPLY HER TWO PER CENT. FUND TO PURPOSES OF INTERNAL IMPROVEMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

JOINT MEMORIAL to the Congress of the United States relative to the two per cent. fund.

Your memorialists, the general assembly of the State of Alabama, respectfully represent to your honorable bodies, that by the act of Congress for the admission of this State into the Union, passed March 2d, 1819, it was provided that five per cent. of the net proceeds of the sales of public lands lying within this State, should be reserved for making public roads, canals, and improving the navigation of rivers, of which three fourths were to be applied to those objects within the State, under the direction of the State legislature, and the remaining two fifths to the making of a road or roads leading to the said State under the direction of Congress.

No appropriation, as we would inform your honorable bodies, has ever yet been made by this State, of the three per cent. fund under their control, mainly for the reason that it was not required to furnish us with good common roads; it was not sufficient to accomplish any great work of internal improvement of general interest to the State, and our legislature have been unwilling to expend in making, or rather in attempting to make, a great number of improvements of a purely local character; it has been attempted to be distributed in that way, but the legislature has uniformly resisted the attempt. It has been carefully husbanded by the State at interest, until it now amounts to the sum of $383,463 50.

No appropriation, we believe, has ever yet been made by Congress of the two per cent. fund placed under the direction of Congress, for making a road or roads leading to this State. That fund must now amount to nearly two hundred and fifty thousand dollars. The joint fund would now amount to more than half a million, a sum sufficient, with a further appropriation from the State, to accomplish some great work of general interest to the State, and to the whole Union, in a greater or less degree.

The time has passed when any part of the fund is required to make roads leading to this State. We are now surrounded on all sides by States long since settled, and have good roads leading to and from us in every direction, made and kept in order under the State authorities.

In consideration of the premises, we respectfully ask your honorable bodies to pass a law transferring to the State of Alabama the two per cent. fund set apart for this State, to be expended in the manner directed by the act of Congress for the admission of Alabama into the Union, in regard to the three per cent. fund, and under the direction and authority of the State.

Be it resolved, by the senate and house of representatives of the State of Alabama, in general assembly convened, that our senators and representatives in Congress be instructed to use their best exertions to accomplish the object contemplated by this memorial, and that the governor of this State be requested to furnish each of them a copy of the same, to be laid before their respective houses.

A. P. BAGBY, *Speaker of the House of Representatives.*
HUGH McVAY, *President of the Senate.*

Approved, December 23, 1836.

C. C. CLAY.

24TH CONGRESS.] No. 1575. [2D SESSION.

APPLICATION OF ALABAMA, FOR THE ENTRY OF THE PUBLIC LANDS THAT HAVE BEEN OFFERED FOR SALE OVER SEVEN YEARS, IN TWENTY-ACRE TRACTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

To the Congress of the United States:

The general assembly of the State of Alabama respectfully respresent: That there are millions of acres of land, in this State, which have been subject to entry, in tracts of eighty acres, for nearly twenty years; and, in tracts of forty acres, for five or six years. The demand for land for the last two years has been very great, and all that was worth the government price, in tracts of forty acres, has, it is believed, been entered. But if the law were so altered as to authorize entries of tracts of twenty acres, much of what may remain vacant for twenty years more would be taken in the hollows, and on the small creeks, in the mountainous parts of the country; and many poor persons obtain homes for their families, and contribute something to the prosperity and convenience of the country, by the breeding of cattle, sheep, and hogs.

Your memorialists, therefore, most respectfully request that a law may pass authorizing entries of all lands which have been offered for sale, and remained unsold for seven years, or more, in tracts of twenty acres.

Resolved, by the senate and house of representatives of the State of Alabama, in general assembly convened, That our senators in Congress be instructed, and our representatives be requested, to use their best exertions to procure the passage of a law, in conformity with the foregoing memorial.

Resolved, That the governor be, and he is hereby requested, to forward to each of our senators and representatives in Congress, a copy of the foregoing memorial, and these resolutions.

24TH CONGRESS.] No. 1576. [2D SESSION.

APPLICATION OF WISCONSIN FOR THE EXPENDITURE OF THE MONEY ARISING FROM THE SALE OF TOWN LOTS, IN IMPROVING THE STREETS OF THE SAID TOWNS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

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

The memorial of the council and house of representatives of the Territory of Wisconsin, respectfully represents: That, whereas Congress have deemed it expedient to direct a survey of the towns of Dubuque, Peru, and Bellview, in the county of Dubuque; the towns of Burlington and Madison, in the county of Des Moines; and the town of Mineral Point, in Iowa county, and Territory of Wisconsin, and by an act secured to the settlers

in each of said towns, a limited portion of the lands, which have been settled upon and improved by the citizens thereof; therefore, your memorialists would respectfully recommend and solicit, that an appropriation may be made by Congress, of the moneys arising from the sale of lots in the said towns for the improvements of the wharves, streets, and public buildings, and such other public improvements as the corporation of said towns may respectively deem proper. All which is respectfully submitted. Therefore—

Resolved, That a copy of the foregoing be directed to the President of the United States, to the President of the Senate, and Speaker of the House of Representatives, and also to our delegate in Congress.

P. H. ENGLE, *Speaker of the House of Representatives.*
HENRY S. BAIRD, *President of the Council.*

24TH CONGRESS.] No. 1577. [2D SESSION.

ON CLAIMS FOR THE LOSS OF IMPROVEMENTS AND RIGHTS OF PRE-EMPTION TO LAND IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1837.

Mr. CHAPMAN, from the Committee on Public Lands, to whom was referred the petition of certain citizens of Madison County, Alabama, in behalf of Elisha Moreland, William M. Kennedy, Robert J. Kennedy, and Mason E. Lewis, asking some relief to said persons, on account of the loss of their improvements, and their right of pre-emption, as settlers on the public land, under the act of 29th May, 1830, reported:

That it is represented by the said petition that the above named individuals were, at the time of the passage of said pre-emption law, and for some years previous, settlers and occupants on that part of the public lands acquired from the Cherokee Indians by the treaties of 1817 and 1819, situated in said county, within the Huntsville land district. That they had each made valuable improvements on very fertile and productive land, and were entitled, under the provisions of said act, to a quarter-section each by pre-emption, at the minimum price, so as to include their improvements. It is further represented, that, at the time these persons made their respective locations, the land was in a state of nature, wholly unimproved, and uninhabited by any Indian; but that, by some imposition practised upon the agents of the government, by certain white men, whose object was to obtain for themselves, indirectly, the valuable lands these settlers had improved at so much labor and expense, a reservation was located on said land, being parts of sections 1, 2, 11, and 12, in township three, range two east, in said district (so as to embrace the improvements of said settlers) under the provisions of said treaty, authorizing a reservation of 640 acres, for life, under certain restrictions, to each head of an Indian family, to be laid off so as to include the improvement or location of such Indian, as near the centre as practicable. It is stated that the Indian enrolled and designated by the fraudulent practices aforesaid, as entitled to the reservation so laid out, was named Conaleskee, or Challenge, who, these petitioners represent, was not the head of any Indian family, and of course had no right to a reservation under said treaty. They state that the said Indian was a stranger in that part of the country when said reservation was located, had never lived there, and that he had no color of claim to the reservation assigned him. It is represented that the several individuals, for whom relief is now asked, immediately, on ascertaining that the reservation for said Indian had been, by means aforesaid, located on their several settlements, and knowing that it was fraudulently taken, and, if confirmed, would deprive them of their pre-emptions, determined to contest said claim; and for this purpose procured affidavits and proofs, showing that said Indian was not entitled to a reservation under said treaty, and especially to the one assigned him, where he had never lived, and which had not been settled; and forwarded said testimony to the proper officer, in order to have the claim examined, as other such spurious claims had been, and defeated: but during the time this controversy was going on, certain individuals procured, and sent on to Congress, a petition purporting to be in the name of said Indian, praying a special act relinquishing the interest of the United States in said reservation, confirming the otherwise fraudulent title of said Indian, and authorizing him to sell and convey it. Accordingly a bill did pass, granting the prayer of the petition; consequently, all proceedings set on foot to show that the claim was groundless, were defeated, and the several settlers prevented from obtaining their rightful pre-emptions. Soon after this law passed, the reservation was purchased from said Indian for a very inconsiderable consideration, and those who had been active in procuring the location, and the act confirming it, alone received the benefit of the grant, and not the Indian, for whom they pretended it was intended.

It is stated that the said occupants had no notice whatever of such a petition, or that such a bill was before Congress, until an act was passed. These facts appear by the representation of the said citizens, who are disinterested, as they allege; and the character of some of them is known to a portion of your committee, and they are entitled to full credit. By a letter from the Commissioner of the General Land Office, accompanying this report, and which your committee beg leave to make a part of it, it appears that, at the time the act passed confirming the title of said Indian, affidavits had been forwarded and filed in that office to show that said claim was groundless; but that, after said act passed, all further investigation was rendered unnecessary.

From these facts, your committee conclude that, inasmuch as the said claimants had an unquestionable right to the benefits of the pre-emption act of 1830, provided the claim of said Indian to the reservation located upon their several improvements had been decided by the proper authorities to be fraudulent, which they were proceeding to establish when the act of confirmation passed, without notice to them; and as that act has put it out of their power to assert their claims, they have strong equitable grounds for relief. The petition asks that the act confirming the right of the Indian may be repealed; or, if not, such other relief as may appear reasonable. Your committee have no hesitation in saying, that the right of the Indian, or the purchaser from him, under the said act, is perfect, and no subsequent legislation can divest it; but the committee report a bill, authorizing said settlers to enter each one quarter-section of land in the same or any adjoining land district, not occupied by any

other settler, in lieu of their several improvements, of which they have been deprived, by proving their respective rights to pre-emptions under the act of 1830, before the register and receiver of the Land Office, where the application may be made, and paying therefor the then minimum price of government lands.

GENERAL LAND OFFICE, *January* 16, 1837.

SIR: I have the honor to return the petition of Elisha Moreland and others, enclosed in your letter of the 9th inst., and, in reply to your inquiry, have to state, that, by reference to the plat of township three, of range two east, in the Huntsville district, it appears that a survey of a tract of 640 acres, as a reservation for Challenge, was made so as to include portions of sections 1, 2, 11, and 12 in that township, and the lines of the public surveys were connected with the lines of that reservation. When the Indian claim was surveyed, or under whose directions, is not known to this office; but from its not corresponding with the public surveys, it is presumed to have been made before they were executed.

The person for whom this reservation was made, appears to be known by the name of Conalaskee, as well as Challenge; and the only evidence in this office, going to show that such an individual was entitled to a reservation under the Cherokee treaty of 1819, consists of a printed list of persons entitled to reservations under that treaty, furnished by the office of Indian Affairs, on the 19th of January, 1828, in reply to a resolution of the House of Representatives, in which, as number 82, "Kan-a-noon-luskah" is reported as a life-reservee.

Several affidavits have been forwarded to this office, with a view of showing the fraudulent character of this reservation; but inasmuch as Congress, by the act of 29th May, 1830 (Laws 1st session, 21st Congress, p. 126,) relinquished to the reservee the reversionary interest of the United States in the land, and authorized him to dispose of it in the manner therein pointed out, this office was precluded from making any decision affecting the claim of the reservee.

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

JAMES WHITCOMB, *Commissioner.*

Hon. R. CHAPMAN, *Committee on Public Lands, H. R.*

24TH CONGRESS.] No. 1578. [2D SESSION.

ON A CLAIM TO LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1837.

Mr. PATTERSON, from the Committee on Private Land Claims, to whom was referred the petition of Mary Sroufe, reported:

That the said petitioner sets forth that she, together with her husband, (Sebastian Sroufe,) emigrated to Piqua county, in the State of Ohio, in the year 1824; and, being poor, settled on the West fraction of the southeast quarter of section 21, in township 1 north, of range 5 east; that, before they became enabled to purchase said land, the sale was stopped by the officers of the government; that, in 1830, her husband died, leaving her with a large and helpless family; that she still hoped to become the purchaser of said land when the government again offered it for sale; and for the purpose of entitling herself to the benefit of the law granting to actual settlers rights by pre-emption, she filed her papers and vouchers, proving her settlement and occupancy of said tracts of land; and that, for reasons which she appears not to understand, she is deprived of the right to purchase. Her prayer to Congress is, that she may be permitted to purchase the land at such price as may be thought just and proper. The testimony filed by the petitioner, in proof of her settlement, occupancy, and improvement, proves conclusively that her claim would be a good one, had not Congress, by an act passed on the 24th day of May, 1828, reserved the section on which her tract is situated—one half of which was to be appropriated for extending the canal from Dayton to Lake Erie, in the State of Ohio; and the balance directed not to be sold for less then two dollars and fifty cents per acre; while the law of 1834 (called the pre-emption act) gave to actual settlers their land at one dollar and twenty-five cents per acre. Your committee are, therefore, satisfied, that although her proof of occupancy, settlement, and improvements, are clearly proven, yet that she is not entitled to the right of pre-emption under the law of 1834, because the act itself grants only on such lands as are not reserved by law, or by direction of the President, &c. But had it not been for the law granting land to aid the Dayton canal, which induced the government to double its price on the alternate sections, her right of entering the land at one dollar and twenty-five cents per acre would be indisputable. If, then, she had complied with the law in making all the improvements necessary, with such settlement and occupancy, as to entitle her to the land at one dollar and twenty-five cents per acre, and was deprived of that right by the land being reserved, or raised to two dollars and fifty cents per acre, your committee can see no reason why she should not be permitted to purchase the land at the price which Congress has set upon said land. If the government, in justice to actual settlers, have heretofore, and do now, sell them the land on which they have settled and made improvements at one dollar and twenty-five cents per acre, we can see no reason why that right should be withheld because the government has raised the price of the land to two dollars and fifty cents per acre; and have, therefore, reported a bill for her relief.

24TH CONGRESS.] No. 1579. [2D SESSION.

STATEMENTS OF THE AMOUNT OF MONEY RECEIVED FOR PUBLIC LANDS DURING THE YEAR 1836, AND THE COST OF THE TRANSPORTATION OF GOLD AND SILVER TO DEPOSIT BANKS.

COMMUNICATED TO THE SENATE, JANUARY 27, 1837.

TREASURY DEPARTMENT, *January* 27, 1837.

SIR: In obedience to the resolution of the Senate of the 18th instant, I have the honor, herewith, to transmit to the Senate a report from the Commissioner of the General Land Office, and the accompanying statements (A and B) referred to by him, showing, as far as returns have been received, "the amount of moneys received for public lands in each month of the year 1836," and the amount expended in removing gold and silver from the land offices to the deposite banks beyond the charges allowed, agreeably to the regulations prescribed by this department on the 1st of May, 1831, a copy of which is annexed, (C.)

It appears by the report of the Commissioner that no information has been received of any loss having been sustained in removing specie to the deposite banks.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. M. VAN BUREN, *Vice-President of the U. S. and President of the Senate.*

GENERAL LAND OFFICE, *January* 26, 1837.

SIR: In pursuance of the resolution of the Senate of the United States of the 18th instant, (referred by you to this office,) in the words following, to wit: "*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate a statement of the amount of moneys received for public lands in each month of the year 1836, so far as he has returns thereof; also, that he inform the Senate what amount of money has been expended in each month of the year 1836 in removing gold and silver from land offices to the deposit banks, and whether any, and, if any, the amount of losses sustained thereby," I have the honor to submit the accompanying statements, (marked A and B,) and to report that this office has received no information of any loss sustained in removing gold and silver to the deposite banks.

I am, with great respect, sir, your obedient servant,

JAMES WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A

Statement of the amount of moneys received for public lands in each month of the year 1836, *so far as the returns have been received.*

States and Territories.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Year 1836.
Ohio	123,310 65	128,037 92	128,267 30	202,762 19	168,835 35	119,537 95	123,534 06	157,489 72	119,798 27	144,252 29	148,482 83	88,196 74	1,653,455 27
Indiana	259,210 37	266,883 09	347,749 28	228,805 90	596,714 79	336,624 17	638,772 86	309,157 96	257,239 71	374,526 99	261,766 04	130,515 64	4,007,966 80
Illinois	386,786 24	354,560 46	301,715 76	301,274 54	535,240 97	612,787 33	357,317 48	311,153 53	204,845 80	243,134 37	255,051 39	No returns.	3,863,867 87
Missouri	142,478 82	195,554 03	121,424 40	195,094 17	224,441 03	186,929 57	159,301 10	248,459 09	128,264 86	144,711 73	212,500 29	12,225 00	1,971,985 29
Alabama	275,911 74	259,068 04	230,405 22	164,176 77	134,468 02	158,520 08	113,627 85	160,305 75	167,180 46	196,922 11	221,827 86	11,111 53	2,093,526 03
Mississippi	436,907 79	332,531 54	285,540 49	161,166 54	198,472 24	241,223 45	158,913 98	236,021 01	112,719 52	107,682 14	101,988 78	No returns.	2,323,167 48
Louisiana	57,858 46	29,587 57	73,071 12	139,046 39	148,838 47	333,028 65	81,781 28	57,086 68	82,295 07	85,486 89	475,652 59	No returns.	1,063,632 67
Michigan	283,068 97	281,941 18	397,361 74	493,648 02	955,775 48	614,333 96	856,332 53	187,093 08	302,991 64	123,136 06	401,661 81	158,267 05	5,053,611 52
Arkansas	75,954 16	62,515 52	78,928 26	121,853 61	189,326 64	320,721 84	91,413 50	69,228 87	14,057 95	57,331 10	53,026 98	No returns.	1,134,358 43
Florida	3,913 63	6,866 33	14,094 35	6,558 01	2,913 52	7,613 21	3,867 38	3,050 48	5,778 06	7,499 82	No returns.	No returns.	62,154 79
Wisconsin	27,603 53	27,036 30	44,820 97	43,084 60	39,648 51	176,949 72	184,396 27	183,063 11	61,331 20	27,722 83	39,203 99	No returns.	755,466 03
	2,073,004 36	1,945,481 98	1,973,378 89	2,058,670 74	3,192,675 62	3,108,270 53	2,719,253 29	1,872,114 88	1,466,502 54	1,462,355 83	1,771,162 56	400,315 96	23,983,102 18

B.

Amount charged for transporting gold and silver, in addition to the mileage and risk allowable.

States and Territories.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Year 1836.
Ohio	.....	.....	.....	.....	.....	.....	.....	.....	98 00	.....	2 00	8 50	108 50
Indiana	67 00	67 00	150 00	27 00	112 00	337 00	126 00	2 00	316 00	130 00	.....	139 00	1,473 00
Illinois	6 00	10 00	126 00	4 00	50	78 50	2 00	4 50	92 50	8 00	24 00	.....	356 00
Missouri	.....	.....	46 47	155 50	.....	24 00	108 00	.....	25 75	.....	.....	.....	359 72
Alabama	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi	.....	.....	.....	.....	.....	.....	.....	.....	.....	85 00	.....	.....	85 00
Louisiana	.....	.....	.....	.....	.....	.....	.....	.....	25 00	25 00	45 00	.....	95 00
Michigan	.....	.....	.....	.....	.....	.....	.....	.....	28 50	.....	22 00	59 00	109 50
Arkansas	.....	.....	.....	.....	.....	.....	.....	138 00	.....	.....	.....	.....	138 00
Florida	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	No returns.	.....	.....
Wisconsin	.....	.....	.....	.....	.....	20 00	.....	.....	.....	.....	.....	.....	20 00
	73 00	77 00	322 47	186 50	112 50	459 50	236 00	144 50	585 75	248 00	93 00	206 50	2,744 72

C.

Circular to Receivers of Public Moneys.

TREASURY DEPARTMENT, *May* 1, 1831.

SIR: Several of the provisions of the circular of the 22d February, 1826, having been changed by subsequent instructions, and others having become obsolete, it has been deemed proper to modify the same in some respects, and embody in one instruction the regulations which in future, and until otherwise directed, will govern the receivers of public moneys.

In addition to specie and the bills of the Bank of the United States and its branches, which are receivable in all payments to the United States, receivers of public moneys are authorized to receive the notes of such of the incorporated banks of the State or Territory in which the land office is situated as pay specie for their notes on demand, and are otherwise in good credit.

On the opening of a new land office, the receiver will publish, for the information of purchasers of public lands, in one newspaper in his district, a list of the description of funds which he is hereby authorized to receive: and he will give notice, in like manner, of any change which may occasionally take place. In such publication he will state that, although, for the accommodation of purchasers, the local or State bank notes therein enumerated are at present receivable, yet their receipt may be discontinued at any time without previous notice, if, in the opinion of the receiver, they cannot be safely received.

No bank note of a less amount than five dollars is to be received, nor any that is not payable on demand.

So long as the notes of local or State banks are receivable, the receivers will note on each receipt for moneys received or paid by them, including their own and the register's compensation, the amount embraced in such receipt of each of the above description of funds, viz: Specie, $———; Bank of the United States and branches, $———; State banks, $———. If this endorsement be found impracticable during any public sale, it may, for that time, be dispensed with. The receivers will note on each monthly return rendered to this department, a separate statement or list, showing the aggregate amount received and paid by them during the month, in each description of funds, and the balance of each on hand.

The receivers will make their deposits in the following banks, viz:

1st. Those in Michigan, in the office of the Bank of the United States at Buffalo;

2d. Those in Ohio, in the office of the Bank of the United States at Cincinnati;

3d. Those in Indiana, in the office of the Bank of the United States at Louisville;

4th. Those in Illinois and Missouri, in the office of the Bank of the United States at St. Louis;

5th. Those in Mississippi, in the office of the Bank of the United States at Natchez;

6th. Those in Louisiana, in the office of the Bank of the United States at New Orleans;

7th. Those in Alabama and Florida, in the office of the Bank of the United States at Mobile;

8th. Those in the Territory of Arkansas, in the offices of the Bank of the United States at St. Louis and Natchez—the receiver at Batesville at the former, the receiver at Little Rock at the latter.

The receivers are also at liberty to make deposits in the Bank of the United States, or any of its offices, which they may find more convenient, other than those above designated, provided the funds so deposited be entered to the credit of the Treasurer of the United States, by the bank or office, unconditionally, as cash; and when the moneys which they are authorized to receive will be thus credited in a nearer office, they are required to deposit in such office.

To facilitate the collection of the notes of the local or State banks, the receiver will, on making a deposit, give notice in writing, by the mail or otherwise, to each of those banks in the State or Territory in which the land office is situated, of the amount of its notes contained in such deposit; and if he is informed by the cashier of the bank in which he makes his deposits that the notes of any such bank have not been paid on demand, he will cease to receive the notes of such bank. It may be proper for the receiver, where it has not already been done, to take the first occasion to intimate, in respectful terms, to each of the local or State banks of his State or Territory, whose notes he may receive, the consequence that will result from a want of punctuality in paying its notes on presentation.

The receivers will also cease to receive any local or State bank notes that the bank in which they are instructed to make their deposits may refuse to receive as cash, or which, in the exercise of a sound discretion, the receivers may not think it prudent to receive; but, in either of these cases, they will give immediate information of their proceedings to this department. They will also give early notice to the other receivers in the same State or Territory.

When the public money in the hands of a receiver at the end of any month exceeds the sum of ten thousand dollars, it should be deposited without delay. But it must not be retained under any circumstances in contravention of the provisions of the act of the 10th May, 1800, which requires that the moneys received by the receivers shall be transmitted within three months to the treasurer of the United States, as they will thereby render themselves and their sureties liable under their official bonds.

It is essential that all the public moneys in the possession of the receivers should be deposited at the above intervals, reserving enough, in case the ordinary receipts of the office should be insufficient for the purpose, to pay their own and the register's salaries, together with the authorized expenses of their offices.

Where deposits are made in sums less than ten thousand dollars, compensation for the expense and risk may be allowed upon the aggregate of such deposits whenever it exceeds that sum; but no allowance can be made for the expense of making the deposit oftener than once a month.

Receivers will take duplicate receipts for each deposit which they may make. One of these receipts they will immediately forward to this office, and charge the amount in the first succeeding monthly return rendered to the Secretary of the Treasury. All vouchers for authorized disbursements should be transmitted with their quarterly accounts.

Instead of the compensation heretofore allowed to receivers under the act of the 22d May, 1826, for the expense, labor, and risk incurred in the transportation of the public moneys for deposit, the receivers will, from and after the first day of July next, be compensated by the following allowances, viz.:

As a compensation for their *expense and labor* in the performance of this duty, they will be entitled to receive for every mile travelled from their respective offices to the bank of deposit, and returning, computing the distance by the nearest route to the nearest office in which their deposit will be received as cash, if by land, at the rate of twelve and a half cents per mile; if by water, six cents per mile; with such additional allowance for the transportation of specie as will remunerate them for the increased expense attending such transportation. Claims for such additional allowances for the transportation of specie must be supported by satisfactory vouchers.

As a compensation for the *risk* incurred, there will be allowed a per-centage of one-hundredth part of one per cent. on the amount deposited, for every ten miles of distance between the land office and place of deposit by the nearest route.

For the sake of convenience and uniformity, it is desirable that the monthly duplicate returns required to be made to the Secretary of the Treasury and Commissioner of the General Land Office should be made on a sheet of common post paper, and rendered in the form of that herewith enclosed.

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

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

24TH CONGRESS.] No. 1580. [2D SESSION.

APPLICATION FOR A DISTRIBUTION OF THE PROCEEDS OF THE SALES OF THE PUBLIC LANDS, CEDED BY VIRGINIA TO THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 31, 1837.

The memorial of the undersigned, in behalf of his immediate constituents, and of the citizens of the United States, including the residue of the citizens of the State of Virginia, most respectfully represents to the Congress of the United States of America: That whereas, on inquiry, it will appear that the continental Congress of the then confederacy, did, by a resolution under date of the 30th day of September, 1780, recommend to the several States having claim to western lands a liberal surrender thereof, as a common fund, in aid of establishing the public credit, and to discharge the debt incurred by the then existing war with Great Britain;

And whereas, the State of Virginia, responding to the said recommendation of Congress, did, on the 2d day of January, 1781, by her legislative assembly, adopt, and submit to the consideration of Congress, the terms and conditions on which that State would surrender to the United States all the lands within the boundaries claimed by Virginia north and west of the river Ohio;

And whereas, Congress having the said terms and conditions of cession proposed by the State of Virginia under consideration, resolved, on the —— day of September, 1783, to accept the same, with the exception only of a stipulation in said terms of cession, binding the United States to guarantee to Virginia the residue of her territory south and east of the river Ohio;

And whereas, the State of Virginia having assented to the proposed exclusion from her terms of the guaranty aforesaid, did, by an act of her legislative assembly, empower and fully authorize her then delegates in Congress to execute the conveyance contemplated: whereupon, James Madison and others, then the delegates in Congress from Virginia, did, on the 1st day of March, 1784, in virtue of the aforesaid authority vested in them, convey to the United States the aforesaid lands north and west of the river Ohio, according to the original terms and conditions proposed by Virginia to Congress, for the cession thereof to the United States, with the exception *only* of the guaranty aforesaid, proposed by Congress to be excluded therefrom, and assented to by Virginia, as aforesaid;

And whereas, the aforesaid deed of cession, executed as aforesaid, among other provisions therein, contains what follows: "That all the lands within the territory hereby ceded to the United States, and not reserved or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the sole use and benefit of such of the United States as have become, or shall become members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their respective proportions of the general charge and expenditure; and shall be *faithfully* and *bonafide* disposed of for that purpose, and for *no other* use or purpose whatever:" The memorialist respectfully asks that Congress will take under consideration the whole subject-matter set forth or referred to in the foregoing preamble, and decide whether the conveyance of Virginia, above recited, is not a conveyance in trust, for certain specific purposes therein enumerated; whether those purposes have been satisfied; if so, what quantity of the land conveyed has been applied to those, or to any other purposes; how much of the land now remains to be disposed of; if any, whether Congress is not bound by the letter and plain intention of the deed of cession by Virginia to the United States, to provide for a faithful and *bonafide* application of the proceeds of the remaining lands, and of those, if any, which may have been devoted to purposes not specified in the deed, to the sole use and benefit of the States of the Union, according to the ratio of distribution provided in the deed.

And your memorialist is most respectfully, JOHN TALIAFERRO,

In behalf of himself and others.

24TH CONGRESS.] No. 1581. [2D SESSION.

ON A CLAIM FOR A BOUNTY LAND WARRANT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1837.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, to whom was referred the resolution of inquiry into the propriety of granting to Simon Burton, jr., a tract of bounty land, reported:

That it appears, from the deposition of the applicant, that he enlisted as a soldier in the army of the United

States in the month of January, 1813, for the term of five years, and that he quit the service in August or September, 1815, being then claimed by his father as a minor, and, in consequence of such claim, he was discharged from service.

By the act of Congress regulating the term of enlistment and the emoluments to the soldiers of the army of the United States, during the last war with Great Britain, and at the time of the enlistment of said Simon, it was provided that "whenever any soldier shall be discharged from service, who shall have obtained from the commanding officer of the company, battalion, or regiment, a certificate that he had faithfully performed his duty while in service, he shall be allowed, in addition to pay, &c., one hundred and sixty acres of bounty land." The claim of the soldier to bounty land was dependent on a faithful service until the expiration of his term, and obtaining a certificate of the officer, as provided for in the act of Congress. From the deposition of the applicant, it appears that he neither performed the service nor obtained the necessary certificate, both of which were necessary to entitle him to bounty land. The committee are of opinion that the applicant is not entitled to bounty land, or any other relief.

24TH CONGRESS.] No. 1582. [2D SESSION.

APPLICATION OF OHIO FOR THAT PORTION OF THE LAND GRANTED FOR THE MIAMI CANAL AND AFTERWARD SOLD BY THE UNITED STATES.

COMMUNICATED TO THE SENATE, FEBRUARY 7, 1837.

To the Senate and House of Representatives, in Congress assembled:

The general assembly of the State of Ohio would respectfully represent, that, by an act of Congress, approved May 24, 1828, there was granted to the State of Ohio a quantity of land equal to one half of five sections on each side of a canal to be constructed from Dayton to the Maumee river, at the mouth of Auglaise, on certain conditions, which were to be complied with on the part of the State. By an act of the general assembly, passed December 31, 1831, the State pledged herself to carry into effect the act of Congress before named, by authorizing the selection, sale, and application of the proceeds of said lands to the construction of the Miami canal. Since the passage of the act of the general assembly before referred to, and the selection of lands made in accordance with its provisions, (and the act of Congress donating said lands,) in lieu of lands previously sold by the United States, within five miles of said canal, the general government has sold a quantity of said land, the avails of which have passed into the Treasury of the United States, instead of being appropriated to the construction of the Miami canal, according to the provisions of the act of Congress donating them for that express purpose. The general assembly, therefore, ask of Congress the passage of an act authorizing the State of Ohio to select from any lands belonging to the United States within said State, a quantity of land equal to the amount sold by the United States, that properly belonged to the State of Ohio, according to the act of Congress granting lands to the State of Ohio to aid said State in the construction of the Miami canal.

Resolved by the general assembly of the State of Ohio, That the governor of this State be requested to transmit a copy of the foregoing memorial, and of this resolution, to each of our senators and representatives in Congress, and that they be requested to use all honorable and proper exertions to obtain an act of Congress for the purpose therein set forth.

WILLIAM MEDILL, *Speaker of the House of Representatives.*
ELIJAH VANCE, *Speaker of the Senate.*

January 3, 1837.

24TH CONGRESS.] No. 1583. [2D SESSION.

ON A CLAIM TO LAND FOR SERVICES IN EXPLORING THE TENNESSEE RIVER.

COMMUNICATED TO THE SENATE, FEBRUARY 7, 1837.

Mr. LINN, from the Committee on Private Land Claims, to whom was referred the petition of William Barclay, praying to be confirmed in his title to a tract of land, reported:

That they find no evidence that George Barclay, the father of the petitioner, ever performed the services set forth in the petition. The committee have been informed that his name is mentioned in the resolution of the legislature of the State of Georgia, authorizing John Donelson, Stephen Heard, and others, to explore the great bend of the Tennessee river, but that resolution does not appear in the partial collection of the acts of the Georgia legislature in the library of Congress, or in the State Department; and the committee conceive that it would be inexpedient to assume the fact without an opportunity of examining for themselves the said resolution that his name does so appear. Without some evidence of the services rendered by George Barclay, neither his heirs nor representatives are entitled to claim any compensation therefor.

Your committee, therefore, submit the following resolution:

Resolved, That they be discharged from the further consideration of the petition.

24TH CONGRESS.] No. 1584. [2D SESSION.

EXAMINATION OF THE OPERATIONS OF THE LAND OFFICE AT FORT WAYNE, INDIANA, IN 1836.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 8, 1837.

TREASURY DEPARTMENT, *February* 4, 1837.

SIR: In compliance with a resolution of the House of Representatives, dated the 30th ultimo, as to the land office at Fort Wayne, I have the honor to enclose copies of correspondence with this office, numbered from 1 to 18; also, a report and copies of correspondence with the General Land Office, lettered from A to I. These are believed to embrace all the papers desired under the resolution.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

No. 1.

TREASURY DEPARTMENT, *April* 25, 1836.

SIR: Your letter of the 4th instant, enclosing a return for the month of March, and a quarterly account for the quarter ending on the 31st ultimo, is received. Quarterly returns or accounts are not required to be made to the Secretary of the Treasury, but to the Commissioner of the General Land Office, as your instructions from that officer will inform you. The returns required to be made to the Secretary of the Treasury, as you will perceive from the enclosed circular, are *monthly*, being duplicates of similar statements rendered to the General Land Office, and corresponding in form to that for March, received with your letter. As these statements for January and February last have not been received at the department, I must claim your attention to the omission, and insist on their transmission in future, immediately after the close of each month. At the same time, I would also claim your strict attention to the regulations of the department in respect to the periodical deposits of the public money, and to the duty of transmitting the usual evidences of such deposits to the Secretary of the Treasury, as the instructions require.

I am, very respectfully, &c., &c. LEVI WOODBURY, *Secretary of the Treasury.*

Col. JOHN SPENCER, *Receiver of Public Moneys, Fort Wayne, Indiana.*

No. 2.

TREASURY DEPARTMENT, *May* 23, 1836.

SIR: Since the date of my letter to you of the 25th ultimo, your returns for the month of April have been received, from which I perceive that the public moneys in your hands on the 30th ultimo amounted to the sum of $247,251 64, which amount is the accumulated receipts of your office since the 1st of January last. You cannot but be aware that the retention of the public moneys in your hands, beyond the period of one month, unless the receipts of such month be less than $10,000, is a violation of your instructions. The object of this letter is, 1. To require that the whole balance on hand at the time of the receipt of this letter shall be immediately deposited, and a certificate of such deposit transmitted to the department without delay; 2. To inform you that the department cannot overlook the omission to do so, or your future neglect to deposit monthly, and to transmit your monthly returns, accompanied by the evidence of your deposit, in time to be received at this office within the month next preceding that for which the return is rendered; 3. That any neglect or inattention to these requirements, unless satisfactorily accounted for, will require of me, from a sense of official duty, that you be reported to the President, with a recommendation that you be removed from office.

I am, very respectfully, &c., &c.

LEVI WOODBURY, *Secretary of the Treasury.*

Col. JOHN SPENCER, *Receiver of Public Moneys, Fort Wayne, Indiana.*

No. 3.

TREASURY DEPARTMENT, *July* 8, 1836.

SIR: Since my letter to you of the 29th ultimo, directing an examination to be made into the state of the land office at Fort Wayne, Indiana, the returns of the receiver for the month of May have been received, and exhibit a balance of money in his hands, at the close of that month, amounting to $601,380 49. He has transmitted, under date of the 27th ultimo, a certificate of deposit in the "Branch State Bank of Indiana," made on the 15th of the same month, of $540,433 09, leaving a balance in his hands of $60,947 40.

I have to request that you will instruct Mr. West, the examiner, referred to in my letter above stated, to make special inquiry into this matter, and report to the department the result.

I am, very respectfully, &c., &c.

LEVI WOODBURY, *Secretary of the Treasury.*

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office.*

No. 4.

TREASURY DEPARTMENT, *July* 8, 1836.

SIR: Your account as receiver of public moneys at Fort Wayne, for the month of May last, with the enclosed certificate of deposit, in the Branch State Bank of Indiana, for $540,433 09, has been received, leaving a

balance in your hands of $60,947 40. I have to request to be informed why the whole amount in your hands was not deposited at the same time with the first-mentioned sum.

I am, very respectfully, &c., &c.

LEVI WOODBURY, *Secretary of the Treasury.*

JOHN SPENCER, Esq., *Receiver, Fort Wayne, Indiana.*

No. 5.

RECEIVER'S OFFICE, *Fort Wayne, July* 29, 1836.

SIR: Yours of the 8th, urging an explanation why the balance of the money on hand was not deposited at the time I made the last deposit, obliges me to state to you, that, owing to the great amount of money that I had with me at that time, (for I had the whole amount due from me to the government at the time I left the office, except the specie that came in after the wagon that hauled the silver had left, which was about one week before I left myself,) the cashier of the bank declined receiving in that deposit the eastern money and drafts, viz.: on the safety-fund banks of New-York and the Farmers and Mechanics' Bank of Michigan, which I received, supposing that they were embraced in his list of funds. The eastern funds I left in the bank at Richmond, with the cashier's promise that they should go in the next deposit. The Michigan paper I sent to the Michigan Bank, which was deposited there, and the certificate forwarded to the Commissioner of the General Land Office in the last quarterly report.

The Bank of Richmond received that deposit with great reluctance, being fearful that the government might draw the funds out before they could make their arrangement. The money is yet in the bank, for the government. I shall leave without delay to make deposit, having received information that the bank at Indianapolis would receive the deposits, notwithstanding the letter from the president of that bank, which was the cause of my detention from making the deposit immediately after the receipt of your letter directing me to deposit in that bank, instead of that at Richmond.

Copy of a letter from the president of the Branch Bank at Indianapolis, dated July 14, 1836.

SIR: Having understood that the Secretary of the Treasury has directed you to deposit moneys received at your office for public lands at this branch, I deem it proper that I should apprize you that the directory have it in contemplation to decline, for the present, receiving any further deposits, believing that we cannot accede to the terms embraced in the late act of Congress in relation to the deposits, without too great a sacrifice of interest to this institution.

I am authorized to say to you, the board of directors of this branch, unwilling to add to its responsibility so heavy an amount as would likely be your next payment, have decided not to receive the deposit from that office.

Respectfully yours,

HENRY BATES, *President.*

JOHN SPENCER, Esq., *Receiver.*

Hereafter, I assure you that the deposits will be made, so far as I am concerned, in strict accordance with my instructions.

Respectfully, sir, I am your humble servant, JOHN SPENCER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 6.

BRANCH BANK, *Indianapolis, August* 17, 1836.

We have this day received from John Spencer, Esq., receiver of public moneys, the amount below named of unbankable money, at a discount as follows:

Large notes on country banks, New York	$35,000 00	
1½ per cent off	525 00	
		$34,475 00
Michigan, Ohio, Illinois, and New York, (small)	24,475 00	
2 per cent. off	429 50	
		21,045 50
Drafts on Bank of Michigan	13,073 69	
1 per cent off	130 73	
		12,942 96

The above amount is included in the receipts given Mr. Spencer on this day for credit Treasurer United States.

THOS. H. SHARP, *Teller.*

I certify that the above is a true copy: August 20, 1836.

JOHN M. WILT, *Clerk in Receiver's Office, Fort Wayne.*

NOTE.—Mr. Spencer offers the above as a proof that he was obliged to make a discount, or sustain a loss, when depositing at Indianapolis.

I have not time to send a duplicate of the above.

No. 7.

RECEIVER'S OFFICE, *Fort Wayne, August* 22, 1836.

SIR: I have just received yours of the 13th instant, acknowledging the receipt of my letter of the 28th ultimo, and returns for that month. It also presents the inquiry, why the balance of $100,599 32 was retained so long on hands, and observed that no reply has been received to your letter of the 8th ultimo.

In answer to the above I reply, that an answer at some length was written to your letter of the 8th, dated July 29, which was probably on the way when you wrote on the 13th instant, and would no doubt be received soon after. The amount of funds in the Richmond Bank, which I spoke of, was $52,831 39, and is included in the enclosed certificate of deposit.

My reasons why the balance of $100,599 32 was so long retained, are as follows: On the 20th of June, I returned from depositing at Richmond. From this time to the 26th I was busied in procuring security to my new bond, according to the requisition contained in circular from Commissioner of the General Land Office of 25th May, and which was received on 4th June, while I was absent. On the 26th, I started for Rockville, to have it approved, and returned on the 10th of July. The office was opened on the 11th, and the extraordinary press of business rendered it advisable that I should remain for a few days until the press would be over. While preparing the funds for deposit, which had accumulated to a large amount, I received the letter from the president of the branch at Indianapolis, (a copy of which I sent you in my letter of 29th ultimo,) refusing the deposits from me. Afterward, I received another letter accepting them; and, as soon as I could thereafter, I left to make the deposit, the result of which is contained in the enclosed certificate.

I beg leave to repeat the assurance that every attention shall be given to the subject of depositing which its importance and my duty require.

JOHN SPENCER, *Receiver.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 8.

OFFICE OF STATE BANK OF INDIANA, *Fort Wayne, August* 22, 1836.

Understanding that reports are in circulation in regard to the course that has been pursued by Colonel John Spencer, receiver of public moneys in this place, in receiving at a discount uncurrent paper in payment for lands, which are calculated to injure him in his relation to the government, I take this opportunity of stating sach facts upon this subject as have come within my knowledge. The situation which I have occupied for some time in this branch bank, the daily intercourse which I have had with the receiver, and the consequent knowledge which I have obtained of the manner in which he has discharged his official duties, lead me to the opinion that the reports alluded to have originated either in misunderstanding or misrepresentation.

That paper not authorized by the cashier of the deposit branches at Richmond and Indianapolis to be received by the receiver has in some instances been taken by him at a small discount, is not denied by Colonel Spencer himself; but I take pleasure in saying, that in no instance within my knowledge has this been done when the necessary exchanges could have been effected at this bank or with individuals. Owing to the great amount of the sales of the public lands in this district for some months past, and the fact that a large majority of land buyers have come here unprovided with the right kind of funds, the demand upon us for land office money has been greater than we could supply. Under these circumstances, if exchanges had not been made by the receiver, many individuals who had come a long distance would have been under the necessity of departing without the lands they had in many instances selected, or travelling, at the risk of losing their selections, at least one hundred miles, over roads the greater part of the year almost impassable, to obtain the right kind of funds. It is under such circumstances, when the purchaser could be accommodated nowhere else, that uncurrent paper has been taken by the receiver at a discount.

I feel very confident that these exchanges have not been made at the desire of Colonel Spencer. In many instances, within my own knowledge, he has peremptorily refused to make the desired exchanges; and in all instances I doubt not that he has been induced to do it, rather on account of the pressing solicitation of purchasers, than with a view to his own emolument. In some cases, when we could not afford the necessary accommodation in bank, I have suggested to Colonel Spencer the necessity of his taking, in some instances, at such rate of discount as would satisfy him for the expenses of making the re-exchanges, other than land office money.

I doubt not that the exchanges alluded to have been made by the receiver with reluctance, and at a small discount; and that if he is at fault in this matter, he has erred in liberality toward land purchasers, and a desire to accommodate them, and not with the intention of advancing his individual interests.

I give the foregoing to be used by Colonel Spencer as he may deem proper.

H. McCULLOCK, *Cashier.*

No. 9.

MADISON, *August* 31, 1836.

SIR: I am informed that some things are stated recently to the prejudice of Colonel John Spencer, receiver at Fort Wayne; and I am requested to write you. In doing so, I can only say that I have been gratified in learning that his deposits have been made to your satisfaction; and, if so, I hope that minor matters, if mere irregularities, will be overlooked. He is reputed to be an honest and honorable man, and I do not believe that he has intentionally either done wrong or violated his instructions. It would, to some extent, produce excitement if he were removed, for he has many warm and influential friends both at Fort Wayne and in Dearborn county, from which he removed to his present residence. Better let it be.

With much respect,

WILLIAM HENDRICKS.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 10.

TREASURY DEPARTMENT, *September* 2, 1836.

SIR: I have received the report of Mr. West upon the transactions of the land office under your charge; upon which I beg leave to remark, that the department trusts your deposits will hereafter be promptly made, and that no exchanges whatever of money will take place on any terms, as they open a door to improper practices and unfounded imputations. I am happy to add, that the department can readily see the difficulties in resisting importunities to exchange money and to receive what is not permitted by regulation. It can also duly appreciate

your excuses for not making more prompt returns and more frequent deposits; but it trusts that, hereafter, a more rigid conformity to your instructions will be practicable, and will remove all cause of apprehension and complaint.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Col. JOHN SPENCER, *Receiver, Fort Wayne.*

No. 11.

TREASURY DEPARTMENT, *September* 7, 1836.

SIR: Your letter of the 31st ultimo is received, and I am happy to inform you that Mr. Spencer's explanations have been such that he will, probably, continue in office.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. WILLIAM HENDRICKS, *Madison, Indiana.*

No. 12.

RECEIVER'S OFFICE, *Fort Wayne, October* 27, 1836.

SIR: This is to inform you that I have forwarded to the deposit bank one hundred and four thousand dollars, in silver, there to remain until I arrive with the gold and paper money.

My democratic friends think that I ought not to leave until after we hold our election for President, on the 7th of November, which I have concluded to await, and shall leave on that evening, or the next morning, to deposit, with all the funds on hand up to that time. I shall write you again before I leave. The sales are rapid, mostly paid in gold and silver. My quarterly report will be forwarded by next mail, for last quarter, which ought to have been done sooner, only for the want of help in the office. Hereafter, I think I can get my reports off, without much delay, after the close of the month and quarter.

I am yours, respectfully, JOHN SPENCER, *Receiver.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 13.

RECEIVER'S OFFICE, *Fort Wayne, November* 8, 1836.

SIR: To day I leave to deposit all the funds that I have on hand. I shall probably leave them at Lawrenceburg. During my absence the office will be in the care of John M. Wilt. I shall be gone, probably, about two weeks.

Respectfully, your obedient servant, JOHN SPENCER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 14.

CINCINNATI, *November* 28, 1836.

SIR: Herewith you will receive the certificate of my last deposit. I have been much longer on the road than I had expected, owing to the badness of the same. We have had very wet weather, which caused high waters. I am now on my way to the office, and shall write you more fully when I get home.

I am yours, respectfully, JOHN SPENCER, *Receiver of Public Moneys, Fort Wayne.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

N. B.—I had sent, some time since, $21,000 to the care of the Commercial Bank, until my arrival; the cashier then informed me that he had placed the same to the credit of the Treasurer of the United States, which caused the two receipts of deposit. The charges on my books shall be the same as if all had been made together. JOHN SPENCER.

No. 15.

RECEIVER'S OFFICE, *Fort Wayne, January* 18, 1837.

SIR: Enclosed I send my certificate of deposit for one hundred and nineteen thousand one hundred and sixty-three dollars and eighteen cents, from Branch Bank of the State of Indiana, at Lawrenceburg.

Respectfully yours,

$119,163 18. JOHN SPENCER.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 16.

List of Funds.

Scrip	$1,212 50
Gold	15,698 31
Silver	30,559 67
Cincinnati	4,971 00
Pittsburg	616.00
Kentucky	545 00
Indiana	18,361 00
New York	679 00
Philadelphia	620 00
Baltimore	50 00
	73,312 48

DR. *The United States in account with John Spencer, receiver of public moneys at Fort Wayne, Indiana.* CR.

1836.			1836.		
Dec. 31.	By cash paid into the Branch Bank of the State of Indiana, at Lawrenceburg, to the credit of the Treasurer of the United States.....	$119,163 18	Dec. 1.	By this amount remaining on hands, as per last monthly report	$65,359 47
	Risk in depositing the above am't—distance 200 miles.	238 32	Dec. 31.	Amount received from individuals in present month..	73,312 48
	Compensation for travelling —400 miles, at 14 cts...	50 00			
	Military bounty land scrip..	1,212 50			
	Allen Hamilton, bill for stationery.....	167 75			
	F. P. Tinkham's bill for cabinet work.....	80 00			
	Ames Compton's bill for transporting specie.....	600 00			
	Osborn Thomas' bill for do..	55 00			
	Erroneous entry by Joseph Lenge, refunded	50 00			
	Undercharged for depositing in last month's statement.	10 00			
	Register's salary and commission	750 00			
	Receiver's salary and commission	750 00			
	Balance on hand to the credit of the United States in next monthly report.....	15,545 19			
		138,671 95			138,671 95

JOHN SPENCER, *Receiver.*

No. 17.

HOUSE OF REPRESENTATIVES, *Washington City, January* 5, 1837.

SIR: I desire to see the report of the examiner of the land office at Fort Wayne, Ia., made by Mr. West last fall, and all the papers connected with and relating to that report and examination, including the letters and correspondence of such officers of the government, and members of Congress of either House, as may be on file in the Treasury Department upon that subject, or in reference to the alleged delinquency of the receiver of public moneys at that place; and as these papers are voluminous, and I could not well examine them satisfactorily in your office, I desire copies of the whole, as above referred to. As the letters and correspondence of gentlemen, the copies of which I seek, are upon a subject of a public nature in reference to a public officer, I have supposed they might be seen, and that it is not improper to ask copies. I would be glad to get those copies as early as may suit your convenience.

I have the honor to be, &c.

J. McCARTY.

Hon. LEVI WOODBURY.

No. 18.

TREASURY DEPARTMENT, *January* 6, 1837.

SIR: Your favor of yesterday has been received; and I have since looked more fully into the papers and correspondence referred to, and regret to find them so voluminous, and some them of such a personal character, that it would not comport with the general rules of the department to furnish copies of them, unless to individuals interested or assailed in them, or on a proper call by Congress. I will, however, be happy to state to you their substance, or furnish copies of any particular papers you may designate, as in your own opinion, affecting your private interests or character, if, on examination, it be found that they do. But if none are of that description, (and I believe none are,) it appears to me, on mature reflection and examination of the precedents here, in similar cases, that if any public purpose is contemplated by the use of the papers, it is better that the copies should be furnished only upon a public requisition. Allow me to add, sir, that if you or any other gentleman wish to prefer any new charges whatever against the receiver at Fort Wayne, or to have any further examination made into those heretofore explained by him, both the President and this department are ready, at any moment, to cause a full inquiry to be made into them, and take thereon such further steps as the public interest may appear to require.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. J. McCARTY, *House of Representatives.*

Report of the Commissioner of the General Land Office.

GENERAL LAND OFFICE, *February* 3, 1837.

SIR: In compliance with the resolution of the House of Representatives of the 30th ultimo, requesting of the Secretary of the Treasury "copies of all the papers on file in the Treasury Department and General Land Office,

in reference to the examination and condition of the land office at Fort Wayne, made during the fall of 1836, by Mr. West, including said examiner's report, and all letters and correspondence upon that subject, and the alleged delinquency of the receiver of public moneys at said office," referred to this office by you on the 1st inst., I have the honor to submit herewith copies marked A, B, C, D, E, F, G, H, and I, as affording all the information connected with the subject of the resolution to be found on the files of this office.

I am, with great respect, sir, your obedient servant,

JAMES WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A.

RECEIVER'S OFFICE, *Fort Wayne, June* 20, 1836.

SIR: I have just returned from making a deposit. I was much delayed in getting off, in consequence of the great press of business in the office, not being able to procure the necessary assistance. During the month of May I had to stay in the office; I had much difficulty in procuring a team to transport the silver, which I at last succeeded in getting. It had to go round through Ohio, by the way of Dayton, and was on the road between two and three weeks. I do assure you that it has been impossible to go through on the route, as allowed by the Comptroller, with wagons or on horseback, for a considerable part of the time since the office opened on the 7th of March last. The Wabash, Mississinewa, and Salamonee rivers, and some smaller streams, have been so high as to swim my horse. This I had to do *when I went on the 1st of June inst.* I got the paper money wet, but not much injured. It would be more convenient to deposit in Dayton, Cincinnati, or Detroit, than at Richmond or Indianapolis. There is no direct road to either of the last-named places.

I am now getting the new bond made, and shall leave in two or three days to see the district judge for its approval.

I regret having been so situated as to get the reprimand from the Secretary of the Treasury that he has given me. I will in a few days be able to get another clerk, and will in future attend strictly to depositing as well as other duties.

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

JOHN SPENCER, *Receiver.*

P. S.—The report for May shall be mailed on the first opportunity, and a new supply of blanks for monthly abstracts will be needed for the next report.

Yours &c. JOHN SPENCER, *Receiver.*

Hon. ETHAN A. BROWN, *Commissioner of the General Land Office.*

B.

TREASURY DEPARTMENT, *June* 29, 1836.

SIR: It is desirable that an examination should be made of the land office at Fort Wayne, Indiana; and I request you to notify Nathaniel West, jr., of Indianapolis, that he has been selected for that purpose, and forward to him the usual instructions, and particularly to direct his inquiries into the cause of the delay, on the part of the receiver, in forwarding the returns required under the regulations of the department, and in making deposits to the credit of the Treasurer. That officer has lately made a deposit of a large amount, which has been accumulating for several months past. The examiner will ascertain, if possible, whether the receiver or register had been using the money received on sales in any manner, by loaning it or otherwise; and what are the reasons for the delays in depositing the money, and in making returns, by both the register and receiver.

I am, very respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

P. S.—Mr. West is now at Salem, Mass., to which place you will forward to him his letter of appointment and instructions, as soon as they can be prepared.

L. W.

C.

GENERAL LAND OFFICE, *July* 1, 1836.

SIR: I have the honor to inform you that, in proceeding to act on your letter of instructions of the 29th ultimo, respecting the examination of the land office at Fort Wayne, Indiana, it has occurred to me that you may not be apprized of the returns which have been rendered to this office by the register and receiver at Fort Wayne, and that the receiver's commission expired on the 30th of December, 1835, and that a new commission was sent to him on the 31st of that month, under which he did not qualify until the 7th of March following; during which interval no business could be transacted under the standing instructions.

We have the receiver's quarterly account to 31st of March, 1836, and his monthly accounts for March and April last. I deem it proper to submit his monthly accounts for your inspection, with several letters from those officers, and a memorandum of facts officially known.

Should this communication be regarded as having any important bearing on your instructions of the 29th ultimo, I will be happy to receive your further advice as soon as convenient.

I am, &c.

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

D.

TREASURY DEPARTMENT, *July* 1, 1836.

SIR: Your letter of this date, respecting the examination of the land office at Fort Wayne, has been received. I see no excuse in the papers presented with your letter, for the receiver not having deposited a dollar from March till June, nor having sent any monthly abstracts to me in that time, nor answered my letters remonstrating against his neglect. These things I wish specially investigated, as well as the present state of money on hand, &c., and the points before indicated.

I am, respectfully, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

E. A. BROWN, Esq., *Commissioner of the General Land Office.*

The papers enclosed are herewith returned.

E.

GENERAL LAND OFFICE, *July* 16, 1836.

SIR: Herewith is transmitted a copy of a letter of advice from the Secretary of the Treasury, dated the 29th ultimo, communicating your appointment to examine the land office at Fort Wayne, Indiana.

You will perceive that it is made your particular duty to inquire into the cause of the delay, on the part of the receiver, in forwarding the returns required under the regulations of the department, and in making deposits to the credit of the Treasurer of the United States. It appears that he made a deposit, on the 15th ultimo, amounting to $540,433 09, which had been accumulating since the 7th of March last, when the sales at Fort Wayne recommenced—they having been suspended from the 30th of December previous, at which time the receiver's former commission expired. By a letter from the receiver, dated the 20th ultimo, (a copy of which is herewith enclosed,) he appears not to have set out to make the above deposit till the *1st of June;* and, as his monthly account current for May exhibits a balance in his hands, at the end of that month, of $601,380 49, it follows that he did not take with him *all* the money in his hands by $60,947 40; which sum, therefore, remains to be accounted for.

You will see, from the Secretary's letter, that he wishes you to "ascertain, if possible, whether the receiver or the register had been using the money received on sales, in any manner, by loaning it out, or otherwise." The receiver's monthly return for December last exhibits a balance in hand, at the end of that month, of $55,122 91; and his next return, dated the 31st March, shows that on the 14th of January he deposited the sum of $55,814 96, being an overpayment of $692 05, and, consequently, that he had no balance in hand when the sales recommenced in March. He ought, however, to have rendered a monthly return for January, exhibiting the balance in his hands on the first of that month, the amount of his deposit on the 14th, and the balance in his favor (over-deposited) at the end of it; which balance, or over-deposit, he should have carried to a new account for February, and continued it to March, and have made monthly returns, for each month successively, to the Secretary of the Treasury, and to this office. That he did not do so, appears to the Secretary very reprehensible; and in addition to his not making a deposit for so long a time as intervened between the 7th of March and the 15th of June, he caused a doubt of the regularity and propriety of his official conduct, which you are appointed to investigate.

In the discharge of your duty under this appointment, you are requested not to communicate the fact of your appointment to any person until you arrive at the land office, and are ready to commence the examination of it, and then only by the enclosed letters of introduction to the officers.

This letter of instructions you will not communicate to any person whatever, not even to the officers themselves, as the object of your mission is to ascertain facts, not to disclose motives. Previous, however, to communicating your appointment to the register and receiver, you will endeavor to discover, as indirectly and cautiously as possible, so as to avoid creating suspicion of your object, whether either of these officers has been speculating with the public money, or using it in any unauthorized manner whatever. Having satisfied yourself on this point, you will deliver your letters of introduction, and commence your investigations by inquiring of the receiver why he did not make his returns regularly to the Secretary of the Treasury; and why he did not take with him *all* the money in his hands when he went, on the *1st of June*, to make his deposit of $540,433 09, leaving behind him $60,947 40; and, also, why he suffered so long a time to elapse, and so great an amount of money to accumulate, before he did make a deposit or render an account. You will then proceed to examine the state of the land office, in the usual manner, as follows:

First, you will require an account from the receiver of the whole amount of cash remaining in his hands from the sales of the public lands, exhibiting the amount separately in gold and silver, and the amount in bank-notes, with the several designations and denominations of each; and, after taking an exact copy of the amount, you will verify it by an actual examination, yourself, of *all* the money.

You will then state an account between the receiver and the United States, commencing with the balance as it appears from the record of the last month's return to this office, to wit, for June last, after the current month, (as the case may be,) and ending with the day of examination, in order to ascertain the true balance that should appear from the books and papers of the office. In stating the account, you will charge the receiver with the balance due to the United States at the period when the account commences, (1st of July or 1st of August,) and with the amount of the purchase money of the public lands subsequently sold; then credit him with the amount of forfeited land stock and military land scrip, if there be any, and such disbursements and payments as are supported by sufficient vouchers, ending with the amount of cash in hand, as previously ascertained, and the balance remaining unaccounted for, should there be a deficiency. Afterward you will examine the books of both officers, commencing with the register.

The form and books now in use at the land office are the following:

In the register's office.

1st. Form of application to be made for the purchase of land at private sale.

2d. Form of certificates of purchase, which are transmitted to this office monthly, that patents may issue thereon.

3d. Form of abstract of land sold, required to be rendered monthly to this office.

4th. Township plats, on which is indicated the sale of each tract of land, to correspond with the entry in the tract book, and the register of certificates.

5th. Tract books, in which the lands in the district are required to be opened in the numerical order of the ranges, townships, and sections.

6th. Register of certificates, in which each certificate of purchase is entered in the order of its date and number, with the purchaser's name, description of the tract, quantity, price per acre, &c.

In the receiver's office.

1st. Form of receipt for the purchase money of lands sold.

2d. Form of register of receipts required to be transmitted monthly to this office.

3d. Register of receipts, corresponding with the register of certificates.

4th. Form of monthly accounts current, to be rendered in duplicate; one to the Secretary of the Treasury, and the other to this office.

5th. Quarterly account book, containing, on the credit side, the sales of the public lands during the quarter, preceded by the balance in hand at the commencement of the quarter; and on the debit side, the receiver's payments and disbursements, terminating with the balance of cash in hand—quarterly transcripts from which are required to be rendered to this office for examination and adjustment.

To trace out the entries of lands and test their correctness, is the initiatory step in the examination; to progress regularly with which, it will be necessary first to refer to the written applications of purchasers, (which are the foundation of all subsequent proceedings,) and compare them with the township plats, tract books, and register of certificates, to see that the tracts marked and entered thereon are the same as indicated in the applications, and afterward with the receiver's register of receipts and quarterly account book. This need only be done to such extent as will enable you to judge of the general accuracy in the manner of doing business, and the accordance between the books and records of the two offices, or where you may desire or think it necessary to ascertain the facts in any particular case.

If you shall discover any discrepancies, errors, or delinquencies, you will note them down to be inserted in your report; and should you find the errors and discrepancies numerous, you will extend your examination as far back as you may conceive to be requisite.

The register is required to have the township plats pasted on canvas and bound into convenient books. You are requested to report whether this has been done, and also the present condition of the plats, in what mode the sales of the tracts are indicated thereon, and whether the marks are distinct and legible, or otherwise.

You will also examine and report the state and condition of the books and papers of each office, whether the volumes of entries and records have been preserved in good strong binding, and the entries and records therein made are executed in a neat legible hand; whether the papers have been properly endorsed, filed, and labelled, and preserved from dust or other injury; and whether the office itself is kept with that neatness and cleanliness which are necessary to preserve its archives from injury.

You will make every necessary inquiry to become acquainted with the general conduct and demeanor of the officers, so as to ascertain whether it is such toward those who transact official business with them as comports with a prompt and faithful discharge of public duty, without prejudice or partiality to any, and with fidelity to the government.

You will make a full report to this office on all subjects herein mentioned and suggested; a duplicate of which you will, at the same time, transmit to the Secretary of the Treasury, preserving a copy to be retained by yourself.

It is not expected that you will have occasion to be employed on this examination longer than ten days; but, if more time be required, you will report all the facts, circumstances, and reasons, which may render a longer time necessary; and you will also advise this office of the date of your arrival at Fort Wayne, the time you commence your inquiries, and when you close your examination.

Your compensation, for the proposed service, will be six dollars per diem, while actually engaged in the investigation, and six dollars for every twenty miles travel from your residence to the land office and back.

I am, very respectfully, your obedient servant,

ETHAN A. BROWN, *Commissioner.*

NATHANIEL WEST, Jr., Esq., *Indianapolis.*

F.

FORT WAYNE, *August* 11, 1836.

DEAR SIR: I came here this morning, and shall immediately proceed to perform the duty committed to me.

Mr. Spencer, the receiver, is absent. I met him in Logansport; he stated that he was then on his way to Indianapolis to make a deposit, and would return before ten days.

Very, &c.

NATHANIEL WEST.

ETHAN A. BROWN, Esq.

G.

FORT WAYNE, *August* 21, 1836.

SIR: I wrote under date of the 11th instant, advising of my being here. I have been detained here much to my regret, by the absence of the receiver, Mr. Spencer, who, I expected, would have been back some days since, and which, in my interview with him at Logansport, he gave me most positively to expect. I regret my detention the more, for, in addition to the inconvenience to myself, is the extra expense of doing what could well have been finished in three days; but the situation in which Mr. Spencer is placed, I felt justified me in giving him every opportunity of explaining; and why he is not now here I cannot understand.

Immediately on my arrival, I went to the receiver's office, and took an account of all the money then on hand, and received a rough calculation (substantially correct) of all the lands sold in July and August; and before leaving the office, was enabled to state the receiver's account with the United States, thus:

The Receiver at Fort Wayne.....Dr.

June 30. To balance of last account	$100,599 32
Amount received in July	356,155 95
Amount received in August till the 11th, at 3 o'clock	29,774 64
	$486,529 91

Contra.....Cr.

By silver in bank at Fort Wayne	$23,000 00
By gold in bank at Fort Wayne	5,322 37
Cash represented to be now with him to deposit as per schedule enclosed	373,961 42
Cash to his credit at Richmond, as per enclosed extract of Elijah Coffin's letter dated August 1.	43,366 39
Bank notes, checks, &c., in the office	17,350 50
Gold in the office	357 00
Silver in the office	1,874 00
Scrip in the office	2,425 00
Forfeited land stock	78 20
Balance due United States	18,795 03
	$486,529 91

Why this balance of $18,795 03 appears, has not been explained: and if any explanation could be made, Mr. Spencer's absence precludes me from giving it. His clerk thinks he has still more money at Richmond; but as he left for collection there on the 1st of June what they on the 1st day of August finally passed to his credit, I have thought this not very probable. His clerk, though called upon, gives me no schedule of the money he took with him to Richmond, when he went to make his deposit on the 1st of June.

I think Mr. Spencer could not with propriety urge, when he went to make a deposit on the 1st of June, as a good cause for delay in not having done so before, the state of the roads; as a free passage was open for him *via* Logansport, and no difficulty in his way.

As to the state of the office; the papers are not arranged with much method and order; and the books, on 11th of August, were posted up to the 1st of May only. His account current of 30th June must of course have been stated from the blotter.

The balance now to his credit at Richmond will of course lessen the apparent balance due the United States on the 1st of June, being the day he left here to make a deposit at Richmond; and if we now to this balance add the sales from the 1st to the 4th of June, amounting to $52,418 04, when the office closed, it will also explain nearly the balance which was carried to new account on the 30th of June, of $100,599 32. The receiver being absent from June 26 to July 10, to obtain the approval of his bond, caused the suspension of business till the 11th of July.

The clerk urges, as an excuse for the return not being regularly made during the months of January, February, and March, that Mr. Spencer did not think it necessary, as the office was closed, and no business doing. His irregularity since, he states, is owing to the great pressure of business; and I am convinced it has been very great.

In answer to my question, why the present large sum now with Mr. Spencer was allowed to accumulate, they offer the letter of the president of the Indianapolis Bank as an excuse, a copy of which is herewith enclosed. It does not appear when it was received, but probably about the 22d July.

Upon the subject of using the money of the United States, I beg leave to state that I find it universally stated and believed, and it is conceded to as a fact by the clerks in the receiver's office, that both he and his relative Dawson have been much in the habit, *in the office*, of shaving money, *i. e.*, exchanging the money which could not be received for public lands; the rate of exchange or discount varying from three to five per cent. I find in the case of Isaiah Wells, of Marion county, Ohio, that so recently as the 6th instant he paid into the hands of the receiver, in his office, eight dollars, for exchanging two hundred and forty dollars of Ohio bank-notes of five dollars each. To what extent this "shaving" business has been carried on in the office, of course I do not know; but I am satisfied it has been to a very considerable extent, and that the government money paid in by one person has been handed out by the receiver in exchange for uncurrent, or not land office money, he receiving for his own private use the discount as agreed upon, and that the same government money again is passed into the land office, to be again used for the like purpose, in pay for the public lands.

That the receiver has taken in bank-notes of five dollars, contrary to orders, the schedule prepared at his office, herewith enclosed, will prove; that he received a bonus for taking the same is, I think, almost beyond a doubt.

Having finished the examination of the receiver's office, so far as I could do in the absence of Mr. Spencer—and I am not aware of any disadvantage resulting therefrom—I then proceeded to the examination of the register's office, and it gives me pleasure to state that every facility was afforded me by Mr. Brackenridge. I find the office neatly kept, and his papers are properly filed; and in the office as much method as could be reasonably expected, especially where the pressure has been unusually great, as it has been since the opening in July.

The register did not make his return for January, February, and March, because, as he says, the receiver's office being closed, and doing nothing, he did not think it necessary; and that since the office opened, the pressure of business has been so great as to prevent his being as punctual as he could wish in making his returns, except he closed his office for that purpose: his health not being very good, and for a part of the time his clerks were overworked and sick. I have ascertained that his clerks have been sick, and I have no doubt of the good intentions of Mr. Brackenridge.

As to the books in his office: the register of certificates is written out only to the 1st of July, which he says is owing to the clerks being much employed, assisting in attending to the many applications for land.

The town plats (all but one volume) are upon canvas. The old volume of surveys is not so secured, and the book is much worn.

The entries are generally in a legible fair hand, and the books are correctly kept.

The register states that he has been delayed for the want of blanks.

I enclose my bill, and leave here on the morrow for Indianapolis.

Very respectfully, your obedient servant,

NATHANIEL WEST.

Hon. ETHAN A. BROWN.

P. S.—Mr. Spencer has just come in, having been as far as Richmond, where, by obtaining a discount upon some drafts due in September, originally taken here for land, he was enabled to swell his deposit there to $52,831 34, which, together with the money taken with him from here, the silver in the bank here, and some *other* money, enabled him to deposit to the credit of the United States $455,906. His account will now stand thus:

Dr.

June 30.	To balance	$100,599 32
	Lands sold in July	356,155 95
	Lands sold in August	29,774 64
		486,529 91

Contra.....Cr.

Cash deposited August 17, including silver at Fort Wayne	$455,906 00
Gold here in bank	5,322 37
Bank-notes in office	17,350 50
Gold in office	357 00
Sllver in office	1,874 00
Scrip	2,425 00
Forfeited land stock	78 20
Balance due United States	3,216 84
	486,529 91

As it respects the changing or shaving of money, Mr. Spencer wishes me to state, that he took it in, it is true, at a discount, but it was to accommodate the people; and that the deduction made therefrom, when he made his deposite, by the bank at Indianapolis, balanced any advantage he obtained when he received it.

As to the great accumulation of money in April and May, Mr. Spencer urges that the great pressure of business at the office at the time prevented his leaving; and that the silver, about $40,000, could not have been sent *via* Logansport in a wagon.

Mr. Spencer wishes me to state, that, if continued in office, the deposites shall punctually be made, and that he did not receive any bank-notes of $5 after 4th of July.

Respectfully, N. WEST.

H.

Schedule of funds taken to Indianapolis for deposit, August, 1836.

United States Bank	$5,620 00
State Bank, Indiana	31,000 00
Ohio Life Insurance and Trust Company	9,235 00
Franklin Bank, Cincinnati	10,065 00
Commercial Bank, Cincinnati	11,655 00
Lafayette Bank, Cincinnati	3,555 00
Dayton Bank	1,215 00
Hamilton Bank	1,815 00
Chillicothe Bank	2,425 00
Clinton Bank, Columbus	3,715 00
Franklin Bank Columbus	2,615 00
Pittsburg and Pennsylvania banks	12,110 00
New York banks	61,900 00
Michigan banks	110,860 00
Urbanna Banking Company	3,350 00
Illinois State Bank	1,500 00
Wheeling and Virginia banks	6,520 00
Louisville banks	975 00
Bank of Xenia	1,090 00
Belmont Bank, St. Clairsville	630 00
Miami Exporting Company	4,555 00
Maryland banks	150 00
Ohio banks	12,735 00
	$299,290 00
Drafts on New York banks	51,149 94
Drafts on Michigan banks	13,073 69
Drafts on Indiana banks	2,616 61
Drafts on Ohio banks	2,425 00
Drafts on Cincinnati banks	3,006 18
Drafts on Metropolis Bank	2,400 00
	$373,961 42
Silver deposited in branch at Fort Wayne	25,000 00

I certify that the foregoing is a true copy of the original list.

JOHN M. WILT, *Clerk of Receiver's Office, Fort Wayne.*

The silver deposited in the bank at Fort Wayne was but $23,000; and the gold left to secure the cashier in giving a certificate for $25,000.

N. WEST.

INDIANAPOLIS BRANCH BANK, *July* 14, 1836.

SIR: Having understood that the Secretary of the Treasury has directed you to deposit moneys received at your office for public lands at this branch, I deem it proper that I should apprize you that the directory here have it in contemplation to decline for the present receiving any further deposits; believing that we cannot accede to the terms embraced in the late act of Congress in relation to the deposits, without too great a sacrifice of interest to this institution. I am authorized to say to you, the board of directors of this branch, unwilling to add to its responsibility so heavy an amount as would likely be your next payment, have decided not to receive the deposits from that office.

Respectfully yours,

HENRY BATES, *President.*

JOHN SPENCER, Esq.

I certify that the foregoing is a true copy.

JOHN M. WILT, *Clerk of Receiver's Office, Fort Wayne.*

H.

Extract of a letter addressed to B. F. Morris, cashier at Indianapolis.

"RICHMOND, *August* 1, 1836.

"John Spencer has a credit in this branch of $43,366 39, for some uncurrent eastern money which we received of him, some collections, &c., for which he is authorized to draw.

"ELIJAH COFFIN."

I.

MIAMI COUNTY, INDIANA, *August* 23, 1836.

SIR: I hasten to correct an oversight in my statement of Mr. Spencer's account, in the postscript of my letter from Fort Wayne. I wrote the postscript just upon the point of starting, and Mr. Spencer being present, requesting me to give the assurance of his good intention for the future, must be my excuse for the oversight.

It consists in passing either the *whole* amount of his deposit at Indianapolis, in which is included a certificate of deposit of $25,000 of silver at Fort Wayne; or, as the gold was left in the bank at Fort Wayne as collateral, to make up a deficiency of $2,000, silver, I should not have passed all the gold to his credit.

His account, as corrected, should stand thus:

The Receiver.....Dr.

June 30.	To balance,.....	$100,599 32
	Received in July ($355, 897 75),.....	356,155 95
	Received in August, up to 11th, at 3 P. M.,.....	29,774 64
		$486,529 91

Contra.....Cr.

June 30.	To cash deposited at Indianapolis,.....	$455,906 00
	Gold in bank at Fort Wayne, $5,322 37, less $2,000, its liability for the deficiency of silver of $2,000.....	3,322 37
	Bank-notes, &c., in office.....	17,350 50
	Gold in office.....	357 00
	Silver in office.....	1,874 00
	Scrip.....	2,435 00
	Forfeited Land Stock.....	78 20
	Balance due the United States.....	5,206 84
		$486,529 91

It is also proper for me to state, that I am quite satisfied Mr. Spencer, by his visit to Richmond, was enabled to increase his available fund there $94,064 92, (he having drawn in favor of the Indianapolis branch for that much more,) by obtaining a discount there; and upon drafts received by him at Fort Wayne for public lands, before the 1st of June last, which drafts were not due till September; and, of course, in order to reduce the same *now* to cash he made a deduction. Whether the deduction for the yet remaining time was equal to what was allowed him in May last, of course I do not know; but the difference of time would seem to place it beyond a doubt, that it was much less.

The latter view, in part, applies to the discount upon uncurrent or not land office paper, which he deposited at Indianapolis; a certificate of the loss upon which I enclosed at his request.

Very, &c.

NATHANIEL WEST.

ETHAN A. BROWN, Esq.

24TH CONGRESS.] No. 1585. [2D SESSION.

RELATIVE TO FRAUDS BY FLOATS IN THE PURCHASE OF THE PUBLIC LANDS IN LOUISIANA.

COMMUNICATED TO THE SENATE, FEBRUARY 11, 1837.

TREASURY DEPARTMENT, *February* 11, 1837.

SIR: I have the honor to submit the following report, in obedience to the resolutions of the Senate, passed the 1st instant, "that the Secretary of the Treasury be directed to communicate to the Senate any information in his possession, obtained through any agent specially deputed to investigate the frauds, by floats or otherwise, supposed to have been practised in the purchase of public lands, in the State of Louisiana, or any information obtained in any other manner relative thereto. *And resolved, also,* That the said Secretary be directed to report any information as to abuses arising under the pre-emption laws, or in consequence of the grant of floats in parts of the United States other than in Louisiana."

These resolutions were forthwith referred by me to the Commissioner of the General Land Office, where the documents are generally deposited to which they refer. On the 10th instant he communicated to me the report and papers annexed. They are believed to contain all the material information on file there, on in this department, which is desired by the Senate on the subject-matter of the resolution.

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

LEVI WOODBURY, *Secretary of the Treasnry.*

Hon. WM. R. KING, *President pro tem. of the Senate.*

GENERAL LAND OFFICE, *February* 10, 1837.

SIR: In answer to the resolution of the Senate of the 1st instant, in the words following: "*Resolved,* That the Secretary of the Treasury be directed to communicate to the Senate any information in his possession, obtained through any agent specially deputed to investigate the frauds, by float or otherwise, supposed to have been practised in the purchase of public lands, in the State of Louisiana, or any information obtained in any other manner relative thereto. *And resolved, also,* That the said Secretary be directed to report any information as to abuses arising under the pre-emption laws, or in consequence of the grant or floats in parts of the United States other than in Louisiana:" and which has been referred by you to this office for a report, I have the honor herewith to submit, in reference to the first clause of the resolution, the accompanying copies of documents, numbered 1 to 16 inclusive, among which will be found a communication from B. F. Linton, esq., United States attorney for the west district of Louisiana, in relation to alleged perversions and abuses in that State of the pre-emption law; also, the instruction to the land officers in consequence of the information so received, with the instructions to the special agent deputed to investigate the subject of such complaints, and the several reports of that agent as to the result of his investigation. There is also transmitted a copy of a communication from George W. Watterston, esq., dated December 14,1836, representing the existence of such abuses, with copies of the testimony accompanying that communication, (documents marked A, B, C, D, E, and F.)

In reply to the second clause of the resolution, "as to abuses arising under the pre-emption laws, or in consequence of the grant of floats in parts of the United States other than in Louisiana," I have to state that there are two main causes of abuse connected with the operation of the pre-emption laws of 1830 and 1834, one of which may be regarded as operating to the prejudice of the actual settlers, and the other as affecting the interests of the government.

The first of these arises from the location of "floats" upon lands occupied by actual settlers, who, although occupants and cultivators of the soil, were, notwithstanding, excluded from the right of pre-emption by the terms of the act. In numerous instances of this kind, where the cultivation and improvement were not made as required by the law, during the year anterior to its passage, (although of a character and magnitude subject to the equitable consideration of the legislator, and most probably made in anticipation of the further extension of the pre-emption privilege,) such cultivation and improvement would avail nothing to the settler, the result of whose toil and industry was, at any moment during the whole term of the operation of the law, liable to be wrested from him by the cupidity of the speculator, on an application to enter the same by a float, unless such settler were fortunate enough to secure to himself his own improvement by a similar method.

In regard to the second of the causes alluded to, I have to remark that the great advantages attending the right of locating lands by means of "floats" accruing in cases where two persons are settled on the same tract or quarter-section, have presented a powerful temptation to the industrious speculator to seek out instances where two individuals were residents on the same tract of land, with the hope of securing for his own benefit the "floats" accruing in such cases.

Representations have been made that, in numerous instances of this description, the "floats" have been obtained where the settlers, either from ignorance of the law or from the little value which they attached to the land on which they had temporarily settled, would not have availed themselves of a pre-emption privilege, had they not been sought out by the watchful speculator, and acceded to his proposal of making payment for their benefit for the tract of land on which they were settled, on condition that they would secure to him the benefits resulting from the accruing "floats," and such "floats" were subject to be applied to the best lands, whether valuable as plantations, or for water privileges, or as town-sites.

Under this head may also be arranged some unsuccessful attempts to locate such floats within the corporate limits of a city.

Numerous cases have occurred in illustration of those advanced, which, by many, would doubtless be considered as abuses under the pre-emption laws, but which time will not admit of seeking out from among the mass of papers connected with the operation of the pre-emption law among the various files of this office.

In responding to these resolutions, any expression of opinion as to the policy of the pre-emption laws, allowing floats, further than may be gathered from the foregoing exhibition of facts, has been purposely withheld, such policy being equally obvious to Congress, and peculiarly within the scope of its discretion.

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

JAS. WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 1.

TREASURY DEPARTMENT, *August* 27, 1835.

SIR: That it may be in your power to guard the interests of the government from the fraud and impositions alleged, in a communication from B. F. Linton to the President, to have been practised in the Opelousas land district, the same is herewith transmitted, with a request that all practical diligence and attention be given to the subject.

I am, respectfully, sir, your obedient servant,

LEVI WOODBURY, *Secretary of the Treasury.*

COMMISSIONER *of the General Land Office.*

No. 2.

WASHINGTON CITY, *August* 25, 1835.

By an act of Congress, dated the 29th of May, 1830, giving to actual settlers and occupants on the public domain the right of pre-emption, according to the requisites stated in said act, and by subsequent acts, continuing in force the act of 1830, a new era was introduced on the subject of land claims to the citizens of western Louisiana. Although the legislation of Congress, on the subject of the public lands, is as mild and beneficent as any system on earth, since the government tolerates, in the first instance, a trespass in the citizen which subsequently perfects a title in himself; yet, amidst this mild and merciful legislation, persons are found perverting the designs of these acts to selfish and corrupt purposes.

I will call your attention to a part of these acts, in order more fully to understand my subsequent statement. By the act of Congress of 1830, where two persons live on the same quarter-section, cultivate and improve it, the register and receiver are required (upon due proof exhibited to their satisfaction) to divide the quarter-section between the occupants. Independent of this, the law accords to each of them what is called a *pre-emption float* of eighty acres each, to be located on any unappropriated lands of the government. It will be supposed for a moment, that two pre-emption floats are located as required by law: the rights of the occupants, on the first quarter-section, (according to the construction of the law which prevailed at the land office at Opelousas, Louisiana,) have not yet ceased. The moment they make the location of their pre-emption floats they are entitled to what is called a *back concession*, which is the same quantity of land as the pre-emption float itself. These two occupants of a quarter-section have that quarter-section divided equally between them. They acquire, by the accident of occupancy, a right to 320 acres each. In addition to this view of the question, if men were strictly honest, it would present no avenues for imposition, frauds, or perjuries. I regret to say, because I religiously believe, that the most shameful frauds, impositions, and perjuries have been practised upon the land office at Opelousas, Louisiana. I make no imputation upon the official conduct of Mr. King, the late register at Opelousas, nor upon the present receiver; but from my statement it will appear that they must have been most grossly imposed upon, and should have put them more completely upon their guard, so as to have guarded themselves against the wiles of notorious land speculators.

I will here mention a construction of the law which was adopted by the officers at Opelousas, and most of the pre-emption floats have been admitted under that construction: Two persons, living on a quarter-section, or who pretend that they do, on lands not worth a cent an acre; men who can neither read nor write; men who have never seen a survey made, and know nothing about sections or quarter-sections of land, and who, in point of fact, live five, ten, and, in many instances, twenty miles apart, go before a justice of the peace as ignorant as themselves, and swear to all the facts required by law to make their entry, this, too, in a section of country never surveyed by the authority of the government, nor any competent officer thereof. Would it be believed that any officer of the government would admit an entry under circumstances like these, upon the oaths alone of the parties interested in making them, and upon lands not surveyed, approved, and returned by higher authority? Can it be possible that an entry of that kind can either be in conformity of law, justice, or right?

I state, of my own knowledge, that many of these pre-emption floats are precisely in the situation above detailed. I am authorized to name Colonel Robert A. Crane, of Louisiana, who states positively he knows many of them to be founded upon the same corrupt perjury—persons swearing that they lived on the same quarter-section, when in truth and in fact they never had lived so near each other as five miles. It is not believed that there are thirty honest pre-emption floats in the whole district of Louisiana; and yet since the 1st of January, 1835, up to the 27th of May, there have passed at the land office at Opelousas at least 350. And who are the owners of these floats? Principally one, and not more than three speculators. Since the 1st of January of this year up to the 27th of May, day after day, week after week, I might say months after months, a notorious speculator (and who must have been known as such to the officers of the land office at Opelousas) was seen occupying that office to the almost total exclusion of every body else. No other person appeared to understand how to get pre-emption floats through, and no one did succeed until an event which will be stated below. He could be seen followed to and from the land office by crowds of free negroes, Indians, and Spaniards, and the very lowest dregs of society in the counties of Opelousas and Rapides, with their affidavits already prepared by himself, and sworn to by them before some justice of the peace in some remote part of the country. These claims, to an immense extent, are presented and allowed. And upon what evidence? Simply upon the evidence of the parties themselves who desire to make the entry! And would it be believed that the lands where these quarter-sections purported to be located from the affidavit of the applicants, had never been surveyed by the government, nor any competent officer thereof, nor approved nor returned surveyed? I further state that there was not even a private survey made. These facts I know. I have been in the office when the entries were made, and have examined the evidence, which was precisely what I have stated above. This state of things had gone on from the 1st of January until about the middle of April or the 1st of May of the present year, when it was suddenly announced a more rigid rule would thereafter be adopted, which was this: that a sworn deputy surveyor of the United States should, in all cases, make the survey, in order to ascertain if the parties were on the same quarter-section, and to testify before the register that such was the fact. Besides this, they required the applicants to produce very satisfactory evidence from their neighbors that they had cultivated and improved, as stated in their notice. Pre-emption floats, when tested by this rule, were found to be very few indeed.

Governments, like corporations, are considered without souls, and, according to the code of some people's morality, should be swindled and cheated on every occasion. Whether such a distinction can be reconciled to either morality or law, one thing is certain, that equal protection and advantages are not afforded to all. I

would further suggest to your excellency to withhold your signature from all patents when entries have been made, and consequent pre-emption plats have resulted since the 1st of June, 1834, to the 1st of July, 1835; that James Ray, lately appointed register of the land office at Opelousas, Louisiana, and some other competent person, be appointed a board of commissioners to examine all the entries from which pre-emption floats have resulted during the above period; that the said board of commissioners have the power to administer an oath to all persons who may appear before them, desiring to make entries of land; that some qualified attorney be appointed to appear before the said commissioners to represent the interest of the government, to put cross-interrogations to elicit the facts, whether true or false, in regard to the validity or illegality of the said claims; that the said board of commissioners shall, under the supervision of the said attorney, take down the evidence in each entry, with its consequent pre-emption floats, shall file the same with them, shall give their opinions upon each respectively in writing, with references to the evidence and law, and shall forward the same to the Commissioner of the General Land Office; that the said board, upon the examination of any pre-emption claims or floats which hitherto have been allowed, are satisfied that they were passed upon the affidavit of the parties alone, without other and corroborating evidence; and if they are further satisfied that the land proposed to be entered, has not been surveyed by a competent officer of the government, approved, and returned to the land office, they shall unconditionally reject the said claims, with their consequent pre-emption floats.

These suggestions are made, not with the belief that they may be adopted in the investigation that may be ordered, but simply with a hope that they might afford some aid in laying down the rules of that investigation. It may not prove so extensive a fraud, and show such gross impositions upon the officers of the government, and such glaring perjury, as did that Arkansas land speculation; yet the investigation will show enough of each to entitle this administrtion to the best gratitude and approbation of its friends in Western Louisiana, as well as the majority of its political opponents.

I am, with great respect, sir, your obedient, humble servant,

BENJAMIN F. LINTON, *District Attorney, Western district of Louisiana.*

ANDREW JACKSON, *President of the United States.*

No. 3.

GENERAL LAND OFFICE, *September* 5, 1835.

SIR: In consequence of the allegations made by B. F. Linton, esq., of extensive frauds and perjuries in the obtaining of pre-emption rights at the land office at Opelousas, I would respectfully recommend that all patents for pre-emption rights granted at that office be suspended and remain suspended, until the claims have been re-examined by the land officer, and their report, together with the additional testimony, returned to this office; that a copy of Mr. Linton's communication be forwarded to the register, and that he be instructed to give public notice, and proceed, in conjunction with the receiver, to receive, anew, testimony in all cases which have been admitted, propounding, in each case, interrogatories to be furnished by this office; and that all claims not fully sustained under this revision be rejected, and repayment ordered. As this will necessarily be a work of considerable labor, it is proper I should state that the fees provided by law, have, it is to be presumed, been received by the late register, who admitted the claims, together with the present receiver; and I would suggest whether it would not be expedient to provide a compensation for the present register, for revising the acts of his official predecessor. Should the recommendations contained above meet your approbation, a form of interrogatories calculated to elicit the truth will be immediately forwarded, with instructions to proceed at once to the investigation.

I am, &c.

ETHAN A. BROWN.

Hon. L. WOODBURY, *Secretary of the Treasury.*

No. 4.

GENERAL LAND OFFICE, *September* 29, 1835.

SIR: I enclose you a copy of a communication addressed to the President of the United States, by B. F. Linton, esq., upon the subject of the pre-emption claims heretofore awarded at the land office at Opelousas. In consequence of that communication, all patents for pre-emption claims in your district will be suspended until the merits of the claims have been re-examined and fully investigated. This examination will be made in the first instance by yourself, in conjunction with the receiver, and I have to request that you will, immediately upon receipt of this, give public notice, and proceed, anew, to the examination of the claimants themselves, and of such witnesses, in support of the claims, as may present themselves before you for that purpose. Those claims which may be sustained by you, will also be re-examined here, and those heretofore admitted, which shall not be sustained upon your revision, will be regarded as definitely rejected. I enclose you a form of interrogatories calculated to elicit the truth in relation to the validity of each claim, which you will propound, together with such other questions as may be suggested to you by the peculiar circumstances developed in the examination of each particular case. As soon as the examination shall have been completed, I will thank you to forward a report, together with all the testimony, to this office, and have to request that, in the admission of new cases, the utmost caution may be observed, and the instructions with which you have been furnished strictly adhered to. While upon this subject, I deem it important to call your particular attention to one of the allegations of Mr. Linton, viz.: that in addition to the pre-emption granted by the act itself, the claimants have been permitted to enter a back pre-emption, equal in quantity to the tract first granted. The act of the 19th of June, 1834, and that of the 29th of May, 1830, which restrict the quantity of land to be acquired under their provisions to 160 acres, would, of themselves, preclude any such construction; and I am at a loss to conceive how the land offices could so far have misconceived the terms of the act of the 15th June, 1832, granting these back pre-emptions, as to have given to that act a prospective effect, when its provisions are specially restricted to those individuals who were then in possession, under one of the descriptions of title stipulated by the act itself.

I am, &c.

ETHAN A. BROWN.

REGISTER *at Opelousas, La.*

Interrogatories to be propounded to the pre-emption claimants, and, with the necessary modifications, to the witnesses produced by them in support of their claims.

1st. What is the description of the tract claimed by you?

2d. Did you cultivate the tract described, in 1833? If not, state what tract was cultivated by you in that year.

3d. State the nature, extent, and manner of such cultivation.

4th. Were you in possession of the tract claimed, on the 19th June, 1834?

5th. Had you a dwelling-house upon the tract claimed, and were you residing there on the 19th June, 1834? If not, state whether you resided upon public land, and describe the tract upon which you resided.

6th. If you were not residing upon the tract claimed, in what did your possession consist?

7th. Did any other person cultivate the tract claimed, in 1833?

8th. Was any other person in possession of the same on the 19th June, 1834?

9th. To what extent did he cultivate, and what was the manner of his possession?

No. 5.

Instructions to V. M. Garesche, Esq., relative to this examination of the Land Offices in Louisiana, with a view to detect malpractices under the pre-emption law of June 19, 1834.

GENERAL LAND OFFICE, *February* 29, 1836.

SIR: You are intrusted with the important and difficult duty of instituting inquiries, with the view to protect the government against frauds alleged to be practised under the guise of pre-emption privileges, growing out of the act of the 19th June, 1834, entitled "An act to revive the act entitled an act to grant pre-emption rights to the settlers on the public lands," approved May 29, 1830.

The general character of the allegations, to be found in the documents herewith transmitted, (papers marked Nos. 1, 2, 3, 4,*) and is so general as to render it impracticable for the department to give you specific instructions as to the course of proceedings which ought to govern your conduct in all cases. Such course must remain to be suggested by your own judgment, conformably to what developments shall be made in the progress of your investigations.

The act granting pre-emption rights requires cultivation in the year 1833, and occupancy on the 19th June, 1834, and where two or more persons are settled on the same tract of land, being either a quarter-section or any inferior legal subdivision, or a fraction containing the same or a less quantity than a quarter-section, it admits of the division of the tract equally between the *two first* actual settlers, each of whom (and no others if there should be more than two) is entitled to locate eighty acres elsewhere, on any public surveyed land in the same land district. This right to locate "elsewhere" has obtained the appellation of a "float."

It will be necessary for you to catechise the land officers as to their understanding of what are the provisions of the pre-emption law, and also as to their understanding of the meaning and intent of the two letters of instruction from the department prescribed for their government, bearing date the 22d July and 23d October, 1834, and to investigate the regulations adopted by them for taking the testimony in support of pre-emption rights; what means do they take to satisfy themselves of the genuineness of the claim; whether the testimony is taken by a magistrate in their presence, where they may have an opportunity of cross-examining the witnesses, and if so, whether they do cross-examine them; and if not taken in their presence, whether they issue a commission to others to take the testimony; and if so, under what regulations.

Whether they consider hired men and servants entitled to pre-emption rights, and if they do, require them to furnish an abstract of all the cases wherein they have so acted, showing the date, name, tract, and number of the certificate of purchase.

Whether they have granted floats where more than two actual settlers were on the same tract; if so, require them to designate the tracts out of which such illegal floats were supposed to arise, and also the tracts on which they have been located, designating also the dates, names, and number of certificate in such case.

Also, especially in cases of families where there were several sons, occupying with their father or mother the same tract of land, what has been the course of proceeding in admitting the claim; have floats been granted to all, or any of the sons or other members of the family in such cases.

Is there any reason to believe, as alleged, that pre-emption rights have been obtained in the names of fictitious persons; if so, ascertain and report on all the facts and circumstances accessible to you.

Is there any reason to believe that claims of a character other than pre-emption, have been fabricated, and that such spurious claims have been sold and conveyed in others' names; and that any such conveyances have been put on record in the office of the parish judge or with a notary public, without any evidences existing as to such original fabrications, which are alleged to have been destroyed.

If so, what is to be learned of the nature and extent of such fabricated claims? Have any impositions of such fabricated claims been made or attempted on the land officers?

It will be necessary, by a circumspect course of observation and inquiry, to elicit information from individuals, as to the nature and extent of the alleged abuses. You will, therefore, have to seek and avail yourself of every means of information, from respectable sources, to aid your investigations.

You are required to prosecute these investigations at the offices for the districts of lands subject to sale at New Orleans, St. Helena, Ouachita, and Opelousas, and while at the offices you are requested, moreover, to examine into the state of the books of both register and receiver, ascertaining the cash on hand with the receiver, and see how it conforms with the balance exhibited by his books; and also note any facts or circumstance connected with the conduct of the officers, or the arrangements, requirements, and general economy of their offices, which the knowledge and experience derived from your former examination shall suggest to you as likely to be matters of important and useful information to the government.

It is apprehended that, if malfeasances have been practised, they will be found connected with what are termed "floating rights."

---

* Furnished him with printed Doc No. 125, H. R. 1st Sess. 24th Cong., containing the information.

You are, therefore, requested to ascertain, as early as practicable after your arrival at the land office, what "floating rights" have been granted, and on what tracts they accrued, and immediately proceed to scrutinize the evidences. Should the officers inform you that the original evidences have been furnished to this office, and that they have not retained copies, it will then be your duty to furnish to this office, as soon as you conveniently can, an abstract showing the tracts entered by floats, and the tracts on which they accrued.

In cases of all floating rights which may hereafter be granted, you are to enjoin on the officers the greatest caution. These cases require a *special scrutiny* into the validity of the claims under which they originate. The temptation to perjury, in the desire to acquire these "floats," to locate on the choicest spots at the minimum price, is so great as to render it the imperious duty of every faithful land officer to resort to every proper means to prevent imposition, and most fully to satisfy his own judgment of the honesty of purpose of the principals and the credibility of their witnesses, before allowing them. To do this, it may frequently be found indispensably necessary to require the personal attendance of the principals and the witnesses at the land office. There are, no doubt, instances where the object may be attained without such strict requirement, where the character of parties is previously known to the officers.

You will require the land officers invariably to discriminate, in their monthly returns, the lands entered as pre-emptions, by inserting the word "*pre-emption*," or an abbreviation thereof, opposite the tract in their monthly abstracts; and where the entry is under a float, the word "pre-float" must be inserted opposite.

The receiver's receipts and register's certificates of purchase in such cases, must also indicate that the entry is a pre-emption; and where floats are granted, the certificate of pre-emption must be made to indicate the entry made under the float, by noting the number of the register's certificate issued, thus:

Pre-emption act of June 19, 1834.
Float to A B —Certificate, No.
Float to C B.—Certificate, No.

And the certificate granted, for entries made by floats, must refer back to the number of the certificate granted on the entry of the original pre-emption under which the floats accrued, thus:

Float, under pre-emption—Certificate, No.

The term "*float*" originating in the land districts long before the pre-emption act of 1830, and which was familiar in the language of the West, has led to a misconception of the character of the thing intended, when applied to the pre-emption law. The right to locate eighty acres elsewhere, to enable the two parties to realize the maximum quantity of land intended to be granted by the law, was not intended to remain outstanding and unlocated, (*a float,*) but, on the contrary, was intended to be secured, either simultaneously with the entry of the original pre-emption, or within the shortest possible period thereafter, so as to close proceedings in each case both as to the original claim and the floats on the same day, if possible, or at least on the same visit to the land office; the party probably requiring a day, or perhaps two, to look over the maps and make inquiries as to what lands were vacant.

It is very important that this matter should be explained to the land officers, and you are requested to enjoin on them the most rigid observance of the instructions that the float must be located at the time of the entry of the tract on which it accrued.

In all cases where your own judgment is perfectly satisfied as to what the course of proceeding should be under the law and instructions, your are authorized to instruct the land officers, where you find them in error on any points, either as respects the construction of the law or their understanding of the instructions; but in cases where you are doubtful yourself, you are to advise them to suspend action and write for instructions.

You are requested to keep a journal of all your proceedings, which shall exhibit all necessary names, dates, and facts, from which you will prepare your reports, to be made in duplicate, one to the Secretary of the Treasury, and the other to this office.

The President has directed that your compensation shall be six dollars per day for every day employed in making actual examinations at the land offices, and at such other places in the land districts, as may be necessary, and six dollars for every twenty miles travel. You will, therefore, keep an account, showing the number of days actually engaged in making your examinations, at such different points where you may find it indispensably necessary to sojourn, and specially to designate the number of miles travelled.

Although it is expected that you will not protract the examination longer than may be actually necessary, yet it is required that your sojourn, at any given point, should be always for a sufficient length of time to ensure the collection of information necessary as to any important facts to be there obtained, to satisfy your own judgment in view of the special objects of your mission.

I am, &c. ETHAN A. BROWN, *Commissioner.*

V. M. GARESCHE, Esq., *Wilmington, Delaware.*

Memoranda respecting sundry points of instruction under the pre-emption law of June 19, 1834.

Interrogatory 1. There is an opinion of Ralph Cushman, attorney for Rachel Jones, widow of Alexis Lemoine, who disputes the right of land officers propounding questions to claimants to ascertain the truth or falsity of their original declarations. The law, I believe, gives the commissioners power to *prescribe the rules* by which the claimants are to be governed in establishing the premises required by the law. And the commissioner, I believe, instructs the land officers to receive such *proofs as shall be made to their satisfaction.* Now, what is understood by *being made to their satisfaction?* Are they to admit as indisputable every claim that comes before them, backed with its usual portion of affidavits? Have they no discretionary power? And in cases of doubt, acting as they do as a board of commissioners, is it against the rule of evidence that they should cross-examine the parties, or are they not to exercise this right except when there is open and legal objection? The attorney's opinion is against this latter conclusion.

I have been drawn to take notice of the above, from the document being, as I thought, a well-written production. Widow Lemoine's case, bundle No. 1.

Answer. The register and receiver are to judge of the credibility of witnesses as well as the applicability of their testimony to the law. Cross-examination is one of the best devices to elicit truth from evading and prevar

icating witnesses; and the land officers have a right to require them to submit to such examination. Although no compulsory process be provided for such cases, yet the refusal to submit impeaches their credit. A jury would seldom put faith in such testimony, and the register and receiver are equally free to disregard it. The refusal furnishes strong presumption that the witnesses cannot bear the test of cross-examination.

Interrogatory 2. If an individual commence to improve a tract of land, and die before his improvements are brought to maturity, his estate sold, and an agent cultivates and occupies the land, enters and proves his claim, can he (this agent) be considered entitled to the rights and privileges to which would have been entitled the first occupant, had he been still alive and in full occupancy? P. B. Martin's case, No. 2.

Answer. No agent, or hired overseer, or laborer, can have a right to pre-emption. The commencement of an improvement does not go to the executor or administrator as part of the estate, nor is it liable to sheriff's sale. The widow and heirs have a right if they consummated the conditions of cultivation and habitation.

Interrogatory 3. Can an individual be twice entitled to pre-emption rights at different periods, when he could prove the second time that his misfortunes had deprived him of the advantage of the first?

Answer. No individual can be entitled to two pre-emption rights under the same law.

Interrogatory 4. In the case of a person residing on a quarter-section and cultivating another, can the settler be allowed his choice of location on either of the quarter-sections? Is he also entitled to a float?

Answer. The statute in terms allows a choice, where an individual resides on one quarter-section and cultivates another. Nevertheless the commissioner considers there must be that reasonable proximity of residence that the latter may be personally attended to, which a distant residence would forbid.

Interrogatory 5. When two members of the same family, both of age, live upon the same quarter-section and under the same roof, but have divided their property and proved also a division of interest, can they be entitled to all the rights and privileges of the pre-emption law, that is, the *floats*, besides the eighty acres?

Answer. The second section of the instructions allows the cultivator to live on an adjoining quarter-section under particular circumstances. No reason is perceived why he may not reside with a family on the same, and claim his separate improvements and floats.

A cultivates a quarter-section or tract, and resides on another quarter-section or tract, whereon B is settled. A may take either the quarter he cultivates, or divide with B the tract on which they both reside, in which case A and B each are entitled to locate eighty acres elsewhere. A and B may divide by a north and south or east and west line, or they may take the tract jointly, and each take floats.

In the case of two actual settlers, each of whom cultivated in 1833, and had possession on the 19th of June, 1834, and respecting the location of the floats so called.

Where an individual has a pre-emption right upon a tract of land, from which right (he being one of two settlers on the same tract) he is entitled to a float; the tract to which he is thus entitled must be paid for before the day appointed for the commencement of the sales of lands including said tract; he must also locate and pay for the float to which he is entitled, before the said day appointed for the commencement of the sales of lands, including the tract to which he has the right of pre-emption, and on which the float accrues. In other words, floats are liable to the same disabilities as the original pre-emptions under which they accrued, and which the law requires to be located before the commencement of the public sale which shall include such original pre-emption tracts.

GENERAL LAND OFFICE, *February* 29, 1836.

GENERAL LAND OFFICE, *March* 6, 1836.

SIR: Your letter of the 4th instant was received by the mail of this morning. The instructions respecting the examination of the Louisiana land offices were mailed last night for Wilmington, Delaware

As the river Ohio must now be in a boatable condition, (as you suggest,) it will be more advisable for you to take the route down the Mississippi than coastwise. In that case, you will be enabled to visit the upper land offices first, beginning at Ouachita; next Opelousas; after which, I think it would be advisable for you to call at Donaldsonville, to see Surveyor General Williams, who will afford you a great deal of information on a variety of points connected with the object of your mission.

It is possible that, after your examination of the offices at New Orleans and St. Helena, it may be deemed expedient to revisit the upper offices. Of this you will have to judge agreeably to the force of circumstances.

You will be pleased to keep me advised of your movements and observations as often as necessary, and mention the points where letters should be addressed to you at any given time.

A number of copies of the "*Public Land Notice*," relative to pre-emption rights, is herewith transmitted for distribution in your progress through the upper districts. Had your route been coastwise, as you first contemplated, these would have been sent by mail to New Orleans, to meet you at that point. Supplies of these notices have been already forwarded to the offices, and will be sent to every post-town by mail. Notwithstanding these means, the distribution of them by you will be more satisfactory than to rely on others, who may take little interest in furthering the views of the department in this respect.

I have deemed it proper to enclose to you a formal commission, showing your authority as examiner of the land offices, to be at hand in case any circumstance now unforeseen should render the same useful—a document separate from your instructions, &c.

Provided time and circumstances admit of so doing while at Donaldsonville, it is desired that you should inspect the office of the surveyor general of Louisiana; examine the surveys, (field-notes,) maps, and books; take an inventory of all the township plats protracted, showing what have been furnished to the district land offices by the surveyor general of Louisiana, and what remain to be furnished; also what field-notes remain unprotracted; what field-notes have been recorded, and what remain to be recorded; what field-notes have been transcribed under the appropriations of extra clerk-hire for that object.

Should you, however, find yourself unable to attend to such examination without detriment to the main object of your mission, you will forego the duty.

On your return home from the Louisiana examinations, I would be pleased to have you visit the office of the surveyor general at St. Louis, to make a critical investigation of the state of business in that office, and the extent of the areas in protracting maps from the field-notes of surveys. No positive instructions, however, are to be considered as now given you to make such examination. The foregoing is merely an intimation of what would be desired of you, (and wherein particular instructions would have hereafter to be given,) provided circumstances shall not render it necessary to intrust the same duty to another agent, before your time under the Louisiana

engagement would enable you to act; particularly when it is considered that the circuit of your travels in the Louisiana district must depend on circumstances which will develop themselves as you proceed, and which, as to the length of time they may occupy, cannot enter into present calculations.

I am, &c.

ETHAN A. BROWN, *Commissioner.*

V. M. GARESCHE, *Wilmington, Delaware.*

PUBLIC LAND NOTICE.

A settler on the public land who *actually cultivated* a tract of public land, *or a part thereof, in the year* 1833, and also *occupied the same* on the 19*th of June*, 1834, and who, HONESTLY and in GOOD FAITH, shall prove such cultivation and occupancy, *by his own oath* and *oaths of competent witnesses* to the satisfaction of the register and receiver of the land office for the district wherein the said land may lie, and which land was *duly surveyed* at the time of the application at the land office to enter the same, is entitled by law to *a right of pre-emption* of such tract, if the claim be made known and proved *before* the 20*th of June next*, and before the day when the township, in which such tract may be situated, shall be subject to public sale by the President's proclamation, if such public sale be ordered before the said 20th of June.

No others than cultivators in 1833, *who occupied the same land on the* 19*th of June*, 1834, *are entitled to the benefits of the law aforesaid.*

Any attempt to sustain a claim by a *false oath* WILL BE AN INDICTABLE OFFENCE, *and the person so swearing will be liable to a prosecution* FOR PERJURY, and subject to be reported as such by the register and receiver, *with the names of all concerned therein*, to the district attorney of the United States.

CAUTION TO THE PUBLIC.

Beware of what are called "floating rights."

The law of the 19th June, 1834, provides that when two or more persons are settled on the same tract of land, the *first two* actual settlers shall be permitted to divide the same equally between them, either by a north and south or an east and west line, whichever mode will best secure to each his improvements; and if this cannot be done in the mode prescribed, then the parties are permitted to become *joint purchasers* of the tract; and in such cases the said *first two* actual settlers (separately cultivating) are permitted to locate each *eighty acres elsewhere* in the district; which *right to locate elsewhere* has obtained in the West the denomination of "FLOATS," or "FLOATING RIGHTS."

The term "*float*," or "*floating right*," is *improper*, inasmuch as it is calculated to induce the belief that the right so to locate may remain outstanding at the pleasure of the proprietor. *The contrary is the fact.*

The right "*to locate eighty acres of land elsewhere*," which is the language of the law, (*which right has been misnamed a* "FLOAT,") is intended by the law to be exercised and secured *at the time of the entry of the original pre-emption* on which the same accrued, and during the period when the pre-emptor visits the land office for that purpose.

The rights of location, MISNAMED "floats," cannot possibly originate under the law in any other case than that above described, *where two bonafide claimants had settled on the same tract of land, and who cultivated different portions of it in* 1833, and *occupied the same* ON THE 19th JUNE, 1834, having separate and distinct interests in the cultivation thereof.

By the term "*tract of land*," the law intends a *quarter-section*, containing *one hundred and sixty acres*, or thereabouts; a *half quarter-section* containing *eighty acres*, or thereabouts; a *quarter quarter of a section*, containing *forty acres*, or thereabouts; or legal subdivisions of a *fractional* section, not exceeding, *in all*, the quantity of one hundred and sixty acres, or thereabouts, when such fractional section contains more than one hundred and sixty acres.

Given under my hand this 22d day of February, 1836.

ETHAN A. BROWN, *Commissioner of the General Land Office.*

AN ACT to revive the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved May 29, 1830.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof, in the year one thousand eight hundred and thirty-three, shall be entitled to all the benefits and privileges provided by the act entitled, "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-nine, one thousand eight hundred and thirty; and the said act is hereby revived and shall continue in force two years from the passage of this act, and no longer.

SEC. 2. *And be it further enacted*, That where a person inhabits one quarter-section and cultivates another, he shall be permitted to enter the one or the other at his discretion: *Provided*, Such occupant shall designate, within six months from the passage of this act, the quarter-section of which he claims the pre-emption under the same.

SEC. 3. *And be it further enacted*, That all persons residing on the public lands, and cultivating the same, prior to the year eighteen hundred and twenty-nine, and who were deprived of the advantages of the law passed on the twenty-ninth May, eighteen hundred and thirty, by the constructions placed on said law, by the Secretary of the Treasury, be, and they are hereby authorized to enter, at the minimum price of the government, one quarter-section of the public lands within said land district.

Approved, June 19, 1834. ANDREW JACKSON.

AVIS SUR LES TERRES PUBLIQUES.

Un domicilié (settler) sur les terres publiques, qui *aura de fait cultivé* un tract de ces terres *ou une partie d'un tract dans l'année* 1833, et *y aura residé au* 19 *Juin*, 1834, qui *honnétement* et de *bonne foi* constera de cette culture et de cette residence *sous son propre serment* et *celui de temoins competens* à la satisfaction du contrôleur (register) et du receveur du bureau de terre (land office) dans le district ou est située la terre; laquelle terre aura *duement été arpentée* au moment ou l'on se sera presenté pour engager (locate) la dite; aura *droit* par la loi a la *pre-emption* du dit tract si son titre a été reconnu et prouvé *avant* le 20 *de Juin prochain* et avant le jour que le *township* dans lequel ce tract est situé ne soit sujet à vente publique par une proclamation du President, dans le cas ou cette vente publique dut avoir lieu avant le susdit 20 de Juin.

Aucuns autres que les cultivateurs de 1833, *qui auraient residence sur la dite terre au* 19 *de Juin*, 1834, *ne peuvent participer au bienfaits de la susdite loi.*

Toute tentative à soutenir un titre par un *faux serment* SERA REPUTEE OFFENSE CRIMINELLE, *et la personne coupable de faux peut être poursuivie devant les tribunaux* COMME PARJURE et sujet à être ainsi representé a l'avocat general des Etats Unis pour le district, par le contrôleur et receveur qui rapporteront *aussi les noms de tous ceux qui y seront concernés.*

CAUTION AU PUBLIC.

Mefiez vous de ce qu'on appelle "titres flottans," (floating rights.)

La loi du 19 Juin, 1834, stipule que lorsque deux ou plusieurs personnes seront établies sur le même tract de terre, les *deux premiers* établis pourront diviser également la terre entr'eux, soit par une ligne tirée nord et sud, ou est et ouest, de la manière la plus convenable pour assurer à chachun ses acquêts ou améliorations; mais si le mode prescrit offriroit quelque difficulté alors il serait permis aux parties de devenir *acquereurs conjoints* du tract; et dans tels cas les *deux premiers* domiciliés (cultivant séparément) pourront s'assurer de *quatre vingts acres* chacun, *ailleurs* dans le même district; lequel *droit* a obtenu le nom de "TITRE FLOTTANT," (floats or floating rights.)

Le nom de "*titre flottant*" est *impropre* par la raison qu'il peut faire supposer que le droit de retenir (locate) peut étre suspendu à la volenté du proprietaire. *Ce'st le contraire.*

Le droit "*de retenir quatre vingts acres de terre ailleurs*," selon l'expression de la loi (lequel droit est faussement appellé "FLOAT,") doit dans l'intention de la loi être exercé *au même instant* ou se fait l'entrée de la pre-emption originale qui donne lieu à cette reserve (float,) c'est à dire dans l'intervalle de la visite que pour cet object fait le *pré-empteur* au Bureau de terre.

Les droits de reserve (location) *faussement appellés* "floats," ne peuvent selon la loi devenir valides que dans le cas prescrit plus haut, savior, *quand deux reclamans reconnus tels se sont établis sur le même tract de terre et en ont cultivé differentes portions* en 1833, et *y ont residé au* 19 JUIN 1834; ayant dans la dite culture des interêts distincts et separés.

Par le terme "*tract de terre*" la loi entered un *quart de section* contenant *cent soixante acres* ou environ—un *demi quart de section* contenant *quatre vingts acres* ou environ—un *quart de quart section* contenant *quarante acres* ou environ; ou subdivisions légales d'une section fractionnaire, n'excedant pas *en tout* la quantité de cent soixánte acres ou environ, quand la même contient au delà de cent soixante acres.

Apposé ma signature le 22 jour de Fevrier, 1836.

ETHAN A. BROWN, *Commissaire du Bureau Général des Terres.*

AN ACT to grant pre-emption rights to settlers on the Public Lands.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every settler or occupant of the public lands, prior to the passage of this act, who is now in possession, and cultivated any part thereof in the year one thousand eight hundred and twenty-nine, shall be, and he is hereby, authorized to enter, with the register of the land office, for the district in which such lands may lie, by legal sub-divisions, any number of acres, not more than one hundred and sixty, or a quarter-section, to include his improvement, upon paying to the United States the then minimum price of said land: *Provided, however*, That no entry or sale of any lands shall be made, under the provisions of this act, which shall have been reserved for the United States, or either of the several States in which any of the public lands may be situated.

SEC. 2. *And be it further enacted*, That if two or more persons be settled upon the same quarter-section, the same may be divided between the first two actual settlers, if by a north and south or east and west line, the settlement or improvement of each can be included in a half quarter-section; and in such case, the said settlers shall each be entitled to a pre-emption of eighty acres of land elsewhere in said district, so as not to interfere with other settlers having a right of preference.

SEC. 3. *And be it further enacted*, That, prior to any entries being made, under the privileges being given by this act, proof of settlement or improvement shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules to be prescribed by the Commissioner of the General Land Office for that purpose, which register and receiver shall each be entitled to receive fifty cents for his services therein; and that all assignments and transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

SEC. 4. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be appointed for that purpose, by the President's proclamation; nor shall any of the provisions of this act be available to any person or persons who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of lands including the tract or tracts on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatever.

SEC. 5. *And be it further enacted*, That this act shall be and remain in force for one year from and after its passage.

Approved, May 29, 1830.

ANDREW JACKSON.

No. 6.

Instructions to the land officers in Louisiana as to the course they are to pursue with applicants for pre-emption.

GENERAL LAND OFFICE, *February* 29, 1836.

GENTLEMEN: From and after the receipt hereof, you are hereby required to receive all applications for the benefits of the pre-emption law, with the testimony adduced to sustain the same, but not finally to determine, neither to give any opinion in reference to such claims, *nor receive payment therefor*, nor to commit yourselves in any manner in respect to them; and in cases where entries are demanded in virtue of floating rights, you are not to receive payment therefor: in all cases, however, whether of original pre-emption rights or of floating claims, so called, you are required for the present, until further orders, to do nothing more than to make a *distinguishing* temporary mark on the township-plat, to show that the tract is claimed under the pre-emption law.

The papers so filed are to be carefully labelled and numbered, each case by itself, with the name of the party claiming. These cases, as they shall be filed, are to be entered on an abstract of them, which you are to keep, and once a fortnight you are required to cause to be published, in the most convenient newspaper, a list to be headed thus:

List of the names of persons claiming the benefits of the pre-emption law of the 19th June, 1834, who alleged that they cultivated the lands claimed in 1833, and had possession thereof on the 19th June, 1834:

List No. ———, *from* ——— *day of* ——— *to* ——— *inclusive.*

Date of filing claim.	Name of the persons claiming a pre-emption.	County wherein he resides.	Names of the witnesses who support his claim.	Tract.			
				Sectional part.	No. of section.	No. of town.	No. of range.

You are also required to state at the close of the list, the names of the parties claiming to locate floating rights, so-called, thus:

"List of the names of persons claiming to locate floating rights at this office from this —— day of ——— to the —— day of the same month inclusive."

"A—— B—— of ——— county (or parish) claims to locate the —— quarter of section No. ——, in township No. —— of range No. ——, in virtue of his pre-emption claim with C—— D—— on the —— quarter of section No. ——, township No. ——, range No. ——," and so on.

"All persons having objections to the validity of any of the foregoing claims, are requested to file and make good the same forthwith."

"Given under our hands this —— day of ———, 1836.

"By order of the Commissioner of the General Land Office.

——— *Register.*

——— *Receiver.*

These lists are to be numbered in regular series, and a copy of them to be regularly forwarded to this office.

You will receive all the objections urged against any of the claims filed, when such objections are sanctioned by evidence, and place the objections in the same file with the papers produced by the claimant. The cases are then to be taken up for examination from time to time, as you may be enabled so to do; but no final determination is to be made until the 1st of June next, at which time you may admit and receive payment for such claims as you are entirely satisfied to be valid. Meanwhile you will communicate with the department in all cases where you are doubtful how to act.

You will, at the expiration of all those lists, send on the accounts of the publishers to this office, with your own certificate that the service has been performed; no payment for such publication being admissible without an express order. You will also cause a suitable number of such lists to be struck off in a handbill-form, and have the same suitably distributed in the district.

Herewith is transmitted a number of copies of a printed proclamation to caution the public against imposition in cases of spurious floating rights, and to diffuse correct information as to what constitutes a valid right of pre-emption under the law. You are requested to diffuse these handbills as extensively as possible throughout your district, and cause them to be stuck up at public places, and send several copies to each postmaster in your district, with a letter requesting that he will do the same.

Editors of newspapers in your district will no doubt insert the proclamation gratuitously, if applied to to do so.

I am, &c. ETHAN A. BROWN, *Commissioner.*

REGISTER *and* RECEIVER *at New-Orleans, Opelousas, Ouachita, and St. Helena, Louisiana.*

No. 7.

NEW-ORLEANS, *April* 5, 1836.

SIR: I arrived here early this morning; my endeavors to cross to Ouachita, as you recommended, proved fruitless. There is no communication that I know of (or if there should be, it must be a very circuitous one) except by water, and that from New Orleans.

It will be made evident to you, if you reflect that the receiver at Ouachita, and even the one at Washington, Arkansas, are made to deposit at New Orleans, although, by the map, Natchez is the nearest place. But why should I urge the matter any further? I am sure you entertain no doubt of my disposition to obey your instructions to the letter.

I landed at 9 A. M. and called immediately on Dr. Cannon, made out his balance, got introduced to the United States district attorney, and made inquiry respecting Governor White, without being able to ascertain whether he was in town or not. I am sorry to say that the legislature has adjourned, and that we shall thereby be deprived of the powerful mass of information which I hoped to have derived from its members. I was engaged till dark in the examination of the receiver's books; when done I shall transmit to the Secretary of the Treasury the result of my investigations. One thing struck me forcibly; it is the recurrence of the patronymic, in most of the applications for settlement rights.

I have distributed public land notices as I came down, and tried to elicit some information from the planters; but whilst they admitted that extensive frauds had been practised, they stated that no proofs had come to their knowledge.

April 6.—The governor is in town; I therefore called upon him this morning, and had a long conversation on the subject of the frauds. I could not obtain from him, however, anything specific; he knew, he was confident, that extensive frauds had been committed, but where, and by whom, he was unable to tell; nor could he point out a course by which I might reach the truth; everything was vague and unsatisfactory, notwithstanding he spoke with great warmth on the subject. He appeared to be still under some feeling of irritation at the setting aside of his township locations. He mentioned that a committee had been appointed by the legislature, to investigate the frauds, but could not tell me who they were, and what they had done. There will be no difficulty, I suppose, to have access to the records, and obtain their names, if not the result of their labors. The governor represents Iberville as being the principal theatre of the nefarious transactions.

The receiver's account of public moneys on hand shows a balance in favor of the United States, amounting to $49,000 and upwards, but it has not been produced to me yet. Dr. Cannon was out of the office when I made out the balance. I met him in the afternoon, and requested that I might look into the books of the bank in which the money had been deposited; he objected, as he was busy making preparations to go in the country to visit the family of a dying friend, but that his partner would satisfy me in the morning. This morning, I, therefore, called, and waited, and called again, without being able to see the partner. I have no doubt everything will be found right; but, since I am writing to you, I consider myself bound to notice the circumstance, to shield my own responsibility.

This has led me to reflect how useful it would be to have examiners to scour the country, and keep the receivers *in terrorem*, for the moneys accumulate very fast in their hands, interest is very high, and temptation is of course very strong—and their liabilities, I believe, are not now in proportion to the trust.

I remain, very respectfully, sir, your obedient servant,

V. M. GARESCHE.

ETHAN A. BROWN, Esq., *Commissioner of the General Land Office, Washington, D.C.*

P. S.—You may direct your communications to me at New Orleans. I shall direct Mr. Canonge where to address them to me. It is probable that I shall leave this for Donaldson, and thence to Ouachita or Opelousas, as circumstances might suggest in the course of next week.

No. 8.

NEW ORLEANS, *April* 8, 1836.

SIR: I had the honor of addressing you on the 5th and 6th instant. Yesterday I had an interview with the United States district attorney. He thinks we shall be able to unravel the mystery of the frauds; with his cooperation, I feel indeed more confident. He has to leave town in a few days, and will be back in eight or ten; he then wishes to meet me here. So as not to be idle, in the mean time, I intend to proceed to St. Helena. In my conversation with the governor, his excellency declared that individuals had called several times at his office to have the signatures of the justice of the peace to their affidavits certified; and he being present at the time, had satisfied himself of their being forgeries; for instance, affidavits were dated on the day of their presentation, although the justices lived upwards of two hundred miles off; some of them had also been out of office more than six months. A refusal to certify was therefore the consequence; but the parties, who should have been taken up, were suffered to depart in peace, although it is probable that, had they been in possession of so many counterfeit bank notes, an offence certainly not more henious, their punishment would have been inevitable. This circumstance proves, beyond doubt, that the justices were in the habit of signing blank affidavits. Had I their names, would it not be sufficient reason for setting aside all documents to which these prevaricators had attached their names? What an opportunity our governor held in his hands, and yet suffered it to escape! Again, his excellency told me that he was constantly harassed by complaints from all quarters respecting fraudulent entries. I desired him to send the complainants to me, that I should be glad to hear all they had to say, but I have seen no one as yet. How much easier it is to complain of an evil than seek a remedy for it. By questioning the people that come to the land office, I have found one that knows, and will make me acquainted, with several malpractices; if I can only find out a few of them, and prove their guilt upon them, I will try and make them turn out State evidence, the truest way being "to set a thief to catch a thief." All that I can do may perhaps be very limited; what think you, therefore, of establishing a court of inquiry and revisal? Little as I could do, still that little might be followed up, but it should be done during the present session of Congress.

After dancing attendance on the receiver's partner for two days, I left a very severe note, and obtained yesterday a sight of the certificate of deposit. Everything was right, as I presumed, only that he was not, as I told him, sufficiently alive to the delicacy of our situations. These interruptions, besides those occasioned in the office by the visits of the purchasers, have retarded the work of examination. I have, nevertheless, finished the receiver's books, beginning from No. 19, and concluding at No. 552.

I am engaged, as I examine the register's books, to look attentively into the applications and their affidavits. These affidavits, made before justices, who also propound the questions, give me no insight whatever into the truth or falsity of the testimony; but before I leave the office I intend to make out a list of these justices and the witnesses, and inquire as to their respectability.

I am, very respectfully, sir, your obedient servant. V. M. GARESCHE.

ETHAN A BROWN, Esq., *Commissioner General Land Office.*

No. 9.

NEW ORLEANS, *October* 22, 1836.

SIR: I have the honor of enclosing a copy of my report to the Secretary of the Treasury, to which I refer for all matters connected with this land office, and the more important object of the fraud. I have been engaged already sixteen days, Sundays deducted. I hope you will not think it too long when you consider that 553 applications have gone three times through my hands, and most of those applications involve two locations. They amount to about 900 entries on the plats, 800 of which I have verified. The district attorney has been gone to Natchez some time; he was to have been absent but ten days, but is not expected, says his partner, for a fortnight. He was, as I have informed you, to have made disclosures on his return. I cannot, however, wait so long; and as I am told that a great many floats and speculations have been made in the district of Ouachita, I will take advantage of the present high water to proceed thither; but as there will be no boat for twelve days to come, I will stop at Donaldson, where I will leave orders for the boat to take me. Colonel Williams, whom I saw here, thinks I can pick up a great deal there. Mr. M. Gordon is, they say, in possession of much information. I have already called on him without success. I wish to see here also Judge Duncan, before whom Charles Bishop took his affidavits. After this is done I shall be ready to leave the city.

I beg leave to call your attention to the construction given by the officers to the double-concession law. In referring to the 15th section of your circular to registers, &c., dated July 22, 1834, I find a clause that would apply favorably to Mr. Milligan's claims.

I have no communication from you to answer. Anything received after my departure from this city will be directed to me according to the instructions I leave. A prompt answer to this might probably find me at Opelousas.

I am, very respectfully, sir, your obedient servant.

V. M. GARESCHE.

P. S.—I take the liberty to recommend you the enclosure.

ETHAN A. BROWN, *Commissioner, &c., Washington.*

Copy of a report to the Secretary of the Treasury.

NEW ORLEANS, *April* 21, 1836.

SIR: Instructions from the Commissioner of the General Land Office directed me to proceed to Louisiana, and try to bring to light the frauds said to have been committed in this State on the United States public lands. The allegations being vague and indefinite, consisting of rumors unfortunately too well founded, I believe, but destitute of positive proof, the instructions must, of course, have been of a general character, and I was left to pursue the course which circumstances might suggest. A letter received from the commissioner at Pittsburg instructed me to proceed to Ouachita; but that place, which on the map appears to be on my road in descending the river, has, notwithstanding, no direct communication with Vicksburg, Natchez, Baton Rouge, or the intermediate places, and its exports and imports are carried on through New Orleans. I therefore advised the commissioner of my inability and regret to comply with his wishes. Very thick fogs have protracted our passage down the river; it was not till the 5th instant that I arrived in this city. I immediately called upon the receiver, and made out the balance, which at the last quarter was $309 26 in his favor, the sum of $47,600 having been deposited in the Commercial Bank on the 7th instant. At this moment, when the sales of public lands are very considerable, the receiver is often in possession of funds far beyond his liabilities. For this there is no excuse, when the depository banks are within reach. It would not, perhaps, be amiss to admonish the officers on this subject. The date of the certificate of deposit will always give the necessary information. I found Mr. Cannon's book correct as to the sums received, but not so as to the names, locations, or quantity of acres. I do not note here the numerous dsscrepancies, it being of little importance after all; but in that respect I was more particular with the register; and below will be found a list of all those that have occurred, which I transmit, that the necessary correction may be made in his quarterly reports, with a view to the correct issuing of the patents. My examination of both offices embraced the certificates Nos. 19 to 553, inclusive. There would have been no necessity, perhaps, for going so far back; but having to examine the applications, in hopes of detecting frauds, it was but little additional labor to confront them with the books. The errors that were discovered were duly rectified; this was done during the intervals which the pursuit of the main object of my mission permitted me to enjoy. On this most important object I have occasionally entertained the Commissioner of the General Land Office of my hopes and fears; the latter, I am sorry to say, predominate greatly. No one is disposed to come forward and offer himself a willing sacrifice to the public good; few Curtii are to be found in the present age. I consider it very unfortunate that I should have arrived here after the legislature had adjourned, for, through the members, I should have received information from every part of the State. Whether it would have been such as to lead to a result, is a subject of doubt with me. As soon as you appear on the ground, said General Ripley, information of every kind will pour upon you. How different is the fact. I have interrogated every planter who has come to the land office. They speak of the frauds as being notorious; but at the same time that they believe, they have no other foundation for their belief than public rumor. I called upon the governor, as he had in his annual message pointed out the evil. I thought that I might have obtained from him some directions how to proceed; but he knew nothing himself—his complaints had nothing specific in them. It is true that one day he detected in his office a fellow who brought a large quantity of the "floats," to have the signature of the justice of the peace before whom the affidavits were taken duly certified; he found that they were spurious, being dated on the very day of their presentation, although they purported to have been signed two hundred miles off. Nay, some of the justices were out of the State, and had been six months out of office. It was then evident that these affidavits had been signed blank and filled up with names and testimony altogether fictitious. You probably wish to know what was done with this man. He was suffered to go off peaceably with his "floats." I do not pretend to give my opinion as to what the governor ought to have done; but it seems to me that a little more rigor might have been exercised.

Understanding that a committee had been appointed, to which had been referred that part of the governor's message that related to the fraudulent purchase of lands, I visited the Journal of the House to obtain the names of those on the committee. I found that a report had been made, but was not copied, and the clerk who had it on file had secured it under lock and key, and was in the country. The governor nor any body else could tell

me aught about this report. From the little impression it has left, it may well be inferred that it contained little more than vague allegation. Sunt verba et boces, &c. Several persons who promised to make disclosures have backed off. One Mr. Woolfock, who was lately in Washington, had the honor of dining with the President, was closely questioned by him on the subject of the alleged frauds, and also by the Commissioner. This Mr. W. is a planter, residing, I believe, in the parish of Iberville; but, although the facts have come to his knowledge. he refused, he tells me, to divulge. Is it surprising, when you consider that those engaged in this business belong to every class of society, from the member of the legislature (if I am informed correctly) down to the quarter-quarter-section settler! A large company was formed in New York for the purpose, and have an agent who is continually scouring the country. A second agent from the same quarter has lately arrived, with power to draw to any amount. The constant conversation everywhere is about the large fortunes that have been realized by land speculations. Every one is eager to join—honestly if they can. But can it be supposed for one moment that they would blow up a scheme by which they hope one day to be benefited themselves? This is a sad picture of affairs, to be sure; but, disheartening as it is, I shall, nevertheless, use my utmost exertions not to disappoint the confidence which the President has done me the honor to express in my behalf, although with slender hopes of success. One thing is certain, that, except some plan is devised, the United States have no chance of selling their lands hereafter at a price above the minimum. The district attorney has promised some important information. All that a careful examination of the applications could produce, was a stronger conviction of the malfeasances, without anything palpable. A string of numerous patronymics strike you very often as being of a suspicious character, especially when the bearers are in easy circumstances; as it is hardly to be supposed that the member of this family would, instead of enjoying the comforts of the paternal roof, settle upon some lone spot, with all the hardships incident to a new settlement. The pre-emption rights granted to the Armant family (see certificate No. 87, &c.) are of that nature. All the applications received at this office have come clothed with the requisite testimony taken before a judge or justice of the peace; but of the extent or character of the interrogatories propounded, nothing is known. My belief is, that they are verbal, and that no minute is taken of them. The officers have been, it appears, satisfied with the certificates, and never have thought it necessary to issue a commission for additional evidence. When I arrived the evil had been arrested by the "notice on public lands," and, above all, by the order to publish the names of the pre-emptioners thirty days previous to receiving their applications. The sensation it produced, I am told, was very great. Numerous applications have been lodged at the office by claimants who wish to secure their titles, and, in the meantime, enjoy the money until the near expiration of the law. The register, not knowing whether those applications came under the provision, took legal advice, and it was decided that the new regulations could not have a retrospective effect, and that the applications so lodged must be entered without previous publication. I thought differently, inasmuch as it was not properly a requisition, but a measure of precaution, which ought to extend as far back as it could reach. I, however, consulted the district attorney, who was of my own sentiments, and I therefore instructed the register to cause the old applications to pass the ordeal as well as the recent ones. The officers appeared to understand all the provisions of the new laws; but the one granting double concessions or pre-emption right to back tracts (I have not here the date) seems to receive from them a very singular construction; neither they nor Mr. Cenas, the former register, could show me their authority for acting as they do. This is the case: when the concession of a tract of land fronting a river or bayou has been confirmed, the owner has a right to a back concession equal in superfice, at the minimum price, the area to be formed by producing the lateral lines; this offers no difficulty where there is but one owner, but when the concession or tract of land has become the property of several they often disagree, some wishing to procure what the law allows them, and the others refusing to enter for want of money or other cause, but unwilling to sell their title or abandon it, supposing that when the present law expires, it will be revived by another. Thus the owners in the former case are deprived of the benefit of the act by the obstinacy of the dissenters, as it has been the practice of the officers not to recognize the subdivision of a concession in the granting of a back tract. If it has been so decided to avoid the expenses of surveys, the case cannot reach Mr. George Milligan, who owns, in Plaquemine, a plantation composed of different tracts, the titles to which were subsequently confirmed in his own person. Mr. Milligan claims double concession in the rear of *one* of his *tracts only*, to secure some improvements he has made, but at the same time abandons his right to the balance; but, inasmuch as the concession was vested in him alone, they decide he must take the whole or none at all, and have rejected his claim to a portion. Please write to me and to the Land Office what is your decision in this case. Thinking that suborned witnesses might have been produced to prove pre-emption rights, I commenced a list of all the names. The frequent recurrence of the same might, as I thought, have led me to the discovery of some fraud; in that I was disappointed; I, therefore, abandoned the design, and turned my attention to those who had proved the floats, and this is now the result of my investigation. Applications Nos. 327 to 356, 415, 416, 448 to 463, 476 to 478, 495, 505, and 506, about 8,500 acres, proved by one Ch. Bishop, before Judge Jno. W. Duncan, of this city. Nos. 301 to 319, and Nos. 322 to 326, about 3,800 acres, by Samuel Tanner and Jesse Batres, proved before J. B. Laperuse, J. P., of Terrebonne. Nos. 486 to 491, by And. McCallam, about 1,000 acres, before Judge Ed. Rawle, of this city. Nos. 479 to 485, about 1,000 acres, by J. B. Harris, before A. Barry, J. P., of Terrebonne. Nos. 417 to 436, about 3,200 acres, by W. W. Lewis, before Judge Rawle. Nos. 401 to 410, about 800 acres, by A. S. Randolph. There is, I am told, a great speculation in land, and the agent of a New York company, of the name of Bishop, but cannot tell if it is the same person. All the affidavits of Tanner and Batres, and those of J. Harris are detached.

In looking over the applications, I have reason to be convinced that the testimony was often taken in a loose manner; for instance, application No. 98. Under this number one Allen Palmer claimed to enter section 3, township 1, range 7, east, containing 137½ acres. The affidavit was sworn to before Ch. Poydras, justice of the peace, of Point Coupee. One of the witnesses was one James Main, who testified as to the cultivation and occupancy, and deposed further that he was in no manner interested with the said applicant in the said tract of land. And yet, in the very face of this declaration, the said Palmer abandons his right to the said tract to the witness, James Main, because he had also cultivated the same tract, and claims to enter section 14, township 1, range 7, east, 150.70 acres, which he did. The register excuses himself on his being yet new in the business of the office, the affidavit being lodged with him on the 3d December, 1834.

Numbers 87 and 88 are two applications by J. B. Armant, for the benefit of J. B. C. Armant and Edmund Armant; the oath is filled up in the name of the grantees, and sworn to by John B. Armant, the proxy.

No. 102 is an application signed by Peter Elizer and Milly Elizer.

No. 101 is another, signed by Mary Ann Elizer and James Elizer. It requires very little perspicacity to see the same person has signed the four names.

No. 235. Application made by Peregrim *pere* and Peregrim *fils*, evidently signed by the same person.

The books in both offices are neatly kept and papers in good order; the register's deputy is an indefatigable man and very popular in his office. I had already occasion to notice, in 1834, that no tract-books are kept. All the books were up to the date. Below is a list of the errata found in the register's books.

I remain, very respectfully, sir, your obedient servant,

V. M. GARESCHE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Errata in the register of certificates.

142	Stanistau	should be	Stanislaus.
153	Arsenau	do.	Arseman.
168	Gelluson	do.	Gellussean.
205	Huchet	do.	Hachet.
243	Chiasson	do.	Chaisson.
248	Yves Hebert	do.	Vives Herbert.
305	William Bell, jr.	do.	William Bell, sr.
360	Elijae	do.	Elisha.
370	Luisa Luck	do.	Luisa Lurk.
462	L. Bermoudier	do.	Marie L. Bermoudier.
439	75.10 acres, $93 87	do.	75.70 acres, $94 63.
522	Gotreau	do.	Gautreau.

46 Southwest half-quarter of section 103, township 14, range 16, should be south half of southwest quarter of do.

49 L. G. Dupare should be L. D. Dupare.

No. 10.

DONALDSONVILLE, *May* 6, 1836.

SIR: I arrived here on Sunday night, 24th ultimo. In my communication, dated New Orleans, 22d ultimo, accompanying my report of the preceding day to the Secretary of the Treasury, I stated the reasons of my coming to this office, the examination of which commenced on the 25th ultimo. Before proceeding any further on this subject, I would call to your mind that, at my leave-taking visit at Washington, you were pleased to require that I should not be sparing of my remarks. If, in making use occasionally of this privilege, I happen to hurt any opinion, or go in opposition to any decision from you or your predecessors, I hope it may be fairly understood that I do not harbor the ridiculous presumption of oppugning sentiments previously expressed, but that my opposition arises solely from my ignorance of decisions already given, and of the grounds on which such decisions were founded. This applies to my remarks on the double concession. I have found that, in this office, a letter had been received from Commissioner E. Haywood, directing the surveyor general to survey the whole of a back concession, without any reference to the number of its owners. It is from this source, no doubt, that the officers at New Orleans have drawn the rule by which they are governed in this case. The remarks contained in my report to the Secretary of the Treasury fall, therefore, to the ground. I cannot, however, dismiss the subject without expressing my fears that this may become a source of litigation.

I have had occasion to speak with some planters, who are determined to have the validity of their claim to a back concession tested before the Supreme Court, the prohibitory clause of your predecessor notwithstanding. It seems to bear particularly hard on some individuals. I saw a case a few days ago, where one out of twenty arrested the action of the majority by his unconquerable obstinacy. Is there no remedy in this instance? Could not an affidavit, proving the opposition of the individual after being summoned and his consequent relinquishment of the right, entitle the others to the benefit of the law?

I make no progress in my discoveries. Very little is said now about the frauds—whether the order to publish has quieted the minds, or that they are tired of the subject. It is not, therefore, presumable that an informant would now stir up the dying embers of this late fire. I succeeded in having a conversation with Mr. M. Gordon, at New Orleans. I understood that gentleman to say that he gave you, while at Washington, the names of twenty persons connected with the frauds. Here he could name nobody, although he thought it a very easy matter to come at the truth, which was to go to every settlement and elicit the truth from the very persons whose interest it was to conceal it. I should not certainly mention this, were it not that an opinion of this kind, manifested in Washington, might lead to a supposition that I had been remiss in my duty. I have not called upon Judge Duncan as I intended. He bears a very respectable character, and his admitting the testimony of Bishop proves that he thought it satisfactory; any shadow of doubt on my part would therefore have been offensive.

The instructions I received from your predecessor, in 1833, directed me, in my examination of the several offices, to go far enough back to satisfy my mind that the books were correctly kept.

I think, however, that it is not enough: the labor of recording being considerably simplified, it ought no longer to be limited to a mere supposition that the records are correct, but there ought to be a thorough conviction that they are so. The mileage, and not the time spent at the offices, constitutes the greatest charge of the examination. The additional number of days spent in that examination, to make it efficient, is, after all, but a trifling item, and nothing compared to the confusion that will arise when the patents are issued, from (as they must be) the very imperfect returns made to your department, and the additional labor of correspondence and loss of time consequent upon such errors.

I beg leave to refer you to my report to the Secretary of the Treasury, a copy of which I here subjoin.

I remain, very respectfully, sir, your obedient servant,

V. M. GARESCHE.

ETHAN A. BROWN, Esq., *Commissioner, General Land Office, Washington.*

DONALDSONVILLE, LA., *May* 5, 1836.

SIR: When at Pittsburgh, the Commissioner of the General Land Office forwarded to me the copy of your letter to him, bearing date 22d of February last, requesting that I should be furnished with instructions respecting the examination of the office at St. Helena, embracing inquiries into the character and conduct of the officers,

&c., state of the books and papers generally, and, particularly, whether the record of confirmations is in such a state as to admit copies to be promptly taken. Aware that such an investigation, to be efficient, must be done carefully, and require time, I concluded I should reserve it for the last, and avail myself of such information as the surveyor general could communicate, with respect to the private claims lodged in the office at St. Helena, while I could, at the same time, make out a list of all the plats and state of the surveys, and wait for an opportunity for Ouachita, which did not offer at the time of my departure from New Orleans.

As instructed by the Commissioner, I have made an abstract of all the township plats recorded; those whose field notes have not yet been protracted, and of the surveys under contract.

I shall not, however, forward the lists until I can, at the respective offices, note such plats as have been returned. I find that no field notes have been transcribed under the appropriations of extra clerk-hire. The private claims and double-concession law causing daily alterations on the maps would render, at this moment, a copy of the surveys nugatory.

At the sight of so many valuable records lodged in a combustible frame-building, one cannot but regret that some appropriate fire-proof office should not be provided for their security.

The surveyor general is now at Baton Rouge, a delegate to the convention, (Van Buren.) On his return, and while I examine at Ouachita and Opelousas, he will embody all his remarks on the subject of the confirmations.

I have been pursuing, diligently, the subject of the alleged frauds, and really think myself further from the goal than when I first arrived.

The rumor is dying, dying away. As to that strong feeling of discontentment which was said to prevail, I confess, the nearer I approach the places where it might be supposed to exist with the greatest force, the less it is manifested. The governor, who was the first to point it out, has nothing but hearsay evidence to produce. The committee appointed by the legislature could collect, I have been told, but little information on the subject. The obligation to publish the claims has arrested the further progress of the speculators, and seems to have satisfied the community. On the 23d ultimo, the governor informed me that he had in his office a bundle of "*floats*," left for the signature of the justice, to be authenticated; they were signed by Silby, the same who had previously signed the spurious ones; but this time the date was correct, and the bearer was also the same personage whose "floats" had been rejected. At the appointed time, I presented myself to examine the papers, but they had been returned the evening before, and I was thus deprived of a sight of them. My examination of this office lasted ten days.

I expect the boat for Ouachita will be here shortly. I cannot close this report, without bearing testimony to the merits of Colonel Williams, the surveyor general. As a man, his deportment in his office has made him very popular, and as an officer his efficiency cannot be surpassed. The records are kept in very good order.

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

V. M. GARESCHE.

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington.*

No. 11.

Report to the Secretary of the Treasury.

PLAQUEMINE, LA., *May* 30, 1836.

SIR: I arrived, on the 10th ultimo, at Ouachita, and examined the books of the register from the first of December last to the ——, comprising Nos. 2468 to 3323. The entry on the plats were verified from 15th September last to No. 3323, making about 1,200 entries. The receiver's books were posted up to the 30th April, and were examined from January last to Nos. 2700 to 3225. The discrepancies, of which there is a list below, were all corrected. The receiver's account stands as follows:

DR.

To balance from last quarter	$28,634 76
To sales in April	70,076 00
To sales in May	37,439 16
	136,149 92

CR.

By deposit in Union Bank, May 14	$26,304 75
By deposit in Commercial Bank	26,333 31
By balance in Union Bank	196 93
By balance in Commercial Bank	542 20
By notes of New Orleans banks	7,605 00
By commissions to officers, about	1,075 30
By expenses of travelling to New Orleans	62 50
By remittances to Washington, April 19	43,500 00
By remittances to Washington, April 19	30.500 00
By balance due by receiver	29 93
	136,149 92

The date of this account has been obliterated, and is, therefore, not stated.

To balance due $29 93, to meet which he had gold and silver amounting to several hundred dollars. I was inclined to begin my examination of the office from the 15th April last, when Mr. Barry left off. It would have taken up probably five or six days more, but there would have been in that case an uninterrupted chain of examination from the 1st of April, 1833. I think, for my part, it should have been done, inasmuch as the errata list below evinces some signs of inaccuracy on the part of the officers, but I was not authorized to do so, my instructions in 1833 directing me to pursue my investigations only far enough back to form a correct judgment of the manner in which the books were kept. I have, nevertheless, here and at New Orleans, gone beyond these limits. The officers are very respectable men, and pay all necessary attention to the business of the office. The register,

it is true, lives on his plantation five miles off, but comes to the office very early each morning. The late pre-emption law has burdened his department with infinite labor, requiring a deal of judgment, patience, and activity, and making very excusable any error of posting. I had occasion to mention in my report, dated New Orleans, April 21, the refusal of the officers of that district to grant partial back concessions, where there were more than one proprietor on a confirmed claim, acting from precedents established by Mr. Cenas, the late register, who had received his cue from the surveyor general, to whom Mr. Hayward had sent instructions to that effect. These instructions, however, were not transmitted to the different offices, and the register at Ouachita, to whom this construction of the law has never been communicated, has, therefore, pursued a different course, and every owner of a front tract receives his portion of back land, although the co-proprietors of the concession should not wish to avail themselves of the privilege. Thus, the same law does not receive a unanimous construction in the two districts—an anomaly to be regretted. Power being vested in me to decide in certain cases, from previous instruction received at Washington, it behooves me to state when and how this power has been exercised. The case happened of an individual who wished to locate his pre-emption claim and float on a spot which had been surveyed but without return being made to the office of such survey. The officers wished to know if the location might be allowed; my opinion was against it—no survey being deemed cognizable except returned by the surveyor general, and to acknowledge any other was to defeat the object of the Commissioner's instructions, prohibiting the return of any new survey, with a view to shield from the grasp of eager speculators, a portion of good land not yet in the market. The cause was submitted to the district attorney whose opinion will rule of course.*

Again: It happens often that what is represented on the plat as a water course, is one not coming within the boundary of the law of the 15th June, 1832, granting back concessions, because it may be scarcely navigable, and its banks so low as not to admit of permanent cultivation. In that case a front proprietor may extend his pre-emption over it, but before he has exercised it, his neighbors produce affidavits proving the water-course to be of that description contemplated by the law, and claim to enter the land on its banks by private entry. The register measures the water-course on the map, and if of sufficient width, admits the claim. The width, in my opinion, is not conclusive evidence, for the banks may be low and boggy, and the affidavits of interested persons must be received with great caution. When I have been consulted on the subject, I have always referred to the surveyor general, as the most competent to decide as to matter of fact; his field notes are generally accompanied by such remarks as will solve the question. But then, asks the register, why so much additional expense and inconvenience to the purchaser as results from the reference to the surveyor general, when the plats are sufficient authority for us? True, no unnecessary obstacle should be thrown into the way of the purchaser, but if a plat be good authority, we must confess that the authority of the plat-maker is superior still, and in cases of doubtful character, we must have the best to decide, and avoid, for the sake of sparing trouble to one of the parties, to commit an injustice to the other. In all cases of pre-emption and floats the officers have caused the witnesses to appear and have had them examined and sworn before them. It is my opinion that they have done all that prudence required. They have a good understanding of the law, and if any imposition has been practised upon them, the fault lies in the limits of human provision. I must remark, however, that papers and books are not as neatly kept as might be wished. No tract-books are kept in this office.

After I left Donaldsonville, I stopped at Point Coupée, and called on Colonel Charles Morgan, for whom General Ripley had given me a letter. In a conversation I had with that gentleman, he stated that fraud to a great extent had been committed in that district, but he dealt again in generalities. Without disproving the fact, what can I do with such general statements? People seem very anxious that the defaulters should be brought to light, and that the lands should be taken from them, but, at the same time, leave you all the *onus probandi*. As I was afraid to lose the Ouachita boat, which was then performing her last trip but one, I left Col. Morgan, with a promise that I should stop on my way down, which I did, but being told that the colonel was at New Orleans, and would not be back for a week, and not finding in his overseer any disposition to invite me in, I being a stranger, and the hour of twelve at night being a sinister one, I took my leave of Point Coupée, and shaped my course for Plaquemine, where I arrived yesterday at two in the morning. I expect the Opelousas steamboat shortly, and will then proceed on.

Being informed that a sum of $2,000 was claimed of Mr. Joseph Friend, the late receiver, for settlement of account, I looked into his account carefully, compared it with the records, and cast up all the sums, and must confess I saw no grounds for such a demand against him, except, indeed, he had not deposited the sums which are so stated, or that he had brought against the United States some inadmissible charge; but in the latter supposition the amount could hardly be so large. There is on his books a balance of $93 35 in his favor, which appears correct to me.

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

V. M. GARESCHE.

Hon. LEVI WOODBURY, *Secretary of the Treasury, Washington.*

P. S.—My examination lasted fourteen days, having deducted from my sojourn of seventeen days two Sundays and one day that I was indisposed. I have drawn $200 on the receiver on account of my salary.

No. 12.

OPELOUSAS, LA., *June* 9, 1836.

SIR: I enclose you a copy of my report to the Secretary of the Treasury, respecting the alleged frauds committed on the public lands. You will find the result very different from what you imagined; for it is not true that the whole of the Atchafalaya railroad is covered with floats; it is not true that 350 floats have been passed at this office from the 1st of January, 1835, to the 27th of May, same year; it is not true that at any of the offices floats have been located separately from the mother tracts. Colonel Robert A. Crane, (the authority of whose name has been used,) in a conversation with a gentleman, on whose veracity I can rely, expressed himself very differently from what he had done before, and this a few days ago. It may be well to observe that, at the time the district attorney at Opelousas denounced the 350 floats which, on inspecting the records, I found reduced to 19! he himself owned five, being more than one fifth of the whole quantity. Of all the allegations, nothing will be found standing in a short time but a few scattered facts, which will not even be proved without difficulty. At Ouachita and Opelousas, the officers have been, perhaps, too severe in their scrutiny. At New Orleans,

* I have since seen the district attorney, who has given the same decision. Opelousas, June 5th.

where the testimony was not taken before the officers, and where the receiver had his duties performed by a deputy, (who had, besides, the labors of a large store to attend to,) it may be inferred that undue advantage had been taken, but still not to that extent mentioned. I shall go on gathering facts pro and con. The strangeness of the result has induced me to remit to the President a copy of my report. The accompanying letter I enclose for your perusal; the original went off by the last mail. I am going on with the examination of the office, and will probably leave for Donaldson next week.

Please excuse the roughness of my report—I have not time to write it anew.

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

V. M. GARESCHE.

ETHAN A. BROWN, *Commissioner of the General Land Office.*

Copy of a report to the Secretary of the Treasury.

OPELOUSAS, *June* 9, 1836.

SIR: As long as there was any corner unexplored, and of course any hope of coming at the truth respecting the alleged frauds committed on the public lands, I abstained from expressing my opinion on the subject, not wishing it should be surmised that I was acting under a feeling of despondency unfavorable to the object in view; but I have now reached the last office where these frauds might have been detected; for, at St. Helena, the law has not, I am told, received any application. It becomes, therefore, my duty to declare explicitly that the evil is far, very far, from deserving the importance which it acquired from the message of Governor White, and from the complaints that reached Washington from every section of this State. After all the alarm that has been created, my declaration will no doubt appear very surprising; but it is nevertheless true. The officers at Ouachita and at this place have, in every case, cross-examined parties and witnesses, and sometimes rejected claims which might notwithstanding have been well founded, but which did not rest on sufficiently strong evidence. At New Orleans the expenses of residence are such that the officers dispense with the presence of witnesses, and allowed the testimony to be taken before a magistrate. That these did not attach to this matter the importance it deserved, and suffered spurious claims to be proved, is a lamentable fact; and I have already reported upon the authority of Governor White, that blank affidavits have been signed by a justice of the peace residing at Iberville.

But I found, on inspecting the books, that few had been presented at the office, and cautioned the officers against admitting any bearing the signature of this prevaricating magistrate, except after the closet examination. What could have led to these general complaints of the best public lands being covered with fraudulent floats? complaints which, in many instances, involved the character of the officers themselves, and very undeservedly, too? for the three offices already examined are conducted by honest and meritorious men, whose reward for their arduous task imposed on them by the pre-emption law, ought not to have been the censure of the community. That frauds should have been committed in spite of their vigilance and caution, no one will deny; there is no situation in society in which you can guard against it; and all the pre-emption laws that have been enacted have been subject to the same inconvenience. If the complaints have been louder this time, it is because, not content to grant to the settler that portion of land which he had cultivated and built upon, the legislature thought that his trespassing on the public lands deserved encouragement, and, in addition to what he had already illegally seized, they conferred on him the privilege of choosing in the district a tract of land which he might enter at the minimum price. While, therefore, the honest citizen had to wait until the lands were in the market, and take his chance of an increased auction price, the trespasser had his choice of the best without competition, and at the lowest rate. But this trespasser or pre-emptor had not always the means of obtaining possession of this unexpected boon. The privilege must then have been lost but for the speculator who came to his aid. The pre-emption right being proved, the money advanced, the speculator became the proprietor of the "float," and the settler remained in the possession of the land which he had cultivated. None of the two tracts, however, were entered at the land office; they were kept some time in reserve, in order to collect others and locate a large section, or re-sell at an advanced price. They became in this manner what their title purported, "floats." When at last they fell into the hands of the persons who wished to locate them, application was made at the office, proof was produced, witnesses examined, and the mother tract and float accruing thereon were entered together. There was not in all this anything that was not perfectly honest—anything that was not perfectly legal; and in no instance whatever have I discovered that the location of the principal and consequent was not made simultaneously. But this we did not understand at Washington, deafened, as we were, by the clamor raised. We thought the two tracts had been separated in their action, that while one had been designated the other became merchandise in the market, and was still waiting for some spot on which to rest. The proclamation of the 28th of February, 1836, was made in order to put the community on its guard against purchasing the floats. But the face of the country was checkered, cut up by these locations. Another class of speculators who had certain spots in view, saw with regret their compactness destroyed, and thereby the ruin of their hopes; hence the complaints—hence the accusations of fraud, &c. Honest men joined honestly in the cry; it spread. Some instances, too, of malpractices were reported; it gave weight to the general clamor, and in this manner the shadow became substance. Governor White, carried away probably by the general impression, denounced to the legislature the extensive frauds that had been practised; a committee was appointed to investigate the matter, and nothing was wanting but the proof. Can anything show in a stronger light how far we can be influenced by public opinion than the fact of the district attorney for the western district of Louisiana denouncing officially, that at least three hundred and fifty pre-emption floats had passed the office at Opelousas, from the first of January, 1835, to the 27th of May, same year—when, in fact, I counted only 19! I absolve the gentleman from a wish to mislead, and only quote the error into which he had inadvertently fallen, to prove how far one's mind can be saturated with the rumors of the day as to make it inaccessible to plain truths. Another instance of this is to be found in the extract of a letter to Henry H. Johnson, esq., dated 6th of October, 1835. His informant states that spurious claims have covered all the Atchafalaya railroad. Not knowing, at the time that I was in New Orleans, the townships through which ran this projected railroad, it was not in my power to verify the fact. It runs a distance of twelve miles through the southeastern district. But at Donaldson I procured a map on which is traced the course of the road, and it will appear probably very strange when I state that there is not in this district one solitary instance of float being laid on the passage of that road, which runs twenty-four miles through the district. I have thus shown how misinformed were the two persons whose testimony has been quoted in support of the assertion *that very extensive frauds have been committed*, and how the community stands in a great measure acquitted of the obloquy cast upon it, although some people no doubt have obtained subsequent titles through the perjury of themselves and friends. But where is the remedy against this? Where is the court—where is the jury that will

convict the criminal? I unhesitatingly answer, not one. Although the offence is in itself of the most heinous nature, the motive will never be considered of sufficient importance to affix a stigma to the character of any one. What, in the beginning of this business, created some alarm, and was well calculated at any rate to excite suspicions, was the number of pre-emptors that were brought to light; they seemed to pour in from all quarters, and floats began to deluge the country, and yet nothing was more innocent than these claims, which were presented for the most part by the people who lived in the pine hills, where they knew that it was not probable they would be disturbed for a long time. They were, however, started from their place of obscurity by float-hunters, who, for the sake of the float, agreed to procure for them a title to their settlement, and, in some instances, advanced them money besides. Many thousand acres of land were sold in this manner, which, but for that circumstance, would never have been sold in our lifetime. It may, therefore, be said that the United States obtained nearly $2 50 an acre for all the land that was sold under the act of Congress, dated 29th of May, 1830. But were it even proved that these claimants had no legal right to the tracts acquired, could a decision be obtained against them, the lands taken from them, and revert to the United States? The consequence would be very plain: the day that they were offered at public sale, a combination would be formed by some of those very speculators who are now so loud in their complaints, and to them they would probably be adjudged at the price of $1 25. Which *minimum* price has always been the *maximum* obtained by the United States. It is possible that morality would gain in that event, but it is certain that the Treasury would lose.

The facility of passing pre-emption laws is so well understood in these days, that preparations are now making to obtain a revival of the last. I have reason to believe that cabins are now erecting on the choicest lands with a view to avail themselves of the future bounty of Congress. It is a folly to talk of the *poor squatter*—the laws have never been made for him; he gets but a very small fraction of the whole; all the benefits of the speculation fall into the hands of the intriguer; it is for him that the bill is introduced; it is for him alone that the voice of our orators is heard on the floor of Congress. It is time, indeed, that some opposition should be made to legalizing the trespass of the people upon the public lands, instead of encouraging it by privileges. It is not my wish to throw any imputation on our legislators; but it is made evident that all the land laws have been the source of all the mischief complained of; they have gradually introduced a system of immorality which is daily gaining ground; the success of some cannot but become a strong temptation to others. All the evils that were anticipated from a too high custom-house tariff, namely, the demoralization of the people, are likely to flow from the above cause. As to the officers of the land office, they have discharged their duty faithfully, and I do not think that any blame should be attached to them. Where the evidence was not perfectly satisfactory, further proofs were required, and although some suspicion might have lurked in their minds as to the validity of the claim, they would have been hardly justifiable to have acted upon the impulse of their doubts. Such a discretionary power, if exercised at such a distance from the metropolis, would have been dangerous, have led to just complaints, and in the case of their doubts having been unfounded, have made them liable to the censure of the community. They have therefore contented themselves with such evidence as would have satisfied a court of justice; nay, gone further; but in all cases the guilty may escape through the inability of his judges to refute his testimony. But I will state, in further justification of the officers, that both at Ouachita and at this place, where they strongly suspected an intended fraud, they sent an agent on the spot and had the survey made at their own expense, which resulted in the rejection of the claim. One of the officers who did this was the late Valentine King, whose conduct has been unjustly assailed.

The late pre-emption act has imposed incredible labors upon the officers; no one could believe except he had witnessed it; and I doubt not that many would send their resignations if the act were revived. But the task, though hard, may be censured with ease. As for myself, I do not know in what light my statement will be received, different as it is from preconceived opinions. Should I be so unfortunate as to be liable to the suspicion of having neglected my duty, I must patiently await my justification from the report of the committee which I am told Congress has appointed to investigate the facts. In the meantime I have proved how unfounded was the information transmitted to Washington. More evidence to that effect might be adduced were it not generally believed that the authors of such information, sincere themselves, were misled, however, by interested persons.

I am, respectfully, sir, your obedient servant,

V. M. GARESCHE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

No. 13.

OPELOUSAS, LA., *June* 9, 1836.

SIR: I beg leave to submit to you a copy of my report to the Secretary of the Treasury, on the subject of the alleged frauds committed on the public lands. The result of my investigations is so different from what we were led to anticipate from the nature of the information received, that I am not without apprehension that doubts will arise as to the faithful performance of my trust. And yet, sir, the words which your excellency was pleased to address to me when I had the honor of taking my leave, have continually rung in my ears. "Remember," you said, "that we place great confidence in you." I have exerted myself, sir, to deserve that confidence; but it was not in my power to bring forth facts in support of unfounded assertions. The people of Louisiana, who, on my arrival, were to furnish me with abundance of testimony, seemed, on the contrary, quite indifferent on the matter, save a few who spoke vehemently, it is true, on the faith of public rumor, but had nothing tangible to offer. When, subsequently, I discovered that the most important charges had no foundation, and contrasted the conduct of the officers with the idle accusations against them, it was impossible that I should not remain convinced that the whole affair did not deserve the noise that had been made about it. No, sir, it must please you to think that the officers appointed by your excellency have been faithful to their trust, and that the democratic State of Louisiana is, in a great measure, clear of the foul charges brought against it.

I remain, very respectfully, your excellency's obedient servant,

V. M. GARESCHE.

His Excellency ANDREW JACKSON, *President of the United States.*

No. 14.

DONALDSONVILLE, LA., *June* 23, 1836.

SIR: I have the honor of remitting to you a copy of my report to the Secretary of the Treasury, of the examination of the office at Opelousas. It commenced on the the 3d instant and terminated on the 15th, which, deducting the two intervening Sundays, leaves 11 days. My reports of the 9th and 15th bear the dates of the arrangements of materials, but were written at this place, and have employed four days. I found the office in good order; the plats in a tolerable state of preservation. The method of book-keeping adopted here by the register differs from all others, but answers every purpose; it is the old register of certificates kept by the late Valn. King, namely: the blank applications have been bound in a book form, and after being filled, instead of being cut off and filed, become his record and are signed by him. The register has had a press made for the keeping of his plats; its internal arrangements are well adapted for the intended object; I think it ought to be allowed.

My object in stopping at this place was to receive from the surveyor general the instructions which he had promised relative to the intended examination of St. Helena; but he only returned yesterday from New Orleans, where he had been to assist the officers of the land office in the last struggle of the expiring double-concession law. The press of business, he tells me, was considerable. He found himself obliged to allow the partial double concessions, where the parties could not agree among themselves. The southwestern district will be the only one where such a favor will not have been extended; and the relief law, which I suppose the closing of the office at Ouachita will induce people to sue for, and which it appears to me cannot be refused to them without injustice, will open the door to an extension of all the obnoxious laws which, it was to be hoped, had expired forever.

I have been told that the Maison Rouge and Bastrop claims have been disposed of in Congress. I have had access to papers which prove that the former claim was never made to Maison Rouge, otherwise than as a trustee for the emigrants he might introduce; and that he was not even empowered to allot them the ground himself, which was to have been done by the commandant; and further, that the original did not extend as far down as is now represented; the accession being made by the commandant and the heir of Maison Rouge.

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

V. M. GARESCHE.

ETHAN A. BROWN, *Commissioner of the General Land Office.*

Copy of a report to the Secretary of the Treasury.

OPELOUSAS, LOUISIANA, *June* 15, 1836.

SIR: I entered on the examination of this office on the 3d instant, and commenced where I presumed my predecessor, Mr. Barry, had left off. The account of the receiver stood as follows:

DR.					CR.
April 30,	To the balance of last account rendered.....	$2,567 75	May 30,	By deposit in Union Bank at Vermillion.....	$25,500 00
	To sales in May.....	33,586 91¼		Stationery.....	59 50
	To sales to this date.....	3,715 21¼	June 2,	Balance in Mechanics and Traders' Bank.....	14,716 19
	Balance in favor of receiver	1,724 10		Deposited by me in said bank	1,318 29
		41,593 98			41,593 98

I have received from him $200 on account of salary.

The double-concession law is understood here and acted upon in the same way as it is at the office at New Orleans, being both notified by the surveyor general of the intentions of Commissioner Hayward respecting the same. But the planters, supposing there must be some mistake, or that the instructions must be repealed, and not wishing that their silence should be construed into an abandonment of their rights, have filed their claims in the office, and deposited the money for their partial back concessions, and wait for a decision from the department. I have already mentioned this case in my report dated New Orleans, April 31, folio 4, and folio 2 of my report dated Plaquemine, 31st May. The surveyor general returning a survey for a whole concession only, in conformity with the instructions of Commissioner Hayward, although the concession is in the hands of different owners, it prevents those individuals from obtaining their certificates, which might enable them to raise money by depositing them in banks. The designation of the back tracks being left blank, prevents the issuance of the certificates.

Several people had filed their pre-emption-claim floats before the law had expired. They were notified to designate both, and neglected doing so. The cases were published. I did not suppose, under those circumstances, that they were entitled to the floats, and advised the officers not to grant them until they had a decision from the government on the subject.

Certificate 952 is for a back concession of 206 acres. The property falling into other hands, the present owner finds that he was entitled to a larger area, and claims to enter the balance, which I did not think should be allowed without the assent of the Commissioner.

No. 242. Under that number Ch. Prefere entered 25th March, 1830, the northeast and southeast quarters of northeast quarter of section 21, township 9 south, range 4 east. Under 1296, Ch. Martin, 19th March, 1836, entered the southwest quarter and southeast quarter of northeast quarter of same section, township, and range—the southeast quarter of the northeast quarter being therefore entered twice. The error probably originated from the entry not being made on the plats. A portion of section 4, township 1 south, range 1 east, is in the same case, being sold 8th of March to J. L. Garret, and on the 8th of June, 1835, to W. L. Hunt; see certificate, Nos. 1282, and 1097. No. 1251. Under that number, there has been entered the southwest quarter of a section stated in the register's book to contain an area of 161.56 acres. This plat and tract-book states the area of the whole section (No. 30) to be 752.96 acres; the fourth of which is therefore 188.24, instead of 151.56. I have instructed the officers to leave off fractions of cents, which are no longer used in merchants' books, and add greatly to the labor of summing up. As directed by the Commissioner, I have also instructed the re-

ceiver to discontinue the series of his numbers, but in preference to those of his predecessor, I have made him adopt the series of the register. A case presented itself which proved the necessity. After Mr. King's death, an individual came to the office, who produced a certificate from him for eighty acres of land, but without receipt, although he averred having paid the money. Mr. Rogers, the receiver, assured that he had not received it, and the entry on the tract-book had been erased. There was strong evidence, indeed, that the money had never been paid, but a regard for the character of her late husband made Mrs. King pay the amount. It is evident from this, that if there had been any identity in the register and the receiver's numbers, any omission of that kind must have been discovered immediately. The officers are also in the habit of describing the tracts of land in the most complex manner, for ¼ sections will not be designated by the simple title of N. W. S. W. &c., but are thus described: the N. E. S. E. N. W. and S. W. quarter-section, &c. Nothing is more fatiguing than this constant repetition, and the head gets so bewildered after some time as not to understand it at once; it is also the source of most of the errors of posting on the tract and plat books. In recommending the abandonment of the practice, I only act, I think, in conformity with the suggestions of the late Commissioner, who thought that clearness and simplicity went together. In the same manner I would designate the N. W. and S. W. quarters of N. W. quarter, and N. W. and S. W. quarters of S. W. quarter, by the more simple phrase of W. half of W. half of section, &c. The N. W. and N. E. quarters of S. W. quarter, and N. W. and N. E. quarters of S. E. quarter of section, &c., would be the N. half of S. half of section, &c., and the mind would catch at once the locality without the aid of a diagram.

I am sorry to hear that the register at Ouachita has closed his office on the day that his commission expired. He expressed his doubts to me about the propriety of discharging the duties of the office after his commission was out, but as it was on the eve of the expiration of two laws, when it was expected that very numerous applications would be made, and the disappointment of people therefore very great, I quoted a number of cases to convince him that an officer's commission was never considered expired until he was notified by the department, and that, in the meantime, his acts were acknowledged, and his salary and perquisites continued. I represented the injury done to the public, and the consequent attack that might be made on the department. I thought I had converted him to my opinion; my mortification, therefore, was very great. I hope you will not consider any impropriety in the advice I gave, founded as it was on precedents.

I have been told that what remained of the archives of Pensacola at Havana, has been sent to New Orleans, with what view I cannot tell.

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

V. M. GARESCHE.

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

Register and receiver errata.

No. 1373 and 1312, N. E. and N. W. should be N. E. and S. E. and E. half of N. W. and S. W. quarter-section.

No. 1268 and 1207, section 34, should be 24.

No. 1365 and 1294, 40.20 acres, should be 40.05, $50 06.

Tract books.

No. 1188, E. half of S. E. not entered.

No. 1200, the register of certificates states the area to be 67.57 acres, the tract-book, 67.51.

No. 1202, the register of certificates states the area to be 129.14 acres, the tract-book, 129.26.

No. 1212, the register of certificates states the area to be 80 acres, the tract-book, 80.05.

No. 1257, the register of certificates states the area to be 161.56 acres, the tract-book, 180.24.

No. 1289, entered at N. E. quarter, instead at N. W. quarter.

No. 1296, S. W. of N. W. quarter and S. W. of S. W. quarter, should be S. half of N. E. quarter, section 21, T. 9 S. range 4 E.

No. 1323, section 19, should be section 20.

No. 1328, T. 6 N. register of certificate, plat, T. 6 S.

No. 1333, 80.30 acres, $100.38: in the register of certificates, 80.15, $100.19.

No. 15.

Copy of a report to the honorable the Secretary of the Treasury.

ST. HELENA, LA., *July* 15, 1836.

SIR: I commenced examining this office on the 1st instant, and closed on the 14th, inclusive, making 14 days, Sundays not excepted, but exclusive also of the time employed in writing and copying reports, &c. I found on my arrival that the receiver had gone to New Orleans to make a deposit of public moneys, and was detained by the additional bond required by your late circular. The two officers bear very good characters. They are both intelligent, and, as far as I could judge, disposed to do justice and accommodate every one. Mr. John Killian, the register, has not had, it is true, the advantages of a classical education, but he possesses good sense and judgment, and has made himself quite familiar with the business of the office—at least so far as practicable in its confused state. He resides in this village. Mr. P. Childress resides twenty miles from, but talks of removing his family to it shortly. As soon as he returned I made out his account, which stands as follows:

Dr.	To the balance due last quarter		$2,527	54½
	To sales up to last of June		69,008	83¾
			71,536	38¼
Cr.	By deposites in April and May	$43,000 00		
	Ditto in June	23,000 00		
	Salary for the last quarter	125 00		
	Three journeys to Covington to deposit	31 50		
	Stationery	9 50		

Brought forward		$71,536 38¼
Commission on $66,000 deposited, and $248 66 disbursements	$669 18	
Commission for risk on depositing	83 66	
Cash on hand, Union Bank notes	$1,000	
City Bank	1,210	
Commercial	150	
New Orleans	100	
Atchafalaya	70	
Gas lights	100	
	2,630 00	
		69,548 84
Balance due by the register		1,987 54¼

The receiver's book was very neatly kept—the register's not so much so. The first was examined from No. 220 to 630, and the latter from 208, 1st January, 1834, to 630, May 31, 1836. Both departments had their books one month in arrear when I arrived. The register has engaged a clerk, and was bringing up when I left. Every entry has also been examined on the tract-books and plats. The errata list will be found at foot.

In this district the location of school lands has been changed repeatedly, so as to allow section 16, usually reserved for that purpose, to be opened to private entry; and yet it is probable that this same section 16, was never offered at public sale. There is in the public sales of lands a looseness of manner, and irregularity, about which I shall take the liberty of making some remarks at a future time.

I beg leave to call your attention to some double entries that have been made at this office.

No. 87 purchased the east half of northeast quarter of section 12, T. 4, R. 1 E. No. 99, also.

No. 294 purchased the east half of northwest quarter of section 2, T. 5, R. 1 E. No. 448, also.

No. 413 purchased the northwest quarter and east half of northeast quarter of section 12, township 8, range 4 east. No. 600 subsequently entered the northwest quarter of the same.

Priscilla Wright, formerly P. Lewis, filed proof in the office of her title to a tract of land, being lot 2 of sec. 13, T. 2, R. 1 E. containing 158.63 acres, before Samuel J. Rannells, register; the affidavit went to prove her occupancy of the land since 1819. Being admitted to enter, she deposited the money in the hands of M. P. Childress, who was then clerk of the receiver. In the meantime, one Mr. John Bell, on the 3d of May, 1831, entered the land and lodged the money in the hands of the register himself, who handed it over to the receiver, and had his titles completed; in virtue of which he drove Mrs. Wright from her dwelling and other improvements in 1833. Mrs. Wright's titles are clearly established by the affidavits of four respectable witnesses. The property is now worth upward of $3,000, and Mrs. Wright, who is again a widow, is driven to seek a home elsewhere. She had between 10 and 15 acres in cultivation.

Dr. Hugh Montgomery purchased, the 6th November, 1824, a tract of land said to be the half of the northwest quarter of section 27, T. 4, R. 3 E. 80 acres. On the 10th of same month he entered what is described in the register of certificates as being the N. E. fractional quarter of section 27, 120 acres. According to these entries, there would still be left the half of the N. W. quarter of the vacant section, which I believe is not the case, for N. W. quarter contains 131.40, and the N. E. quarter 65.50 acres, making 196.90. The doctor having paid for 200 acres is evidently the owner of the N. W. and N. E. quarter. Could not the books and his own certificates be rectified so as to embrace the whole of the N. W. quarter, to which he appears evidently entitled, and his titles made complete?

Your note of the 22d of February last to the Commissioner of the General Land Office, a copy of which was transmitted to me, requesting that I should examine the land office at this place, meant, as I conceived, that I should go beyond the examination of the every-day business and report on the state of the records. Not knowing whether you were rightly informed respecting the confusion that exists in this branch of the office, I have paid particular attention to the subject, so as to lay before you a synopsis of the facts. The evil is such as to call for immediate remedy, and if a plan can be devised which will secure to every one the peaceable possession of his property, the benefit to the State will be immense. The different commissioners appointed by government, James O. Cosby in particular, had rendered essential services; but the want of order and care in recording his transactions have contributed to throw into its original confusion what he had at first so skilfully elucidated. His successors did not, any more than he, feel the importance of leaving after them proper land-marks; and one of the consequences is, that the same tracts under different definitions, have been confirmed or *donated* to different persons, and that the most active having obtained their orders of survey have had possession of their lands and left to their co-claimants but empty titles. If the axiom "*vigilantibus non dormientibus subvenient leges*" is applicable in this case, how will it be where the order of survey is opposed by actual possession and cultivation? Yet the whole district is full of those conflicting claims.

I will now proceed to give a list of the documents in the office, and the state in which I have found them.

The first report of James O. Cosby is in a good state of preservation. It is a certified copy, by Elijah Hayward, esq., of the origiual on file in the General Land Office. The claims are classed under different heads, designated by letters.

A is a register of claims to lands in the district west of Pearl river in Louisiana, founded on complete grants, derived either from the French, British, or Spanish governments, which, in the opinion of James O. Cosby, the commissioner, are valid, agreeably to the laws, usages, or customs of such governments. It comprises 432 claims.

B is a register of claims to land in the same district, founded on orders of survey, (*requetes*,) permission to settle, or other written evidence of claims derived from either the French, British, or Spanish government, which, in the opinion of the same commissioner, ought to be confirmed. It comprises 320 claims.

C is a register of claims to land in the same district, founded on grants said to be derived from either the French, British, or Spanish government, which, in the opinion of the same commissioner, are not valid agreeably to the laws, usages, and customs of such governments. It comprises 55 claims.

D is a register of claims to land in the same district, founded on orders of survey, permission to settle, or other written evidence of claims, which in the opinion of the commissioner ought not to be confirmed. It comprises 187 claims.

The report concludes with a register of 30 enormous claims.

I suppose that most of the vouchers are on file. I did not think it necessary to examine them: besides in the present state of things such a labor would have been useless or premature.

The act of Congress of the 3d March, 1819, confirms the claims under the letters A and B. The second section provides that claimants under the letter B, who should not have filed with the commissioner the plat and certificate made prior to the 15th day of April, 1813, under the authority of the Spanish government, shall not be entitled to more than 1,280 acres as a donation.

The 3d section of the same act confirms another report of the same commissioner, of which I find two manuscript copies in the office, one under the title of "Abstract containing a list of actual settlers to land in the district who have no claims thereto, derived from the French, British, or Spanish government," dated 7th June, 1813; and another, under the title of "Supplemental list of actual settlers," without date. The acts of Congress confirm the lists, and limit the donations to 640 acres, where it shall be satisfactorily proved that the land had been inhabited or cultivated on or before the 15th of April, 1813, provided, that not more than one tract shall be thus granted to any one person. The law makes here no distinction of those who claim in their own right or claim by purchase. I would hardly suppose, however, that the second class is also embraced. Yet, Congress approved the list without comment, and the commissioners, setting aside the proviso, have made, if I am informed rightly, donations conformably to their list, and allotted several to one person, the act of the 3d of March, 1819, renewed by the subsequent acts of the 8th of May, 1822, and 4th May, 1826, notwithstanding. These donations having passed through several hands, have obtained, from the circumstance of their never being disputed, a sanction amounting to almost a consent, on the part of the United States. To disturb this would, therefore, be to disturb the whole community, and throw on the sales of public lands a doubt and uncertainty highly injurious to all parties.

Two incomplete printed copies of reports from Ch. S. Cosby and Fulwar Skipwith, land officers of this district, dated 17th of March and 18th of November, 1820, embracing various lists of claims, in numerical order, addressed to Josiah Meigs, esq., Commissioner.

The acts of Congress of 8th May, 1822, confirm all the lists of claims recommended by the above-named officers, where it appears by said reports or lists that the land claimed or settled on had been actually inhabited and cultivated by such person or persons, in whose name it is claimed, on or before the 15th day of April, 1813, and limits the donation to 640 acres.

There is a register of claims of various denominations, signed by Cosby and Skipwith, without date, and certified by Commissioner G. W. Graham, supposed to be of the year 1821. It is called No. 2. Also, a list of renewed claims, under the letter E, marked number 3. My search after No. 1 has been unavailing. The list under the letter E are renewed claims, which had been, it appears, previously rejected under the letters D and C. It contains a column headed thus: "Reference to commissioner's report." Ch. S. Cosby and F. Skipwith's report must therefore be meant. Each claim is prefixed with the letter D or C, under whose head it must have been previously presented; its numerical order is also noted. Owing to some mistake perhaps in the copy, I I could not find the connection. There is another similar list, dated 24th July, 1831, signed Cosby and Skipwith, with which I have been equally unfortunate, which induces me to believe that the office might also be deprived of the reports referred to. The commissioners in each subsequent report, assuming new series of numbers, have cut us off from the possibility of ascertaining the fact, at least in this office.

Some of these rejected claims, brought forward a second time, warrant a belief that further proof had been produced satisfactory to the commissioners. Be it so or not, I could not discover any, and yet some have been confirmed.

A printed report of Samuel J. Rannells and Wm. Kinchen, dated 19th January, 1825, and a supplemental manuscript report by the same, dated December 5, 1825, certified by Commissioner Elijah Hayward. There is also a printed copy of the same in bad order. An act of Congress of the 4th of May, 1826, confirms the preceding reports, as far as they are recommended for confirmation.

"Several sheets stitched together," purporting to be a list of certificates issued from the office. On the first page is an "Abstract of patent certificates, issued on the 7th of February, 1825, numbered 1, 2, 3;" each refers to "original certificates" bearing a No., and also to certain claims also bearing a No.; but I was unsuccessful in identifying any of these. They are signed by David Bradford, clerk. Pages 2, 3, 4, are blank; page 5 contains a list of two certificates, Nos. 1 and 2, referring to Jas. O. Cosby's report; each certificate bears date of its issuance, by Samuel J. Rannells and Wm. Kinchen. This series seemed intended for the claims classed A, in Jas. O. Cosby's report. Pages 6, 7, 8, are blank. Pages 9 to 11 contain a list of 13 certificates, the first 10 issued by Jas. M. Bradford and Wm. Kinchen, from the register B, of Cosby and Skipwith. Reference is made to the letter and No. of the report. It is continued by Samuel J. Rannells and William Kinchen. No. 11 has no reference to any report. At page 13 is an "Abstract of certificates" issued by Jas. M. Bradford and Wm. Kinchen, from "Register A, of Cosby and Skipwith's new series." New series is here meant, I suppose, in opposition to the series of Jas. O. Cosby; there are 6 of those certificates. Part of pages 14, 15, and 16, are blank. In page 17 is an "Abstract of certificates," issued by the same; it is headed "New series actual settlers:" the first five are from Cosby and Skipwith's reports, without any other reference, which makes it very tedious to look for the claim. From No. 6 to 17, there is no reference to any report, and I could not find their analogy. Page 20 is blank; 21 has a list of "certificates granted by Jas. M. Bradford and Wm. Kinchen in duplicates;" it begins at No. 5 and runs on to 33, at the bottom of page 24. Some of them have reference to register A; others have no dates. Pages 25 and 26 contain "A list of certificates granted to actual settlers." It begins from No. 2, 3, and on to No. 31; they partly refer to the reports. The former list, that broke off at No. 33, page 24, is resumed at page 26, and continues to No. 97, page 36; it then proceeds in another book, intermixing a new series, so-called, which begins at No. 28. Up to No. 125, old series, and 41, new series, nothing more than the names of the claimants are mentioned, without even the date of the certificate. Below No. 127 is a line drawn, under which is written, "July 1st, 1824, new report;" some of these certificates are dated. After No. 189 commences a new report, which extends to 317, with references and occasional dates. No. 318 being part off, the next report begins at No. 319, and concludes at No. 357; it is dated 18th April; the year, I presume, is 1825. The remarks that were made on the preceding report are also applicable to this. The list continues in this manner as far as No. 690, which concludes the book. From 556 to 566, ten numbers have been left out. On the back of these sheets is a list of 8 certificates, without enumeration, said to be neglected entries. This list of certificates is continued through other sheets, as far as No. 764. The last report is dated July 1, 1829. The first number of this series was issued in February, 1825; and yet the orders of survey refer to other certificates as far back as 1819. What has become of these certificates, which comprise a period of six years? I have made up from scraps on file in this office, a list of certificates of actual settlers, from No. 160 to 287, and from 400 to 836; they bear neither dates nor signatures, and are the roughest kind of memoranda.

The prolixity of my description arises from my wish to lay before you the mutilated state of the documents

in this office; and in doing so, I could not escape being wearisome. You will perceive that the numerical order has been so much abused that instead of elucidating, it only tends to increase the confusion.

There are about 1,500 orders of survey made up into different books with an index; very few are signed, and their references are unmethodical; the issuers of these orders are still alive. A copy of these orders, although certified by the register, can serve no legal purpose. It will be necessary to have some legislation on the subject. In their present state the banks will not receive them as titles.

The proofs in support of settlement claims were the oath of the settler, supported by that of a witness, before a magistrate. They are put up in bundles, and marked with a letter of the alphabet. The index to these is arranged in alphabetical order. All claims under the French, British, and Spanish governments are copied in bound books; they are those reported under the letters A and B by the commissioners. Each of these books is numbered alphabetically. The index to these wants the letter A, and part of B. From this inventory of the documents in the office, you will perceive how copies of very few titles can be obtained; the records not being anything else but very informal memoranda.

James O. Cosby, a gentleman of unquestionable talent, issued all his documents without retaining authenticated copies; his successors imitated his disorder, although men of talents themselves; so that the necessity of rummaging all the books and papers, when titles are ascertained, makes the archives a perfect scene of confusion. Much time besides is lost; for the best part of the day is often spent in fruitless search, and the register unable after all to decide on the validity of the claim.

Almost every tract of land in this district derived from Spanish grants or actual settlement could have its title disputed. To remedy the present evil as far as practicable, it appears to me that the first thing to be done is to embody all the different reports of the commissioners into one, the names arranged in alphabetical order, with one column designating the previous report from which the title is derived, the letter under which it has been classed, and the number attached to it; another column would explain whether it had been confirmed, and if so, what proofs had been filed in the office, also, due reference to such proofs. Something must also be done to authenticate the orders of survey. Some original ones issued from this office are in the archives of the surveyor general at Donaldsonville; the others have been lost by being handed to the deputy surveyor, who, except in very few instances, never returned them; and to increase the present difficulty of the situation, most of those surveyors are since dead. Some of the orders also were verbal. In short, out of about 4,000 claims, 1,500 at most have their orders of survey, and the greater part of these are not signed.

What I have taken the liberty to suggest is but the outline, and the first step to be taken; the person charged with its execution would, as he proceeded, extend the plan agreeably to the nature of the documents, keeping in view that he has to make out a complete index to the whole, and spin the thread which is to lead the officers through the intricacies of this labyrinth. With an *exposé* of this kind it will be easy to determine upon the course to be pursued. A number of persons, contrary to the intentions of Congress, have had different rights conceded to them; they have escaped scrutiny, mixed as they were in different reports. Another great evil, for which I cannot see a remedy, is the complaint arising from erroneous surveys; some of the proprietors having their lands completely smothered under the conflicting claims of two lateral neighbors, who not only pass over his lands, but overlap their respective limits.

As delay serves only to increase the evil, I respectfully suggest the propriety of adopting measures as speedily as possible.

The records of confirmation will admit at any time of copies being taken from them, except the references should be faulty, which is often the case.

Colonel Williams, the surveyor general, accompanied me to St. Helena, where he stopped thirty-six hours. He found that the different reports of the commissioners which were on file in the office would be of great use to him in draughting his plats. He will probably write for them.

I forgot to mention in its place an error in the receiver's last accounts; he charges $25 for risk in depositing on 84 miles, instead of 42, the distance from St. Helena to Covington, the place of deposit. The difference is $12 50.

I have made out a list of the furniture in the office, which could not be done in 1833, owing to the absence of the officers.

I enclose a copy of my letter to the officers of the land office at Quachita, dated 28th June last.

I have drawn $100 from the receiver.

I am, respectfully, sir, your very obedient servant, V. M. GARESCHE.

ERRATA IN THE REGISTER'S BOOKS.

Register of Certificates.

No. 245. $199 55, should be $199 45.
246. E. half of N. W. quarter, and W. half of N. W. quarter, should be S. W. half of N. E. quarter.
261. E. half of S. E. quarter, should be of N. E. quarter.
262. Section 26, should be section 36.
278. 221.94 acres, should be 271.94 acres.
286. Section 22, should be section 27.
305. W. half of S. W. quarter, should be W. half of S. E. quarter.
340. $100 06¼, should be $100 56¼.
349. $200 05, should be $204 05.
372. Section 32, should be section 22.
382. E. half of S. W. quarter, should be E. half of N. W. quarter.
415. Section 44, should be section 43.
427. Lot 4, section 7, should be lot 1, section 30; the application calls for lot 4, section 30, but it is evidently wrong,
444. Lots 1, 2, 3, 4, 374 acres, should be lots 2, 3, 4, 5, 324 acres.
462. 180 acres, should be 108 acres.
479. $832 41½, should be $832 16½.
481. $512 05, should be $544 05.
482. 370.90 acres, should be 320.90 acres.
485. 297.87½ should be 298.50.

498. 500, }
503. 504, } Eugene Rosseau, should be Eugene Rousseau.
556. 557, }
502. $643 16¼, should be 646 16¼.
504. Township 5, should be township 6.
506. 78.70 acres, should be 78.30 acres.
522. 645 80, should be 642 80.
525. $861 81¼, should be 861 71¼.
539. 401, should be 801.
547. }
548. }
549. } R. 3 E., should be R. 4 E.; applications wrong.
550. }
549. E. half of N. W. quarter, and S. W. quarter of section 18, should be E. half of N. W. quarter, and S. E. quarter of, &c.
562 to 569. Bowman, should be Boman.
565. 320 acres, should be 320.90.
567. $400 20, should be $400 25.
572. 275.86 acres, $344 87½, should be 275.66 acres, $344 57½.
577. 112 acres, should be 112.45.
584. $200 6¼, should be $200 66¼.
586. S. W. quarter of S. W. quarter of section 27, should be S. W. quarter of S. E. quarter of, &c.
589. 120.69 acres, should be 120.09 acres.
591. 150.11½ acres, should be 150.86.
599. Section 24, should be section 25; application wrong.
220. 262.576 not entered, No. 630 entered, section 11, should be section 14.

Receiver's books.

286. Section 27, should be section 25.
292. E. half of N. E. quarter and E. half of S. E. quarter, should be E. half of N. E. quarter and E. half of S. W. quarter.
334. Lot 3, should be lot 1.
335. E. half of S. E. quarter, should be E. half of S. W. quarter.
362. R. 5 E.
382. E. half of S. W. quarter, should be E. half of N. W. quarter.
444. Lots 1, 2, 3, 4, should be lots 2, 3, 4, 5.
487. Lot 4, section 7, should be lot 1, section 30.
506. $78 70, should be $98 37½.
547. to 550 inclusive, T. 6 R. 3 E., should be R. 4 E.
572. 275.86 acres, $344 82½, should be 275.66 acres, $344 57½.

Register's tract-books.

219, 221 to 223, 227, 269, 271, 273 to 275, 302, 416 to 427, 453, 456 to 458, 461, 462, 545, also the month of June not entered.
218. 100 acres, should be 80 acres.
261. E. half of N. E. quarter, should be E. half of S. E. quarter.
549. Entered in T. 6, R. 4 E., should be T. 6, R. 3 E.

A copy of a letter addressed to the register and receiver of public moneys at Ouachita, Louisiana, dated

DONALDSONVILLE, LA., *June* 28, 1836.

GENTLEMEN: I had this morning a conversation with an individual who is recently from Monroe, where he has been to prove pre-emption rights and floats, but in consequence of the office being closed, left without accomplishing his object but partially, his claims being admitted on file, to be entered when the register resumed his functions. Perhaps it will be better to pursue that course, although an irregular one, than to give rise to relief laws, which would open the door to claims of every kind, and throw us into all the confusion from which we have so fortunately emerged. Of the propriety of these proceedings, however, I am not qualified to state an opinion, otherwise than as a simple individual. But this same person stated further, that he was admitted to designate his floats on lands the surveys of which had not been returned. You are aware, I presume, that the object of the department in ordering plats not to be returned, was to save a portion of excellent lands from being floated upon, and that it would be defeating their object were you to admit these claims in suspense, to be recorded at a future period. My opinion is, that you are not to permit any land to be floated on except such as you had the surveys of on the 19th instant, the day when the law expired. Surveys returned on or after the 19th must be considered inaccessible to floats, although you should admit the floats to be entered at a subsequent period, as (in addition to the reasons stated above) it would give to a portion of the community advantages of which others had been frustrated. I argue, of course, from my knowledge of the sentiments of the department in relation to the matter. But should they have received any modification, and a new circular prescribed a new rule of conduct, what I now state is to be considered as null and void. No survey is to be considered as returned except under the signature of the surveyor general, in his official capacity.

Respectfully, &c. V. M. GARESCHE.

No. 16.

NEW ORLEANS, *July* 31, 1836.

SIR: I have this moment withdrawn from the post office your letter, dated the 6th May last, with the accompanying document relating to S. Davis, esq.'s claims. I met Mr. S. B. in this city in April last; he men-

tioned the business to me, and I desired him to forward to me at Ouachita, all the necessary information, that I might investigate the conduct of the register respecting this matter. He did so, but the vouchers were less full than at present. I examined carefully the subject, and wrote to him that I thought the conduct of the officer free from blame, and that the fault was his, for not having had his claims recorded in time; but that probably Congress would grant him leave to locate elsewhere. I have not, unfortunately, retained a copy of my letter. Perhaps, with the additional proofs I now have, I might change my opinion. As to Mr. Woodson Wren's statement, (I believe that gentleman is postmaster at Natchez,) I have heard it said it was not correct, and I believe that affidavits were preparing to prove it such. This is all that I remember of this affair. Mr. Davis having written to me on two different occasions, sending plats, &c., I was enabled to give the subject the attention it deserves, and if convinced that the register had acted wrong, would have reported the case to you, as has been invariably my custom. After all, I might be mistaken. I therefore write to Mr. S. Davis to send me, at Washington, under your cover, the copy of the letter I addressed him.

I have the honor of remitting to you a copy of my report to the Secretary of the Treasury, respecting the examination of the office at St. Helena. A detailed inventory of the records was not, I believe, contemplated, and would at present have answered no purpose. One of the books containing copies of confirmations, and marked E, is missing, as I have been since informed.

I also remit the inventory of the furniture; a copy of a letter I wrote to the officers of the land office at Ouachita; the list of the townships surveyed and to be surveyed at Donaldson, and those returned to the different offices; and, finally, a copy of my report to the Secretary of the Treasury, respecting my examination of the receiver's account in this city. You will understand my motives for so doing. You will perceive that the sales from the 31st May to the 18th June have amounted to the enormous sum of $276,000.

The original of my St. Helena report was mailed in this city on the 29th instant, that respecting the receiver's account this morning.

The time employed in such examination, writing, and copying my reports—eleven days.

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

V. M. GARESCHE.

ETHAN A. BROWN, Esq., *Com'r of the General Land Office, Washington.*

P. S.—Since writing the above, I remember having condemned the register at Ouachita for having suffered Mr. Samuel Davis's back tract to be floated on, and his answer was, that it fronted on a bayou. If you refer to my Ouachita report, dated Plaquemine, at the bottom of page 2, you will see the arguments on both sides. The paragraph begins—"It happens often that what is represented," &c.

Respectfully, V. M. G.

Inventory of the furniture belonging to the United States, found in the land office at St. Helena, Louisiana, viz.:

In the register's office a press with pigeon holes, cypress	$15
In the receiver's office a pine-board table	2
	17

V. M. GARESCHE, *Examiner.*

ST. HELENA, *July* 15, 1836.

A.

NEW ORLEANS.

SIR: I beg leave to call your attention to the accompanying papers; they are the proofs of a fraud attempted to be committed upon the rights of myself and others, by Charles Bishop, the agent of L. Millandon, esq., and Andrew Hodge, esq.

It may be necessary, in the first place, to make some explanation of the manner in which assignments have generally been executed in this State, and the understanding supposed to exist between the parties to them.

The law approved the 19th June, 1834, allowed a privilege of pre-emption to persons who had cultivated and then occupied public land. A quarter-section to each settler was the quantity upon which this privilege might be exercised. If two persons occupied the same quarter-section, they were permitted to enter it, and to take one hundred and sixty acres elsewhere, holding both tracts as tenants in common: this generally occurred.

As soon as this act was approved, certain individuals commenced to collect applications, or *floats*, as they were called, making these conditions with the claimants, viz.: that they would pay for all the land applied for, (320 acres,) provided the applicant would assign to them *one* of the tracts, or one half of the land.

The assignments were signed and acknowledged in *blank, before* the application was presented, that is, the name of the assignee and the description of the land were not inserted.

This will be seen by the certificate of Samuel Martin, esq., a justice of the peace for the parish of Iberville. With regard to the names included therein, the first *ten*, with the exception of Martinez and Mary McCleon, have acknowledged assignments to me, *not in blank*, before F. D. Miller, esq., justice of the peace and notary public.

In many cases injustice was done the applicants by allotting them a tract of eighty or even *forty* acres, and filling up the blank assignments with the residue of the land purchased, amounting to near three hundred acres, which had been located in a very valuable township. See receipt of Glin and Hudson, No. 383; Gonzaly and Hudson, No. 255; V. S. C. Jervieque and D. S. Jervieque, No. 887.

This was contrary to express agreement, even admitting that the assignments were executed in legal form.

But some have been bolder still in their attempts to deprive the original purchasers of their rights. They have inserted *both* tracts of land in their blank assignments, made before the purchase of the land, and intended for *one half only* of the two tracts which was supposed to be the tract *floated* on, or allowed to supply the deficiency of the quarter-section occupied by the claimants.

And this has been done sometimes without consulting the parties, and contrary to their wishes, sometimes with their consent obtained by false representations. Charles Bishop, the agent and partner of L. Millandon and A. Hodge, has been the perpetrator, *in their behalf*, of these frauds.

I am thus particular because my own interests are at stake, being a purchaser from the persons mentioned in Justice Martin's certificate, of one half of the land purchased by them; and I desire that you will not issue

patents on the certificates accompanying the transfers supposed to be made by them to L. Millandon or A. Hodge. Of these certificates I will say a word. They were procured from the register on the presentation of the assignments after they were filled up; he was imposed on, for he could not know whether these instruments had been filled up *before* or *after* acknowledgment.

I shall forward the assignments made to me in the form suggested by E. A. Brown, esq.

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

GEORGE W. WATTERSTON.

J. S. WHITCOME, Esq.

B.

Personally appeared before me, the undersigned, justice of the peace for the parish of Iberville, in the State of Louisiana, John McCon, of the said parish and State, who, being duly sworn, deposed and said, that, whereas a certain Charles Bishop, a speculator in lands, has left in the hands of his mother, Margaret McCon, money to pay him for a tract of land purchased by him from government, conjointly with his sister, Mary McCon, which he has never sold and never intended to sell to the said Charles Bishop; and believing that he has filled up a blank assignment made to him, or other person unknown, (for one only of the *two* tracts of land purchased by him and his sister, Mary McCon, as aforesaid,) with *both* tracts of land, in order to procure a patent for them *both* fraudulently, he hereby declares formally, and before a proper officer, in order that his case may be brought properly before the officers of government, that he has never been spoken to by the said Charles Bishop on the subject of the sale of this undivided half of the land owned by him and Mary McCon, and that he has never sold, and never intends to sell, to the said Charles Bishop, any portion of the said property.

his
JOHN × McCON.
mark.

Witness:
W. R. TURNER.
WM. JEREBOUD.

Sworn to and subscribed before me, at the parish of Iberville, this twenty-fourth day of September, in the year one thousand eight hundred and thirty-six.

SAMUEL MARTIN, *Justice of the Peace.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Edward D. White, governor of the State of Louisiana. These are to certify that Samuel Martin, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and is now, a justice of the peace in and for the parish of Iberville, and that full faith and credit are due to all his official acts as such.

Given at New Orleans, under my hand and seal of the State, this sixteenth day of November, one thousand eight hundred and thirty-six, and of the independence of the United States of America
[L. S.] the sixty-first. E. D. WHITE.

By the governor.
MARTIN BLAKE, *Secretary of State.*

C.

Personally appeared before me, the undersigned, a justice of the peace for the parish of Iberville, in the State of Louisiana, Adrien Dupuy, of the said parish and State, who, being duly sworn, deposed and said, that, for a sufficient and lawful consideration, which has been paid, he has conveyed, by a legal instrument, made before Francis D. Miller, esq., a notary public for the said parish of Iberville, to George W. Watterston, of New Orleans, the undivided half of a certain tract of land, known, according to the surveys of the United States, as the northwest quarter of section No. 36, in township No. 8, of range No. 1. That, being persuaded by false representations made him by one Ursin Balin, in behalf of a certain C. Bishop, to give his signature to a transfer for the same right and title, he deems it right for his own security, and in further warranty of the said George W. Watterston, to declare under oath, before a justice of the peace, that the signature to the latter paper has been fraudulently obtained, and that he has actually sold to no other person than the said George W. Watterston, his heirs or assigns. ADRIEN DUPUY.

Attest:
URSIN ST. CLARY.

Sworn to, and subscribed before me at the parish of Iberville, this 8th day of September, 1836.

F. D. MILLER, *Justice of the Peace.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Edward D. White, governor of the State of Louisiana: These are to certify that F. D. Miller, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and is now, a justice of the peace in and for the parish of Iberville, and that full faith is due to all his official acts as such.

Given at New Orleans, under my hand and seal of the State, this sixteenth day of November, one thousand
[L. S.] eight hundred and thirty-six, and of the independence of the United States of America the sixty-first.

E. D. WHITE.

By the governor.
MARTIN BLAKE, *Secretary of State.*

D.

Personally appeared before me, the undersigned, a justice of the peace for the parish of Iberville, in the State of Louisiana, Alexis Brassel, of the said parish and State, who being duly sworn, deposed and said, that he has

sold to George W. Watterston, of New Orleans, in the said State, a certain piece of land, being the undivided half of lot one, section No. 26, in township No. 8, of range No. 1, for a sufficient and lawful consideration, which has been paid, and has paid to said George W. Watterston, an act of sale before F. D. Miller, esq., notary public. That, being deceived by a false representation of a certain Pierre Babic, the agent of one Charles Bishop, he has been persuaded to sign for him a transfer for the same land, and he therefore thinks it right to appear before a duly-appointed justice of the peace, for his own security, and in warranty of the said George W. Watterston, to declare that any instrument filled up with the name of any other person than that of the said George W. Watterston, has been fraudulently obtained.

ALEXIS BRASSEL.

Witness: HENRY MARTIN.

Sworn to, and subscribed before me at the parish of Iberville, this eighth day of September, 1836.

F. D. MILLER, *Justice of the Peace.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Edward D. White, governor of the State of Louisiana: These are to certify that F. D. Miller, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and is now, a justice of the peace in and for the parish of Iberville, and that full faith and credit are due to all his official acts as such.

Given at New Orleans, under my hand, and seal of the State, this sixteenth day of November, one thou-
[L. S.] sand eight hundred and thirty-six, and of the independence of the United States of America the sixty-first.

E. D. WHITE.

By the governor.

MARTIN BLAKE, *Secretary of State.*

E.

Personally appeared before me, the undersigned, a justice of the peace of the parish of Iberville, in the State of Louisiana, Joseph Ebert and Marie Louise Gautraul, purchasers from the United States land office at New Orleans of two tracts of land, designated, according to the receiver's receipt, as section Nos. three and one hundred and four, townships Nos. nine and seven, of ranges Nos. two and nine, being lots five and six of the first, and northwest quarter of the second; and who, being duly sworn, do depose and say that they have sold and assigned by a legal instrument the former tract above-mentioned to George W. Watterston, for a sufficient and lawful consideration; that, fearing that a certain Charles Bishop, or other person unknown, has inserted in a transfer (made *in blank*) of the latter tract of land, both the above-mentioned tracts, they deem it proper to declare on oath, for their own security and in warranty of the said George W. Watterston, that, if any right or title to the said tract of land is claimed by the said C. Bishop or other person than the said George W. Watterston, it has been fraudulently obtained, and is of no effect in law.

JOSEPH EBERT,
MARIE LOUISE GAUTRAUL.

GILBER LAUDRY, } *Witnesses.*
HENRY MARTIN, }

Sworn to and subscribed at the parish of Iberville, this seventh day of September, 1836, before me, and in presence of Gilber Laudry and Henry Martin, witnesses.

SAMUEL MARTIN, *Justice of the Peace.*

F.

PARISH OF IBERVILLE, *State of Louisiana, October* 1, 1836.

I hereby certify that the transfers made by G. Loppe and A. J. Voisin, E. Blanchard and N. Blanchard, M. Martinez and G. Voisin, F. D. Miller and J. Guedry, M. Macon and J. Macon, J. Indicat and A. Rodriguez, T. H. Glenn and W. Hudson, H. Hudson and H. Hudson, M. L. Gonzaly and A. Hudson, M. Martin and G. R. Terrell, S. B. Johnson and J. Alamo, V. Bourguis and D. Molancon, J. Ebert and M. L. Gautraul, F. Bureat and M. L. Fowser, A. Macon and M. Macon, C. Burat and M. L. Tebas, François Villars and M. L. Fowser, Washington Hudson and M. A. Thomas, and acknowledged in blank before me, were intended, as was expressly agreed on between them severally and Mr. Lewis, who received their applications to be filled up with half the land to be purchased by the parties severally from the United States, or one tract of land if it did not much exceed one hundred and sixty acres, (supposed to be the tract on which they would be permitted to float,) and that it was also well understood that the two individuals subscribing each application, would receive one hundred and sixty acres or thereabouts—if any of these transfers, made by the above-named individuals, have been filled up with both tracts applied for by the above-named persons, or a number of acres in these two tracts much exceeding one half of the sum of both, over the signatures of any of these parties above-named, and my own, as justice of the peace, it has been done fraudulently.

All the persons above mentioned, with the exception of the first ten, have acknowledged before me transfers of the undivided half of the lands purchased by them, to George W. Watterston.

SAMUEL MARTIN, *Justice of the Peace.*

24TH CONGRESS.] No. 1586. [2D SESSION.

APPLICATION OF ST. LOUIS FOR THE REJECTION OF ANY CLAIMS TO LAND WITHIN THE LIMITS OF THE COMMON OF THAT CITY.

COMMUNICATED TO THE SENATE, FEBRUARY 13, 1837.

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

The petition of the mayor and board of aldermen of the city of St. Louis, State of Missouri, represents: That immediately after the first settlement of St. Louis, and some time in the year 1764, a tract of land, adjacent to the village, was fenced, to be used as commons, and that the same, with some enlargements, was used as commons by the inhabitants of St. Louis, with the approbation of the government, from that time till the cession of Louisiana to the United States, it being the uniform custom, both under the French and Spanish governments, in laying out and establishing towns and villages, to annex to them a portion of the adjacent country adequate for the purpose, to be used by the inhabitants in common for cutting wood and pasturing their cattle, which was called the commons; that, soon after the establishment of a board of commissioners for the adjustment of land claims, the citizens of St. Louis laid before that board their claim to said land, accompanied with proofs of occupancy, together with a survey of the same, made by Antoine Soulard, on 22d February, 1806. That on the 14th of July of that year said board took the claim into consideration, and though they did not confirm it, they remarked that "the claim originated under the French government; that grants of common were usual under the French and Spanish governments, and in conformity with their respective laws, and that they deemed it to be equitable under the Spanish law." That afterward, on the 13th day of June, 1812, Congress, by an act of that date, confirmed to the inhabitants of St. Louis their claims to commons; which act is a statutory conveyance, using words of the present tense, and operate to vest all title in said commons which the United States could convey, in the inhabitants of St. Louis. That, by another act, approved January 27, 1831, Congress recognized the former, and again relinquished all such right as the United States could convey to the inhabitants of St. Louis.

Your petitioners further state that, by the act of 13th June, 1812, above cited, it was provided that the out boundary line of said commons should be run by the United States surveyor, which, not having been done, Congress again ordered it in an act approved May 26, 1824, entitled, "An act supplementary to an act passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled, 'An act making further provision for settling the claims of land in the Territory of Missouri;'" by which act the surveyor general was required "to survey and designate, so soon after the passage of this act as may be, the commons belonging to said towns and villages, (St. Louis being one,) according to their respective claims and confirmations," &c. That under this act an official survey of the St. Louis commons was made in 1833, which survey comprehends the whole of the land included in that of Soulard above mentioned, and confirmed by the act of 13th June, 1812; and your petitioners, under the laws of Missouri, vesting in them the power so to do, have proceeded to subdivide and lease, or sell, the tract of land comprehended in said survey, or otherwise to dispose of it, according to the authority vested in them, and for the best interest of the inhabitants of St. Louis.

Your petitioners furthermore represent that several persons claim portions of the said tract, so confirmed to St. Louis as commons, under different pretences, and are endeavoring to procure the favorable action of Congress on their pretensions to the confirmation of the same, against which your petitioners beg leave to remonstrate. They insist that, by the several acts of Congress above referred to, all title and estate in said land which the United States could convey, has been relinquished to the citizens of St. Louis, and that there is nothing now which the United States can convey or confirm to any other person within the limits of those commons, and that any act purporting to confirm any of that land to any other claimant, though in itself inoperative, would yet work injury to the inhabitants of St. Louis, by raising up litigants, with a color of right to question the title and harass your petitioners with lawsuits that, whatever show of claim may be exhibited by any person to a portion of said commons, that of the inhabitants of St. Louis is at any rate the eldest and most meritorious, having originated with the foundation of St. Louis, and having from that time down to the cession to the United States of Louisiana, been occupied, without intermission, by the authority of the government for the time being. Wherefore, they respectfully request that your honorable bodies will refuse to confirm the claim of any person to land lying within the limits of said commons, should application be made for that purpose. And your petitioners will ever pray, &c.

Adopted by the board of aldermen, January 20, 1837. Approved January 25, 1837.

JOHN F. DARBY, *Mayor.*

A true copy.

Attest: J. A. WHENY, *Register.*

24TH CONGRESS.] No. 1587. [2D SESSION.

APPLICATION OF MICHIGAN FOR LAND FOR THE IMPROVEMENT OF THE NAVIGATION OF THE RIVERS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 13, 1837.

IN SENATE, *January* 23, 1837.

Resolved, by the senate and house of representatives of the State of Michigan, That our senators in Congress be instructed, and our representatives requested, to use their exertions to obtain the assent of the Congress of the

United States, to the propositions contained in the "ordinance," relative to certain propositions made by Congress to the legislature of the State of Michigan, approved July 25, 1836; and likewise, to obtain from Congress, at its present session, an appropriation of five hundred thousand acres of land, for the purpose of improving the navigation of our rivers.

Resolved, That the secretary of state be required to transmit a copy of these instructions to our senators and representatives in the Congress of the United States.

24TH CONGRESS.] No. 1588. [2D SESSION.

ON A CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE SENATE, FEBRUARY 15, 1837.

GENERAL LAND OFFICE, *February* 11, 1837.

SIR: I have the honor to return the petition and papers of John Fletcher, referred by you to this office.

The tract of 640 acres, in the county of Concordia, confirmed to Robert Elliott, in the right of John Otts, by certificate B, No. 402, of the board of commissioners at Opelousas, is described in that certificate as being situate on the Mississippi, "bounded on the upper side by a thoroughfare communicating between the Mississippi and Red rivers, called 'the cut-off;'" and the petitioner alleges that this confirmation should embrace the tract which has been surveyed as section 34, T. 3 N., R. 8 E., in the district north of Red river, which has been sold by the United States. Respecting an attempt heretofore made to locate this claim upon that section, I beg leave to transmit copies of the following letters, viz.: of the 25th September, 1829, from Surveyor General Turner; of 26th and 30th of October, 1829, to that officer, and his reply of the 25th of November, 1829.

By the enclosed copy of part of the plat of the township, it will be seen that the thoroughfare from the Mississippi to Red river, called "the cut-off," is situate between the two confirmed claims of Middleton, and not at the upper corner of section 34.

If the statements made in the petition and accompanying papers are correct, I do not see the absolute necessity of any legislation on the subject, as, upon satisfactory evidence being produced to the surveyor general, showing that the confirmation to Elliott actually covers the whole or part of section 34, it will be surveyed, and as the sale of the land thus previously confirmed is void, the rights of the confirmee will not be affected thereby, and the money paid therefor will be refunded to the purchaser. Should it be found that the land intended to be confirmed to Elliott had been previously confirmed to Middleton, the question as to their respective titles is one that should be settled by the proper judicial tribunals.

By an examination of the copy of the survey of this claim, as made by Dawson, certified by Surveyor General Trist, which accompanies the petition, it will be seen that some words at the conclusion of Mr. Trist's certificate have been erased, and, from a close examination, they appear to have been the words "nor approved."

In regard to the claim of William Taylor to 800 arpens, which the petition, &c., state to be section 33, T. 3, R. 8 E., being immediately north of and adjoining the tract alleged to have been confirmed to Elliott, I have to state that, by the documents accompanying the petition, and by the reports in this office, this claim appears to have been entered with the old board of commissioners at Opelousas, by Hatton Middleton, under a deed of sale from William Taylor to him, as containing 350 arpens, but was rejected by them as not being supported in the manner required by law.

It may also be proper to state that, by a voucher accompanying the accounts of Surveyor General Davis, for the first quarter of 1825, it appears that section 33 had been "claimed by Francis Girault, the confirmation of which is doubtful;" and that section 34 had been "claimed by John A. Girault, as a pre-emption;" but this office has no information showing the nature of the title under which those sections were thus claimed.

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

JAMES WHITCOMB, *Commissioner*.

Hon. L. F. LINN, *Chairman Committee Private Land Claims, Senate U. S.*

SURVEYOR'S OFFICE, *Washington, Mississippi, September* 25, 1829.

SIR: I have enclosed you a copy of the certificate of confirmation in favor of Robert Elliott. By a comparison of the certificate of confirmation with the map of township 3 N., R. 8 E. district north of Red river, you will perceive that the thoroughfare or cut-off is the division line between the claims of Hatton Middleton, sections 35 and 36, and that the land described by Elliott's certificate is already appropriated. The present claimant wishes the certificate of Elliott to cover section 34, and states that the thoroughfare anciently passed through that section, but from all the evidence I can procure, there are no visible marks of the cut-off ever passing through that section.

My own opinion is that the claim of Elliott is embraced in section 36, and that it cannot legally cover any part of section 34. You will oblige me by giving your opinion in relation to the above.

I am, &c. JAMES P. TURNER.

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

GENERAL LAND OFFICE, *October* 26, 1829.

SIR: The copy of the certificate of the board of commissioners, in favor of Robert Elliott, B, No. 402, enclosed in the letter of the 25th ultimo, from your office, is herewith returned. From the statement of facts, as

contained in that letter, I am clearly of opinion that no part of section 34 can be appropriated to satisfy that certificate, and that, as the land intended to be granted by that certificate has been surveyed under a prior certificate for Hatton Middleton, the present holder of Elliott's certificate must have recourse to the courts of the States to obtain the possession of the land, if his title be better than that of Middleton.

Very respectfully, &c.

GEO. GRAHAM.

SURVEYOR OF PUBLIC LANDS, *Washington, Mississippi.*

GENERAL LAND OFFICE, *October* 30, 1829.

SIR: Referring to my letter of the 26th instant, respecting the application of John Fletcher to locate the commissioners' certificate in favor of Robert Elliott upon section 34, township 3 north, range 8 east, I now enclose for your information, a letter received at this office from Mr. Peter Little, of Natchez, relating to that application, and the nature of the evidence that would be produced in its support.

Very respectfully, &c.

GEO. GRAHAM.

J. P. TURNER, Esq., *Surveyor, &c. Washington, Mississippi.*

SURVEYOR'S OFFICE, *Washington, Mississippi, November* 25, 1829.

SIR: Your letter of the 30th ultimo, covering that of Peter Little's, of Natchez, relative to the location of the claim of Elliott, was received by this morning's mail.

In reference to the claim of Elliott, you have my opinion in my letter referring it to you, for your opinion, which has been received, and coincides with my own opinion, as expressed in my letter to you dated 25th September, ultimo.

The business of this district is progressing as usual, and we have more to attend to in the office than I can turn my hands to.

Colonel Hamilton has not yet made his appearance, consequently the business must have ceased if I had not attended to it.

I am, &c.

JAS. P. TURNER.

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

24TH CONGRESS.] No. 1589. [2D SESSION.

APPLICATION OF INDIANA FOR THE SALE OF THE RESERVED LANDS ON THE LINE OF THE WABASH AND ERIE CANAL, AT THE MINIMUM PRICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 16, 1837.

A JOINT RESOLUTION in relation to the public lands suspended from sale on the line of the Wabash and Erie canal.

Be it resolved by the general assembly of the State of Indiana, That our senators and representatives in Congress use their exertions to procure the passage of a law proposing to sell to the State of Indiana, at the *minimum* price of the public land, the alternate sections of land reserved from sale on the line of the Wabash and Erie canal, in said State; and that his excellency the governor send a copy of this resolution to each of our senators and representatives in Congress, as soon as convenient.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, February 2, 1837.

N. NOBLE.

24TH CONGRESS.] No. 1590. [2D SESSION.

RELATIVE TO THE LANDS GRANTED TO ARKANSAS FOR THE ERECTION OF PUBLIC BUILDINGS AT LITTLE ROCK.

COMMUNICATED TO THE SENATE, FEBRUARY 17, 1837.

TREASURY DEPARTMENT, *February* 16, 1837.

SIR: In compliance with a resolution of the Senate, directing "the Secretary of the Treasury to transmit to the Senate a copy of a communication addressed to the Commissioner of the General Land Office by John

Pope, late governor of the Territory of Arkansas, respecting ten sections of land granted to said Territory for the erection of a public building at Little Rock," I have the honor to transmit copies of two letters addressed to that officer, being all the letters on file in that office from Governor Pope, in relation to the subject of the resolution.

I have the honor, also, to enclose copies of two letters addressed to the Secretary of the Treasury by Governor Pope, relating to the subject, which it is thought may be the communication referred to in the resolution.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. W. R. KING, *President of the Senate pro tem.*

GENERAL LAND OFFICE, *February* 11, 1837.

SIR: In answer to the resolution of the Senate of the 10th instant, "that the Secretary of the Treasury be directed to transmit to the Senate a copy of a communication addressed to the Commissioner of the General Land Office by John Pope, late governor of the Territory of Arkansas, respecting the ten sections of land granted to the said Territory for the erection of a public building at Little Rock," referred by you to this office for report, I have the honor, herewith, to enclose copies of letters from Governor John Pope, one dated the 23d January, 1833, and the other the 30th of April, 1833, being copies of all the letters on file from Governor Pope to this office respecting the grant of ten sections of land to the Territory of Arkansas.

I beg leave to state, that it is thought that the letter, a copy of which is desired to be obtained by the above resolution, is one of the letters from Governor Pope to the Secretary of the Treasury, of the 8th or 17th of July, 1833, which were referred to this office for report, and which were returned to the Treasury Department with a communication from this office, dated 31st of July, 1833.

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

JAS. WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

LITTLE ROCK, *January* 23, 1833.

SIR: I have selected most of the ten sections of land granted to this Territory for a public building at this place, but a considerable part has been located on lands not surveyed or approved, and the lands selected cannot be designated in the land offices until the surveys are made and approved. I have sold all the lands selected, and most earnestly solicit you to instruct the surveyor general here to have those lands surveyed immediately. In doing so, you will free me from embarrassment, and greatly advance the interest of the Territory.

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

JOHN POPE.

Hon. LOUIS MCLANE.

LITTLE ROCK, *April* 30, 1833.

SIR: I now forward to you a selection of two fractions of land near and below Little Rock, on the Arkansas river, taken and paid for by the purchaser for 160 acres, be the same more or less. I selected it at the request of the purchaser, and sold it as 160 acres of the ten sections of land granted to this Territory for a legislative house. The purchaser bears the loss of any deficiency in quantity, but will be deemed and taken as 160 acres of the ten sections; and there can be, therefore, no objection to issuing a patent to him, which I will thank you to have done immediately, and enclose it to Colonel Chester Ashley, of this place. The land located will be seen on a plat I forwarded to you about ten days ago, or rather to the Secretary of the Treasury, requesting a patent for 1,000 acres in one, in the patent or patents for the different parcels embraced by my location.

Your prompt attention to these matters is demanded by the public interest here, and will greatly oblige

Yours, with high respect,

JOHN POPE.

Hon. ELIJAH HAYWARD, *Commissioner of the General Land Office.*

The patent to William Russell forwarded to Chester Ashley, of this place. The patent or patents for the 1,000 acres please to enclose to me at Springfield, Kentucky, where I expect to be in the course of the next month.

J. P.

SHELBYVILLE, KY., *July* 8, 1833.

SIR: I have the honor to acknowledge the receipt of a letter from your predecessor, the Honorable Louis McLane, bearing date 13th May, 1833, covering a letter to him from Mr. Elijah Hayward, of the 10th of the same month, touching the location made by me as the governor of the Arkansas Territory, of one thousand acres of land, granted to said Territory for a court-house and jail, by an act of Congress approved on the 15th June, 1832. In my letter to the Secretary, I mentioned that, within the boundaries located, some individuals claimed pre-emption rights, which, from the best information I could obtain, were not valid; and that I was willing to test them before a judicial tribunal. Mr. Hayward, Commissioner of the Land Office, in his letter to Mr. McLane, now before me, says that, "although the governor, from his letter, expressed his willingness to test the title of the pre-emption claimants in a court of justice, he would respectfully suggest the expediency of suspending the final action upon the governor's location until the land officers shall have advised that office of all the particulars in relation to those pre-emption claims." Mr. McLane, in communicating this letter to me, concurs in the propriety of the course recommended. In neither of these letters is my authority denied to make the locations: and I must presume that the letter of Mr. Hayward to Colonel Bernard Smith, to be communicated to William Cummins, dated May 7, 1833, was written without the knowledge or sanction of Mr. McLane.

In the "Arkansas Advocate" of the 5th of June last, the letter of Mr. Hayward is published by Cummins, with an ill-natured attack on me, and intended to injure Colonel Sevier in the election, now pending, for delegate

to Congress, in that Territory. I certainly never gave Mr. Hayward the slightest provocation for this wanton and unauthorized assault upon my official conduct; and must therefore attribute this letter to inattention, and a very censurable ignorance of the subject upon which he was writing. If Mr. Hayward chooses, and, as individual, to become the lawyer or advocate of these conflicting claimants, he has a perfect right to do so; and he will be met before any tribunal competent to pass on the questions of right between the Territory and the adverse claimants; but I positively protest against his authority, as Commissioner of the Land Office, to meddle with the controversy. The authority of the governor to select the one thousand acres is derived directly from the act of Congress of the 15th March, [June,] 1832. Residing on the spot, and having the best means of information, both as to title and value, the matter was confided to his judgment, without reference to the opinion, instruction, or control of any other officer of the government. I feel confident that the title of the Territory to the eight hundred and forty acres, selected below and east of Little Rock, is paramount to any other, and have advertised that for sale on the 4th Monday of October next, pursuant to the authority vested in me by an act of Congress, passed on the 2d day of March last. I shall proceed with the sale according to my advertisement; being fully persuaded that I pass a good title, whether a patent is issued or not.

Mr. Hayward has slandered the title of the Territory, and placed me in an embarrassing situation; but, conscious that I have performed the duty assigned me according to law, and for the benefit of the people of the Territory, I shall go on with the sales, and erect the public buildings.

That Mr. Hayward has acted without due consideration, will be apparent from a view of the several acts of Congress bearing on this subject, and a few facts about which there can be no controversy. His letter to Mr. Cummins of the 7th May is at war with his letter to Mr. McLane of the 10th of May, and Mr. McLane's letter to me of the 13th. In his letter of the 7th, Mr. Hayward states that the tracts claimed by Nathan Cloyes and Elliott Bussy, by right of pre-emption, had been located by the governor of Arkansas, under the act of 2d March, 1833, granting 20 sections, &c., and that no location can be made by the governor on a tract under the act of 2d March, 1833, which has been proved and recognized under the act of 29th May, 1833, [1830,] and July 14, 1832, granting pre-emptions. Now, Mr. Hayward is wrong as to law and facts. I was not authorized, by the act of 2d March, 1833, to make any locations of either 20 sections or the 1,000 acres granted for a court-house and jail; nor did I make any locations under that act. As Mr. Cummins states, I located the 1,000 acres, including the land claimed by Cloyes and Bussy, or the purchasers from them, on the 30th January, 1833, more than one month before the passage of the act of 2d March, 1833, to which Mr. Hayward refers. My location was made in writing, and filed with the register and receiver, and a copy was forwarded immediately to the Commissioner of the Land Office, where it was received and filed in February last, before the passage of the act of 2d March. That act is not before me, but I am satisfied it authorized no location. One act vested the governor with power to sell 20 sections of the land reserved for a seminary; and the other act, of same date, to sell the 1,000 acres granted for a court-house, &c., and to apply the proceeds to the erection of the public buildings mentioned in the act; and the Secretary of the Treasury was expressly directed to issue or cause to be issued to the governor, a patent, whenever he should furnish the Secretary with a sufficient description of the boundaries of the 1,000 acres. In March, I forwarded to the Secretary my location, affirming the location made on the 30th January; and afterward sent him a certified plat of the land selected, and requested a patent to be issued, as directed by the act last referred to. Mr. McLane, without questioning my authority to make the location, or the correctness of my official conduct, has merely suggested the propriety of suspending final action until more fully advised about the conflicting claims.

Permit me now, sir, to call your attention more particularly to the several acts relative to this matter. On the 29th May, 1830, Congress passed an act granting pre-emption rights to settlers or occupants, to continue in force for one year. This was not available to any person who occupied the unsurveyed lands of government; the terms could not be complied with; and no right could be vested in the occupant where no survey had been returned and approved. The act expired on the 29th May, 1831. The lands claimed by Cloyes and Bussy had not been surveyed in a manner to have the sanction of the surveyor general; and no plat was ever made and approved, nor was any plat ever made out for any part of the lands below Little Rock, except the one I forwarded to your predecessor in March or April last, including my location of the 1,000 acres.

On the 14th July, 1832, (more than one year after the pre-emption law of 1830 had expired,) Congress passed an act for the relief of those settlers and occupants who had settled on the unsurveyed lands and could not obtain rights under the act of 1830. This act of 14th July, 1832, applies only to those who were settlers at its passage. But this is not material in the present instance, because it can be shown that neither Cloyes nor Bussy was entitled, as settler on the land, nnder the act of 1830 or 1832.

Previous to the act of 14th July, 1832, Congress (on the 15th June, 1832) granted to the Arkansas Territory 1,000 acres of land for a court-house and jail, adjoining and contiguous to the town of Little Rock, to be selected by the governor of that Territory. The only land worth locating, adjoining and contiguous to Little Rock, was the very land in question—below the town, and adjoining it on the east side, unless, indeed, the 160 acres on the south side of the town can be held against the Madrid claim. The valuable lands south of my location of 840 acres were long since reserved, and selected for a seminary of learning. Not being able to obtain 1,000 acres on the east side, (the very land contemplated by the grant,) I thought it better for the Territory to locate 160 acres on the south side of the town, which had been covered by a Madrid claim, the merits of which I do not yet fully understand. I have not advertised that for sale, hoping that, through the agency of the next legislature and Congress, I might be able to extinguish that claim on terms advantageous to the Territory.

The grant of 1,000 acres would have been a mere nullity, if I were bound to surrender the valuable lands near the town, for the benefit of speculators and pretended claimants. It was my duty to the people to make a selection the most advantageous to them. Most of the valuable lands adjoining and contiguous to the town, were "shingled over" with claims, and, unless I was authorized to contest them, the grant was worthless.

The grant to the Territory of 1,000 acres was made on the 15th of June, 1832, one month previous to the pre-emption law of 14th July, 1832, and I protest against giving effect to the last act to defeat the grant made by a previous act. One thousand acres is granted adjoining the town, and the governor is to designate and describe the land granted, so as to render the grant precise and certain. So soon as I could obtain the necessary information from the office of the surveyor general, I did, on the 30th January, 1830, select, in writing, with all practicable specialty and certainty, the 1,000 acres of land granted. The title of the Territory then became complete, definite, and valid, against the United States, and all others who had not legal and vested rights. As a lawyer and statesman, you know that it is competent for the sovereign power to make a grant of land without a patent, or the intervention of any executive or ministerial officer; although, in the general, it may be expedient and convenient to act by agent. Congress made the grant, the governor gave it certain description and definite boundary, whereby the title became complete in the Territory without patent.

Congress, at the last session, with a full knowledge of the grant, and that the governor had made a selection, positively directs the Secretary of the Treasury to cause a patent to be issued, as soon as the governor should furnish a sufficient description of the boundaries of the land granted and selected. This I have done, and am at a loss to perceive on what ground the patent can be withheld or delayed consistent with the imperative injunction of the act of 2d March, 1833.

Mr. McLane merely suggests the propriety of suspending final action until better informed about the conflicting claims. If the Secretary of the Treasury feels authorized to investigate these adverse claims, and to decide between the claimants and the right of the Territory, I can only assure you that, to no tribunal would I more cheerfully submit the question involved; but I incline to the opinion that the matter of right is only cognizable before another forum. I cannot admit that the decision of the land officers upon *exparte* proof can divest the title granted to the Territory by act of Congress. I have never contended, nor do I now insist, that Congress could, by a grant to the Territory, defeat the vested rights of individuals; and if I have located lands to which private individuals have the better right, they have their remedy, notwithstanding the emanation of a patent. I consider the title of the Territory complete without a patent; and Congress has only directed a patent to be issued in accordance with the general usage; and to render the grant more certain and definite. Suppose the act of 2d March, 1833, directing a patent to be issued, had not passed, would not the grant and previous location have passed a complete title from the United States to the grantee, the Territory, subject always to be vacated by the courts of justice, in favor of prior vested rights? and is it competent for a ministerial or executive officer to defeat the title of the Territory passed by the grant and location to which I have adverted? It would seem to me that you have no discretion over the subject, but that you ought to cause a patent to be issued, whenever a sufficient description of boundaries shall have been furnished. The duties of the executive of the Territory will be embarrassed by the course taken, or rather indicated, and the rights and interests of the people in the sale of the public property will be deeply impaired.

The act passed on the 2d March, 1833, must be deemed a confirmation of the grant of 1,000 acres as designated by the governor on the 30th day of January preceding. While the subject was pending before Congress at the last session, I wrote to Colonel Sevier, advising a clause to be inserted in the bill, empowering the governor to quiet the adverse claims by compromise or purchase; and I have understood he had such a provision inserted in it; but the committee of Congress to whom the matter was referred, struck it out; probably on the ground that they considered the title of the territory under the grant good and valid; and declared they would not recognize these pretended claims, in any the most indirect manner. Before the bill passed I had made the location, and had it filed with the Commissioner of the Land Office.

The committee (fully informed on the subject) refused to give color to these pretended claims; authorized the governor to sell the land at public sale, and erect the public buildings; and positively directed the Secretary of the Treasury to issue a patent.

In defiance of law, and in disregard of the facts I have stated, the Commissioner of the Land Office, without authority, has undertaken to set up claims against the Territory, which Congress refused to recognize even by compromise.

In March last I renewed my location to the Secretary of the Treasury, affirming the selection made on the 30th of January last, and requested a patent to be issued. I afterward forwarded to him a certified plat of the land located, and cannot doubt the right of the Territory to a patent forthwith. If I am correct in supposing the act of the 2d March to have confirmed the grant as designated by the governor, no objection can now be urged to the manner in which it was done.

I have understood that the Commissioner of the Land Office instructed the registers and receivers to receive proof from those on unsurveyed lands; (this was all that could be done, and any act done beyond this instruction was a nullity;) that Bussy's claim was rejected by the land officers, and afterward, upon some representations or more probably misrepresentations to the Commissioner of the Land Office at Washington, he directed the claim to be reinvestigated.

All that could be done under the act of the 29th May, 1830, when the land was not surveyed, was to take proof. The terms of the act could not be complied with to invest the claimant with right or title to the land. As I have always stated, that law expired on the 29th May, 1831. And here let me ask, if the act of 14th July, 1832, had not passed, could the land officers have consummated the rights of the pre-emption claimants? The land officers, without a survey, could neither designate the land claimed, nor could the claimant purchase—the right and title remained in the government, and the sum total of the right of the pre-emptioners was a claim on the moral justice or rather liberality of the government to afford relief after the first law had expired. On the 14th July, 1832, (subsequently to the grant made to the Territory,) Congress did provide a remedy for those whose claims had been lost for want of surveys. But before this (when the right was in the government) a grant is made to the Territory. Now, the claimants (whatever may be the facts, and however strong their cases for relief) cannot vacate a prior grant made by Congress, with plenary right and power to make it. To Congress they must appeal for redress, if their cases are such as to merit legislative intervention. Before any survey was made of this land, and before any right could be acquired under either pre-emption law, the governor designates the boundaries of the grant, and the act of Congress of 2d March, 1833, by necessary implication affirms the grant according to the selection made. In every aspect the subject presents, the question of right seems to me as clear in favor of the Territory as the sun at noonday.

Some minor objections are made in Mr. Hayward's letter to Mr. McLane on the 10th May, 1833, to which I will give a concise answer. His letter seems to imply an exception to the location of a quarter on the south side of the town, S. E. quarter of section 3, because separated from the residue of the lands selected. I can see nothing in the law to give color to this objection. There is no expression in the act forbidding the governor to take the 1,000 acres in distinct parcels. I could not get the whole on the east side of the town, and therefore took one quarter on the south, covered, as I have stated, by a claim not patented.

The next and last objection to be noticed is, that three chains and eighty-one links are taken off the south part of the north fractional half of section one. I have not the location before me, but I am persuaded that Mr. Hayward is mistaken, both as to the expression and effect of the location. A narrow strip of land on the river, of which he speaks, and supposes to be embraced in it, is not taken; but is located under the act granting 10 sections of land, and sold to William Russell. Two fractions, one of 112 acres, and the other 32, on the river, are not parts of the 840 acres below the town, as will be apparent from an examination of the plat.

You will perceive that the parcels below the town, selected to make up the 840 acres, are the following:

	Acres.
Two fractions, being the west fractional half of section 2, range 12	106.36
Fractional section 6, on fractional half of section 6, range 11	254.85
S. E. quarter of section 2, range 12	160.00
The south fractional half of section 1, range 12	318.79
	840.00

The words in the location, "and so much of the north and south fractional half, &c., as will make the 840 acres," must be rejected as nugatory and surplusage, because the quantity of 840 acres is satisfied by the parcels specified, without taking any part of any fractional half. The long strip of two fractions on the river is not made to suit my location, but the selection of 840 acres is in strict conformity to legal subdivision.

You will observe, in the margin of the plat certified by Mr. Conway, a memorandum of the parcels making the 840 acres, and that no strip of 3 chains and 81 links is taken; and if it is, and is improper, you can reject the location of that part, and issue a patent for what is properly selected. An error as to part cannot vitiate the whole.

I feel confident there is nothing in my location about 3 chains and 81 links. Please to examine my selection of the 30th of January, affirmed in my communication to your predecessor, in March, and the plat of Mr. Conway, and you will see, unless there is a mistake in copying, that my recollection is correct. My selection of southeast quarter section 3, on the south side of the town, 160 acres, added to the 840 acres, makes the quantity of 1,000 acres granted to the Territory for court-house and jail, &c.

It may not be amiss here to account for the insertion of the words "and so much of the south or north fractional half, &c., as will make 840 acres." I called on Mr. Conway, the surveyor general, to aid me in making the selections. He did so from the field notes of surveys which had been made and rejected, but was at a loss to ascertain the precise quantity in the parcels intended to be selected, and therefore inserted those words, supposing it possible that such a course might be necessary. On having the surveys re-examined on the ground, it was found that the correct quantity was included, without taking any but the parcels I have mentioned—and of course those expressions can have no effect.

There seems to me no good reasons for withholding a patent or patents for the land; and delay may create doubts of the title of the Territory, and materially injure the sale of the public property. Congress devolved on me the duty and responsibility of selecting this land; to me was assigned the unpleasant task of examining into the claims of both friends and foes; and from the best information I could obtain, there are none good and valid to any part of the 840 acres located below and east of the town. Cloyes, or rather those interested, who persuaded him to set up claim, have no well-founded right to a pre-emption. The only settlement or occupancy on which his pretended right is based, was the occupancy of a house which Chester Ashley claimed or had possession of, which Cloyes, with leave of Ashley, took under written leases from year to year; which leases are now in existence, and ready to be produced before any competent tribunal. Bussy's claim is alike worthless. He resided in town, and probably moved his kitchen over the line on to the public land, for the purpose of claiming a pre-emption. Stevenson and wife have a fairer claim, and it is not in the hands of speculators; but they never resided on the land, within the meaning or letter of the act. Major Isaac Watkins, first husband of Mrs. Stevenson, resided in town, (where Stevenson and wife now reside,) and cleared a field on the public land, which they have cultivated ever since, and may have built some out-houses on it.

In performing the indelicate and disagreeable duty of thwarting the speculations of individuals on the public property, I feel assured that I have acted without wishing to assail the rights of any person, but with a faithful regard to the acts of Congress, and the rights of the people of the Territory. And you must be sensible how painful it is to me to have my official conduct assailed before the public, and my course embarrassed by otherwise technical, unsubstantial, and unfounded objections, sent forth from the public functionaries at Washington.

I have no reason to imagine that Mr. Hayward could have been actuated by personal hostility to me; but his course was certainly unnecessary and unauthorized, and must have been induced by the plausible misrepresentations of interested speculators and their agents, who are attempting to deprive the people of the benefit of a liberal donation made by Congress, and to injure Colonel Sevier and myself, who are desirous to have this valuable property applied to public use. With full faith in your intelligence and justice, I most earnestly urge your prompt and careful attention to the subject of this letter. To the pre-emption law of May 29, 1830; the act of June 15, 1832, making the grant of 1,000 acres for a court-house and jail; the act of July 14, 1832, for the relief of settlers on unsurveyed lands; the act of March 2, 1833, authorizing the governor to sell and the Secretary to cause a patent to be issued; my selection of 1,000 acres, on the 30th January, 1833, with my relocation of the same land in March last, transmitted to your predecessor, and the plat of the surveyor general—you are particularly referred.

Upon a full and careful view of the whole, I feel assured you cannot hesitate to cause a patent to be issued in compliance with the act of Congress of 2d of March last. All of which is respectfully submitted.

You will pardon my prolixity and unnecessary repetition, induced by my solicitude for the rights and interests of the people of the Territory.

I expect to leave this State for the Territory on the 1st of September next, and, in the meantime, would be happy to receive any communication addressed to me at Springfield, Washington county, Kentucky.

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

JOHN POPE.

Hon. WILLIAM J. DUANE, *Secretary of the Treasury, U. S.*

LOUISVILLE, *July* 17, 1833.

SIR: I have received a letter from the Commissioner of the Land Office, dated May 2, 1833, giving a construction to the acts of March 2, 1831, and July 14, 1832, granting ten sections of land to the Territory of Arkansas for a legislative house, and authorizing the governor to select, and sell, &c. Against this construction, implicating deeply the rights and interests of the Territory, and the conduct of the governor in locating and selling the land under those acts, I feel constrained to protest; and most respectfully appeal to you and the President to review and revise the opinion given on this subject. If adhered to, the value of the donation will be greatly impaired, and the executive of the Territory cruelly embarrassed in the erection of the public buildings, now under contract and in progress, without a solitary advantage to the United States. Permit me to premise

that the official relation in which the governor stands to the Executive administration, entitles his acts to their sanction, where a duty has been imposed on him by law or written instructions, and he has executed the authority delegated, if the question of construction be doubtful, or his acts subject to only nice or technical objections. The error of the governor ought to be at least reasonably clear and palpable. Congress, by the first act, grants the ten sections to be selected and sold by the legislature; the legislature having failed to do their duty, Congress, by the act of July 4, 1832, transferred the authority to the governor, to select and sell. He is not referred to the Commissioner of the Land Office, or the Secretary of the Treasury, for opinions or instructions as to the meaning of the act; he is left to act according to his judgment, and locates, sells, and contracts for the public works. Under such circumstances ought his official acts to be nullified and the whole business confided to him deranged, on doubtful ground, or nice or technical objections? Do not utility and that liberality which belongs to the official relation between the executive of the Territory and the appellate authority at Washington, require a confirmation of the decision of the subordinate authority, except in a case of clear and palpable error? and more especially when the government is not to be injured, and the object of the grant more fully and certainly attained? In cases of contested individual rights, the appellate judicial tribunal will not reverse without manifest error, and if the court is divided, the decision of the subordinate court will stand affirmed. How much stronger is the case of a grant, the mere effusion of national liberality, where the intent of the donor is evident!

Without making any strong appeal to the generous and liberal feelings of the supreme executive power, I feel confident that I shall be able to satisfy you that the opinion given by Mr. Hayward, and concurred in on one point by Mr. McLane, is incorrect; and to their candor and magnanimity I might safely trust to correct an error so disastrous in its consequences to the Territory, and the public works now in progress.

My construction of the ten-section act was concurred in by every intelligent man I consulted; and, after the opinion in William Montgomery's case reached me, I showed the law to two very intelligent lawyers, who, without hesitation, concurred in my interpretation of the act. The act says, "There is granted to the Territory ten sections of land, to be selected in portions not less than a quarter-section." It does not require it to be selected in quarter or in half sections, but in *portions*, that is, quantities not less than a quarter-section. Now, in the case of General Montgomery, I located between four and five hundred acres in a body; certainly not less than a quarter-section, but more than three quarter-sections. If a man purchases three or more parcels to make a farm, all adjoining, the several parts lying together constitute one whole or tract, in common parlance and common sense. The tract of five hundred acres located for Montgomery are called fractions, because divided by ideal lines, occasioned by the course of the river, and to preserve general correspondence with the plan or map of surveys; but yet the whole of the fractions lying together, in truth and in fact, when purchased or selected, is but one parcel. I located a part of the public land in portions not less than one, but more than three quarter-sections.

According to legal rule, a grant between individuals is to be construed most favorably for the grantee, and against the grantor: and this rule applies with additional force and propriety to a grant made by a great, rich and kind government to the infant and weak population of a distant and weak plantation. The grant was an act of liberality of the parent government, to relieve the people of a new country from a heavy burden of taxation, to erect their public buildings. If there is any ambiguity in the words of the grant, the interpretation should be such as will best comport with the beneficent object of the donor, and not one calculated to impair or defeat it. A construction, therefore, most unfavorable to the grantee, without advantage to the grantor, is contrary to all the recognised rules of law, justice, and good sense; and the one given by Mr. Hayward, in this instance, is at variance with the course pursued heretofore in analogous cases.

In the act giving the settlers on the Cherokee lands three hundred and twenty acres, the expressions used are in substance similar: Congress grants to each settler any quantity not exceeding two quarter-sections; the word fraction is not used—quarter-section is mentioned in that act and the act granting the ten sections. The word *quantity* is used in one, and *portion* in the other; not less than a quarter-section in one, and not more than two quarter-sections in the other; and yet I believe it has never been doubted that fractions could be located under the three-hundred-and-twenty-acre act; and locations on fractions have been sanctioned by the Commissioner of the Land Office, and why restrict the grantees of the ten sections, to impair the value of the donation and defeat the object of the grant? Congress reserved for the Arkansas Territory seventy-two sections of land, for a seminary of learning. The word *section* is used; and, according to a literal construction, it might be contended that no section could be divided in selecting the land; but, if my recollection is right, the half of one section and the adjoining half of another section were taken to make up the section, in many instances, and sanctioned by the Secretary of the Treasury. Individuals are authorized to enter a half-quarter, and in some instances forty acres; this the governor is prohibited from doing, unless he takes half of an adjoining quarter, making in a body one hundred and sixty acres; it would then be a *portion* of not less than one hundred and sixty acres in a body, and would be in accordance with the course pursued in selecting the seminary lands.

The true intent and meaning of the act is, that small tracts of less than one hundred and sixty acres, in distinct places, are not to be taken; but that at least one hundred and sixty acres are to be taken in a body. Now, whether that one hundred and sixty acres is composed of fractions or not, is immaterial, provided they lie together, and constitute one portion of one hundred and sixty acres. If a fraction or parcel less than one hundred and sixty acres is selected, it must be taken as one hundred and sixty acres, and the difference between the fraction and one hundred and sixty acres must be lost. Whether this could be done, I have doubted; but the most intelligent are of opinion that it can; but the parcel, if not one hundred and sixty acres, must be taken as a satisfaction of one hundred and sixty acres of the land granted. According to the construction of Mr. Hayward, I could in no instance take a fractional half of a section, although amounting to three hundred or even three hundred and nineteen acres. Below Little Rock, within my location of eight hundred and forty acres, there are two fractional halves, one of three hundred and eighteen acres, and the other of two hundred and fifty-four acres; both far exceeding one hundred and sixty acres; and yet, according to his construction in Montgomery's case, I could take neither the half nor the whole, although the two fractional halves amount to near six hundred acres, in the face of a law with but one restriction, and that is, that it is to be selected in *portions* of not less than a quarter-section. Now, six hundred, two hundred and fifty-four, or three hundred and eighteen acres, are certainly not less than a quarter-section. The law grants ten sections of any unappropriated lands, to be taken in portions, that is, portions of land not less than a quarter-section. The construction contended for in Montgomery's case is too technical and absurd to be tolerated for a moment, and must have been given without mature reflection, or a proper view of consequences.

I beg leave to refer you to the construction given to the grant of one township of land to the Lunatic Asylum at Danville. The grant is of one township of land, to be located under the instructions of the Secretary of the Treasury. Under this act, the lands were located in parcels of four sections; and adjoining those sections, the

agent of the asylum was permitted to take half-quarters, fractions, fractional quarters, and fractional halves, on the river; whereas, in regard to the ten sections granted to the Arkansas Territory, according to the opinion in Montgomery's case, no fractions, fractional quarters or halves can be taken; and if one, two, or more quarters, or a section, is taken adjoining a fraction on the river, that fraction cannot be taken. By this construction the Territory is precluded from locating any of the valuable lands on any of the rivers of the Territory, the value of the donation will be much lessened, and the object of the grant in a great degree defeated.

I can perceive no good reason for this restricted construction, nor any benefit which can result to the United States.

This subject is very interesting to the Territory; and I shall be relieved from much embarrassment if your views shall accord with mine.

Should doubts still exist as to the correctness of my opinions, I hope you will lay the whole matter before the President. I can entertain no doubt myself on the question presented, and must therefore press on you a careful consideration of the subject.

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

Hon. WM. J. DUANE, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1591. [2D SESSION.

APPLICATION OF INDIANA IN RELATION TO THE LAND CLAIMS OF CERTAIN FRENCH AND CANADIAN SETTLERS AT VINCENNES.

COMMUNICATED TO THE SENATE, FEBRUARY 17, 1837.

A JOINT RESOLUTION for the benefit of certain French inhabitants in and near Vincennes.

Whereas, it is represented to this general assembly that certain French and Canadian inhabitants, and their descendants, settlers at Port St. Vincent, (now Vincennes,) who have professed themselves citizens of the United States, have never, under the act of cession of the State of Virginia, passed December 20, 1783, and the several acts and resolutions of Congress, received a confirmation of title to the lands to which they are justly entitled; therefore,

Be it resolved by the general assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their exertions to procure the passage of a law for the appointment of a commissioner to ascertain the justice of the claims of those French and Canadian inhabitants, and their descendants, at Vincennes, to lands, who have not been provided for in pursuance of said several acts of the State of Virginia and of the United States.

Resolved, further, That if, upon such ascertainment, it be found that any of such French or Canadian inhabitants, or their descendants, are entitled to land as aforesaid, the President of the United States be authorized to direct the Commissioner of the General Land Office to permit any such person entitled to enter at the United States land offices northwest of the Ohio river a quantity of land equal to that to which they may be so as aforesaid entitled; and that a patent issue to him, her, or them; or that Congress may grant such other relief in the premises as may be just and reasonable.

Resolved, That his excellency, the governor, be requested to transmit a copy of the foregoing resolutions to our senators and representatives in Congress.

CALEB B. SMITH, *Speaker of the House of Representatives.*
DAVID WALLACE, *President of the Senate.*

Approved, February 3, 1837.

N NOBLE.

24TH CONGRESS.] No. 1592. [2D SESSION.

RELATIVE TO CONFIRMED LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 22, 1837.

TREASURY DEPARTMENT, *February* 22, 1837.

SIR: I have the honor to transmit a report from the Commissioner of the General Land Office, prepared in obedience to a resolution of the House of Representatives, adopted on the 26th of December last.

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

LEVI WOODBURY, *Secretary of the Treasury.*

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

GENERAL LAND OFFICE, *February* 21, 1837.

SIR: In obedience to a resolution of the House of Representatives, passed on the 26th of December last, in the words following, viz., "*Resolved,* That the Secretary of the Treasury be instructed to report to this House

the number of claims to land in the State of Louisiana, confirmed under different acts of Congress, and the number of those acquired from the United States by purchase, the number of patents issued for the said claims, and the time which will probably elapse before the whole of the patents due therefor can issue under present arrangements," and which you have referred to this office, I have the honor to report:

That, prior to the passage of the act of Congress of 4th of July, 1836, entitled, "An act confirming claims to land in the State of Louisiana," it is estimated that eight thousand eight hundred and fifty-seven (8,857) claims to land in that State had been confirmed by the several acts of Congress providing for their adjustment and confirmation; of which number, four hundred and sixty-three (463) have been patented.

There are, at this time, no certificates in this office upon which patents can be issued in the southeastern district, the district north of Red river, and the district west of Pearl river; and but very few in the Opelousas district which could be acted on.

It is impracticable for me to state "the time which will probably elapse before the whole of the patents" for private land claims can issue under the present arrangements, as this office can grant patents only in those cases where the required patent certificates of the registers of the district land offices, with the approved plats of survey, are presented. It is, however, confidently expected that patents can be issued in all those cases which, upon examination, shall be found correct, within a few months after the certificates and plats are deposited; and no exertion will be wanting, on the part of this office, to expedite their preparation.

In relation to lands acquired from the United States by purchase, I have to state, that the number of tracts sold at the land offices in Louisiana, from the commencement of sales to the latest returns, is as follows, viz:

At Opelousas, to 31st December, 1836	1,916
At Ouachita, do. do.	4,119
At St. Helena, do. do.	985
At New Orleans, to 30th June, 1836	2,268
Aggregate	9,288

Of this number nine hundred and fifty-nine (959) have been patented—leaving eight thousand three hundred and twenty-nine (8,329) patents to be issued.

There have been several causes which have hitherto delayed the issuing of patents for lands sold in Louisiana; the principal of which are:

The peculiar features of the country and localities of the land in various portions of the State, causing many anomalies in the surveys, and repeated interruptions in their lines, superadded to the difficulties associated with the surveying of the private claims in connection with the public lands, have, together, greatly tended, hitherto, to impede the progress of the surveys, and, consequently, of all subsequent operations connected with those lands. By the energetic management of the surveyor of Louisiana, (the creation of whose office, in 1831, tended greatly to diminish the evils which existed under the previous system,) the difficulties have, to a great degree, been surmounted; and the act of last July, reorganizing this office, has afforded to it the means (which it did not previously possess) of opening the tract-books for the surveyed lands, which is the first step toward registering the sales. It is, therefore, with much pleasure, I have to state, that, within the last few months, a set of books, amounting to upward of forty thick folio volumes, has been opened, to embrace the lands in the whole State of Louisiana; and considerable progress has been made in registering the sales, (a preliminary operation which is almost indispensable to correctness in issuing patents,) and which will progress uninterruptedly and as rapidly as practicable; and it is expected that the patents will be prepared in all cases where further explanations shall not have to be sought for either from the register of the land offices, or the surveyor general, within a few months after the certificates of purchase shall have been so registered.

Numerous instances, however, are discovered where the register's certificate, in cases of old entries of settlement rights and back tracts, not surveyed at the time of entry, yet remain to be issued, (although the land was long since paid for,) and where the tract is omitted to be designated in the receiver's receipt. In all such cases delays must exist, in consequence of the inability of this office to check the correctness of the entry and make the necessary registry thereof, until the registers of the land offices shall issue their certificates affording the proper designations.

The office has already taken the necessary measures to have these omissions supplied, so that the business of registering the sales may proceed without interruption.

Under these favorable circumstances, the hope is indulged that, before the termination of this year, the office will be enabled to issue several thousands of patents to purchasers in Louisiana, and that, before the termination of the next session of Congress, the whole number will have been issued which remains due at the present period.

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

JAMES WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

24TH CONGRESS.] No. 1593. [2D SESSION.

APPLICATION OF OHIO FOR A DONATION OF CERTAIN LANDS LYING BETWEEN THE MUSKINGUM AND LITTLE MIAMI RIVERS.

COMMUNICATED TO THE SENATE, FEBRUARY 27, 1837.

The general assembly of the State of Ohio respectfully represents to the Congress of the United States: That there are many small tracts of land, lying between the Muskingum and Little Miami rivers, yet remaining undisposed of, and of little value, and are rendered less so under the recent acts of Congress, wherein scrip has been granted to those who hold land warrants for Virginia military lands; the effect of which is, that

these lands, having been in market for nearly forty years, are nearly all the refuse part of these lands, and are, consequently, thrown out of market, as those who hold scrip can easily obtain, under the present policy of the general government, land of the best quality. It is believed by those best acquainted with the quality and situation of these lands, that should Congress cede them to the State for the purpose of making and constructing turnpike roads within the districts in which they are situated, under the direction of the legislature, that sales could be effected at a price ranging from twenty-five cents to one dollar per acre.

Many of these lands would make fine sheep pasture, and would answer for the purpose of cultivating the mulberry tree, could they be had at a reasonable price. It is also believed that, should Congress feel willing to cede these lands to the State for the purpose indicated, persons holding lands in their vicinity would readily agree to make a portion of the turnpikes now under contract and in contemplation; but should Congress feel unwilling to give these lands, as before suggested, it is evident that they cannot be sold at the present prices of lands belonging to the general government, which will, consequently, greatly retard the settlement of those parts of the State in which the lands are located, and can, in no event, benefit the general government. The expenses of surveying and disposing of these lands would, it is believed, nearly cover the amount they would sell for, while, under a different arrangement, they would greatly promote the interest of a portion of the State in which they are located, without in any wise injuring the general government; we, therefore, respectfully invite the attention of Congress to the subject.

Resolved, by the general assembly of the State of Ohio, That our senators and representatives in Congress be requested to exert their influence to obtain a grant or donation as above suggested, and that the governor of this State be requested to transmit a copy of this memorial and resolution to each member of Congress from Ohio.

WILLIAM MEDILL, *Speaker of the House of Representatives.*
ELIJAH VANCE, *Speaker of the Senate.*

February 9, 1837.

24TH CONGRESS.] No. 1594. [2D SESSION.

CLAIM OF THE NEW ENGLAND MISSISSIPPI LAND COMPANY.

COMMUNICATED TO THE SENATE, FEBRUARY 28, 1837.

BOSTON, *January* 5, 1837.

To the Honorable Senators and Representatives in Congress, forming the Massachusetts delegation, Washington:

GENTLEMEN: Many, and probably all of you, are apprized of the unsuccessful efforts that have been made for several years past to recover a claim due since 1814 from the government to the New England Mississippi Land Company; but as some of you may not recollect the following facts, we take the liberty to state them, without going into further details: In the month of January, 1795, the legislature of the State of Georgia, by an act, sold to four companies certain tracts of lands, as by the deeds will severally appear. In the month of January, 1796, one of the four companies, called the *Georgia Mississippi Land Company,* came on here, and, through its authorized agent, proposed the sale of the tract contained in its deed. The evidence of title was clear and indisputable, and the terms having been agreed on, (ten cents per acre,) a regular transfer was made to what was then and still is known as the New England Mississippi Land Company. In the month of February, 1796, a Georgia legislature met, made up chiefly of new members, and passed what was called the *rescinding act,* declaring the act of the preceding year to be void, in consequence of having been obtained by improper influence. The business here rested until the month of April, 1802, when a convention was formed between the United States and the State of Georgia, whereby, under certain conditions, the land previously sold to the four companies became, with other territory, transferred to the United States; and on the 3d March, 1803, an act passed Congress consequent on and confirming that convention. We would here avoid, as suggested, going into detail, nor shall we make any unnecessary comments on the whole transaction; it will suffice to say, that the claims of the four companies, *from this time,* became transferred to and in the United States government. Application has accordingly been made from year to year to the government, up to the year 1814, for adjustment and payment of the amount due to the companies, when three gentlemen, viz., John Law, F. S. Key, and Thomas Swann, esquires, were, by the act of Congress, appointed commissioners for that object. These gentlemen proceeded in the adjustment accordingly, but from a misapprehension of the laws of Georgia, committed an error, ordering $130,425 12 to be deducted from the amount to be paid to the New England Mississippi Land Company, and directing its payment into the Treasury of the United States. Satisfied of their error, two of the commissioners, Messrs. Swann and Key (Mr. Law being dead) came forward and acknowledged it, as may be seen by their certificates, and also by the decision of the Supreme Court of the United States in the case of Brown and Gilman; notwithstanding all which, application has since continued to be made to the government for relief, but hitherto without effect. In endeavoring to avoid details, we have omitted to mention a very important fact, which is, that the government, prior to adjustment, required of the companies releases and assignments of the lands to the United States, *to take effect on the indemnification of the claimants;* thus, without an indemnification to the New England Mississippi Land Company, has the government got possession of both money and land, and the company has been left to state their grievance for above twenty successive years.

The undersigned are a few among others interested in the claim; they have therefore deemed it proper to address you this letter; and have now, after furnishing you with the foregoing condensed statement, to request you will give it unitedly and individually your attention, to the end that an acknowledged error by the party committing it may be corrected, and the company be put in possession of that which it has so long in vain sought for.

The subject will be brought before Congress this session, and an effort made by the claimants to obtain an equitable decision. The justice of the claim has, in addition to what is already stated been acknowledged by

repeated reports in its favor; and being well known to many of the delegation, the undersigned feel that they can rely on your co-operation in any measures that may be proposed to accelerate an adjustment of this long-standing unsettled business.

We are, gentlemen, very respectfully, your most obedient servants,

THOS. L. WINTHROP,
GEO. BLAKE,
J. DAVIS,
WM. SULLIVAN,
FRANKLIN DEXTER,
S. D. WARD,
THOS. WETMORE,
FRANCIS J. OLIVER,
HENRY GARDNER,
JNO. F. LORING,
JOSEPH MORTON.

24TH CONGRESS.] No. 1595. [2D SESSION.

RELATIVE TO SURVEYS OF THE PUBLIC LANDS IN ILLINOIS AND MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 28, 1837.

TREASURY DEPARTMENT, *February* 27, 1837.

SIR: I have the honor to submit a letter from the Commissioner of the General Land Office, accompanied by a report and certain documents from the surveyor general of Illinois and Missouri, in reference to surveys in those States. I would also respectfully call your attention to the suggestion of the Commissioner, that these documents be printed.

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

LEVI WOODBURY, *Secretary of the Treasury.*

Hon. C. C. CAMBRELENG, *Chairman Committee Ways and Means, House of Representatives.*

GENERAL LAND OFFICE, *February* 25, 1837.

SIR: The expected report from the surveyor general of Illinois and Missouri, referred to in my communication of the 7th instant as not having reached this office, was received a few days since; as also a separate report, explanatory of the items contained in the documents from the same officer, which accompanied the general report of the acting Commissioner, submitted in December last. I now have the honor to transmit, herewith, copies of these reports in duplicate, marked A and B, and of the diagrams therein referred to, to which I beg leave to call your attention, and respectfully request that they may be laid before the honorable Committee of Ways and Means, of the House of Representatives, and the Committee of Finance, of the Senate. The report marked A, contains the estimates of the surveyor general for the present year, which, with the exception of the $36,000 therein estimated for new surveys, have all, I believe, been provided for in the amounts of the appropriations heretofore submitted from the department, and which, if taken in connection with the report marked B, will show the present state of the surveys in Illinois and Missouri, which information it was promised in the report of the acting Commissioner above referred to, should be furnished when received. Before concluding, I would also respectfully recommend the printing of these documents and diagrams, as being necessary to complete the former reports from this office, and highly important in a public point of view, on account of the detailed information which they contain relative to this surveying district.

I am, sir, with great respect, your obedient servant,

JAMES WHITCOMB, *Commissioner.*

Hon. LEVI WOODBURY, *Secretary of the Treasury.*

A.

SURVEYOR'S OFFICE, *St. Louis, January* 27, 1837.

SIR: You were informed in a postscript to my report of the 21st of last November, that the intended accompanying diagrams were not completed, and that no time would be lost in sending them as soon as they should be finished. The diagrams were not necessary for the main purpose of the report; the delay, therefore, can be of no essential injury. The report stated the aggregate amount of surveying that ought to be executed in this district during the present year, which was all sufficient to enable Congress to make the required appropriation. The diagrams being more particularly intended to show the extent and condition of the surveys already executed, and to show the localities of the several tracts of country intended to be surveyed under the recommended appropriation.

It was, therefore, thought most advisable to perfect them as near as practicable in these respects, even if they should thereby be delayed beyond the time they would probably be expected at the General Land Office. These two objects have now been attained sufficiently accurate for all practical purposes, and the diagrams are accordingly enclosed herewith. By them you will see that the 12,009 miles included in my estimate, are apportioned as below specified:

660 miles in the Palmyra	district,	Missouri,	diagram B.
2,160 miles in the Howard	district,	Missouri,	diagram A.
1,600 miles in the Western	district,	Missouri,	diagram D.
1,460 miles in the Southwestern	district,	Missouri,	diagram E.
1,062 miles in the Jackson	district,	Missouri,	diagram F.
3,780 miles in the Northeast	district,	Illinois,	diagram G.
1,278 miles in the Northwest	district,	Illinois,	diagram H.
Aggregate 12,000 miles.			

There is enclosed a diagram (marked 1) of the Danville district, showing the condition of the surveys therein.

As there was much irregularity in the mails about the time my report left here, and as you have not acknowledged the receipt thereof, I have thought that it may have been delayed on the way so as to arrive at Washington on the night of the conflagration of the post-office. I therefore enclose herewith a copy of the said report, and a copy of the estimate therein referred to.

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

DANIEL DUNKLIN.

COMMISSIONER *of the General Land Office, Washington City.*

As soon as the contracts for this year's field operations shall be completely arranged, and the bonds of the surveyors executed and approved, copies thereof will be sent to the General Land Office.

SURVEYOR'S OFFICE, *St. Louis, November* 21, 1836.

SIR: In compliance with your letter of the 8th of October, of the present year, I enclose herewith a copy (marked A) of my estimate for the year 1837, furnished the Register of the Treasury; and submit for your consideration the following remarks relating thereto:

The estimate for surveying 12,000 miles of public land included the unexpended balance of all former appropriations, after deducting the amount asked for in my letter of the 3d instant; and is intended to be applied in the manner particularly specified in the accompanying diagrams, marked B, C, D, E, F, G, H, and I.

The estimate for surveying the private confirmed claims, and that for connecting them with the lines of the public surveys, is at the usual rate of three dollars per mile; but as the claims are scattered over a vast extent of country, which will occasion much loss of time in travelling from one to the other, and as there will be much difficulty in hunting up and properly identifying the lines and corners of the adjoining public and private surveys, in order to make connections therewith, it is certain that suitable surveyors cannot generally be had for the price now allowed by law; and that, therefore, many of these claims must either remain unsurveyed, or additional compensation be paid by the claimants, who may not in all cases feel so disposed; for where their tracts are unencumbered with conflicting claims, it will be considered a matter of indifference with many whether their lines are connected with the public surveys or not, as they will enjoy in perfect security the same advantages of the confirmation without as with a resurvey. The United States will therefore be prevented from bringing the adjoining fractions into market for want of the ascertainment of quantities.

To remedy the evils that may result from this condition of affairs, I would recommend that the surveyor general be vested with a discretionary power of allowing extra compensation, so as not to exceed, with the present rates, five dollars per mile; which will increase the estimate under the second and third heads to $17,500.

I will here observe, that the law of the 4th of July, of the present year, (pages 245 and 246 of the acts of the 1st session of the 24th Congress,) confirming these claims, is silent on the subject of the expense of executing the surveys thereof; and in your letter of the 10th ultimo, directing the surveys to be made, you say nothing in relation *thereto;* nor do I find any general law which I can rely on without your authority.

In the orders of survey already issued, I have not, therefore, ventured to give assurance that any part of the expense will be paid by the government, but have required the surveyors to look to the claimants for their compensation, with whom there is an understanding, that whatever the government may allow will be paid so soon as I am instructed on the subject.

No attempt seems to have been made at surveying the lots and out-lots of any of the towns and villages referred to in the 4th item of the estimate, except St. Louis and Mine à Breton: St. Louis, under a contract with Joseph C. Brown, of six dollars per day, for his personal services and expenses, and all other necessary expenses, to be computed within six months from the date thereof, (10th of September, 1835;) Mine à Breton, under instructions of which (as I am told) no copy was retained in the office; I am, therefore, unable to state the terms upon which the work was undertaken. The contract with Mr. Brown for surveying the lots in and adjoining St. Louis, is certainly without authority of law, as regards the compensation to be paid, but it is probably on as good terms as a competent surveyor can be obtained. My estimate is based upon the conditions of this contract; and if it is the intention of the government to survey these claims, I know of no better plan than to make the appropriation, and authorize the surveyor general to contract therefor, upon such terms as will best promote the public interest and the interest of the individuals and towns interested therein.

It may be proper to state that considerable progress has been made in the survey of each of the towns of Mine à Breton and St. Louis; but that unless an appropriation is made by Congress, it is quite uncertain whether they will be completed under the present arrangement. The estimate (No. 6) for clerk's salaries under the first section of the act of the 3d of April, 1818, (pages 724 and 725 of Land Laws,) and under the act of the 9th of May, 1836, (page 44 of the acts of the 1st session of the 24th Congress,) is intended to be applied in the employment of eight clerks to perform, generally, the duties below specified:

One principal clerk, whose duties are various, and cannot well be enumerated. One clerk to examine the field notes, and compare the copies thereof, of the surveys as they are returned; to enter them on the general index, and make a particular index of the contents of each book, with proper references to resurveys and re-establishment of corners, and to state the accounts of the surveyors; also to compare the copies of the field notes that have been and will be made for this office and for the General Land Office, and the descriptive lists for the district land offices.

Two draughtsmen to construct the plats of the townships, and make the copies thereof specified in the enclosed paper marked K, and of those that may be returned in the course of the year, and to calculate the areas of the fractional sections in said townships; also to make the plats of surveys executed under the direction of the late Col. McRee, as required in the Commissioner's letter of the 23d of May, of the present year.

One clerk to subdivide the fractional sections of the old surveys, and prepare plats thereof for the General Land Office, and for the district land offices.

Three clerks to be employed in copying the field notes of the new surveys to be transmitted to the General Land Office, and in making descriptive lists for the district land offices; and when not thus engaged, to be employed in copying the field notes of the old surveys as a record thereof for this office, and to be transmitted to Washington; this latter is a business which will require much labor and time; but until the original books are bound and properly indexed, the number of clerks estimated for are as many as can be advantageously employed. A statement showing the extent of this job, and how far it has progressed, and also, as near as may be, what work has been done under the last year's appropriation, will be prepared and transmitted at an early day.

There are numerous applications of individuals for official copies of papers relative to their titles and surveys, and unofficial information and papers, &c. They are generally assigned to the clerk who at the time can most conveniently be spared from his regular duties to attend thereto. A large portion of this business the law seems to contemplate shall be performed by the registers of the land offices; I mean furnishing the purchasers of the public lands with a plat and description of the corners of the tract purchased, which is made their particular duty by the 7th section of the act of the 10th of May, 1800, (page 460 Land Laws.) Indeed, it would be unreasonable to suppose that the descriptive lists which the surveyors general are required to furnish the registers shall be looked up, and only used when it may suit their convenience, which seems to be the case in some offices; for the purchasers who apply here for descriptions of their entries, when told that it is the duty of the register under the law, generally reply that the register had informed them that he could not do it, or had not time, and that he must go to the surveyor's office.

What is to be done? Here is a man who has bought a piece of land from the government, and wishes a plat and proper description to enable him to find and identify the lines and corners already surveyed and established, and to have the open lines run according to law. The officer, whose duty it is, has refused the papers; and as this office is then the only resort, the plat and description are furnished, very much to the hinderance of the regular and legitimate business thereof. Your attention is therefore respectfully called to the subject.

The estimate (No. 9) for bookbinding, is made with the view of substantially binding the field-books and copies thereof of the new surveys, as they may be returned; and likewise, to bind all the field-books of the old surveys in volumes of suitable dimensions, which is highly important for their due preservation, and ought to be done, and the volumes properly indexed preparatory to furnishing the copies to be preserved at the seat of government.

The estimate (No. 12) for office rent, is at the rate now paid for that object.

The estimates (Nos. 8, 10, 11, and 13) for stationery, postage, office furniture, and fuel, are as near the amounts that will be wanted for those purposes as can be come at from the information I can obtain.

I have not sufficient information upon which to base an estimate of the surveys that cannot be executed at the maximum price allowed by law; such cases shall be promptly reported when they occur.

With regard to that part of the Commissioner's circular requiring a statement exhibiting the manner in which the appropriation of 1836 for *extra* clerk-hire has thus far been applied, I am unable to report thereon, as none of the sums appropriated for this office are designated as extra appropriations; see pages 37 and 44 of the acts of the 1st session of the 24th Congress.

With high consideration, I am, sir, your obedient servant,

DANIEL DUNKLIN.

COMMISSIONER *of the General Land Office, Washington city.*

P. S.—The diagrams intended to accompany this report are not yet completed; whenever they are finished, no time will be lost in sending them on.

A.

SURVEYOR'S OFFICE, *St. Louis, November* 21, 1836.

SIR: The following is an estimate of the expenses of this office, during the year 1837:

No. 1.	Surveying 12,000 miles of public lands, at $3 per mile		$36,000
2.	Surveying 2,500 miles of private claims, confirmed by the act of Congress approved July 4, 1836, at $3 per mile		7,500
3.	Connecting the surveys of the private confirmed claims with the adjoining public survey, 1,000 miles, at $3 per mile		3,000
4.	Surveying the town and village lots, out-lots, and common field lots, of the several towns and villages in the State of Missouri, designated in the first section of the act of Congress of the 13th of June, 1812, and the first and fourth sections of the act of the 26th of May, 1824, (see pages 620 and 884 of Land Laws,) in order to set apart, for the support of schools in said towns and villages, the lots not rightfully owned or claimed by private individuals, as required by the second section of the aforesaid act of 1824		6,000
5.	Salary of principal surveyor, as per act of Congress of the 3d of April, 1818, (see pages 724 and 725 of Land Laws)		2,000
6.	Salaries of clerks, under existing laws: 1st, Under the first section of the act of Congress of the 3d of April, 1818 (pages 724 and 725, of Land Laws)	$2,000	
	2d. Under the act of Congress of the 9th of May, 1836 (see page 44 of the acts of the 1st session of the 24th Congress.)	3,820	
			5,820
7.	Salaries of two additional clerks, to be employed as follows: One at $800 per annum, to renew the township plats for the district land offices; for which service, $2,000 was allotted to this office by the Commissioner of the General Land Office, under the appropriation of $5,000 by the act of the 27th of June, 1834, (see page 56, of the acts of the 1st session of the 23d Congress;) which sum of $2,000, the Commissioner states, in his letter to my pred-		

	ecessor, of the 13th of last month, has been merged on the Treasury books in the appropriation for different objects of clerk-hire; and as but $733 33 will have been applied to this service at the end of the present year, a reappropriation of the amount of the salary paid to the clerk engaged will be required, in order to continue the work, which is essentially necessary, to enable the registers, particularly in the credit system districts, to conduct the operations of their offices. The other additional clerk, at a salary of $800 per annum, is intended to be employed in preparing the papers for the orders of survey for the claims confirmed by the act of the 4th of July, 1836, (see pages 245 and 246, of the acts of the 24th Congress,) and to make out and record the necessary plats and descriptions of the surveys of said claims for this, and for the general and district land offices.....	$1,600
8.	Stationery.....	400
9.	Bookbinding.....	600
10.	Postage, and tin-cases for preserving plats sent by mail to the general and the district land offices.....	300
11.	Office furniture.....	100
12.	Office rent.....	400
13.	Fuel.....	150
		63,870

DANL. DUNKLIN.

REGISTER *of the United States Treasury, Washington City.*

B.

SURVEYOR'S OFFICE, *St. Louis, January* 25, 1837.

SIR: In answer to the first inquiry, in your letter of the 25th of November, 1836, I have to inform you that, according to the best information I could obtain from the files of this office, and otherwise, I understood, at the time of making the estimate to which you refer, that the field work had *generally* been executed, of all the surveying let out by Mr. Langham, except of the three deputies named in my letter of the 3d of November, 1836, as being then engaged in active operations.

The condition of the several contracts and instructions embraced in the estimate will be here given, as briefly as practicable, in the order they are arranged in the accompanying classes, A, B, and C, and will be referred to by their respective numbers.

No. 1—CLASS A.

Mr. Hamilton, in a letter to my predecessor, dated 11th of November, 1835, (a copy of which, numbered 3, appears to have been sent to the General Land Office with Mr. Langham's report of the 30th of January, 1836,) intimates that his returns were ready for the office; he must, therefore, at that time, if the returns were ready, have been through with the field operations. In answer to this report of Mr. Langham, the Commissioner, in his letter dated the 30th of March, 1836, directed the work to be put in other hands, and Mr. Hamilton to be proceeded against under his bond of contract.

Mr. Langham did not (so far as I can ascertain from the files of this office, and learn by inquiry of those connected therewith) enter into a new contract with another surveyor; nor has he proceeded against Mr. Hamilton, as instructed.

The contract of Mr. Hamilton being still in force, it was entered in my estimate with the *surveys* contracted for, and not examined, sanctioned, and paid for by the surveyor general; but, as there could be no just expectation of his returns being received in a reasonable time, because of the unusual delay which had already characterized the execution of the work, and the consequent doubtfulness in which it was still involved, I did not carry it over to the column of accounts which would probably be presented in the last quarter of 1836, or early in the first quarter of 1837.

On the 17th of November, 1836, I addressed Mr. Hamilton on the subject of this contract, and enclose herewith a copy of my letter, marked A. No answer to this letter has yet been received; but I have good reason to believe that he will be here, with his returns, in the course of the present month.

No. 2—CLASS A.

In answer to Mr. Langham's letter of the 29th of January, 1836, to Mr. Stephenson, (a copy of which, numbered 5, was sent to the General Land Office with the report of the 30th January, 1836,) he expected to make his returns in the April following, as you will see by the enclosed copy, marked B, of his letter of the 12th of March, 1836. Mr. Stephenson failed in his expectation; and as so much time had already elapsed, I put him down as a contractor whose surveys had not been sanctioned by the surveyor general, but did not carry the estimated amount to the column of funds that would probably be wanted in the time there specified; nor could I say whether his field work was completed or not—having no further information on the subject than is afforded by his aforesaid letter.

No. 3—CLASS A.

Under this contract Bennett and Bowen went to survey *about* 700 miles. Their work returned to the office, and paid for, falls short of this quantity 47 miles; and the unsurveyed exterior lines, designated in their contract, will amount to something like sixty miles, which was put down as the estimate of the surveying yet to be sanctioned by the surveyor general; but as they were prohibited, for the present, from surveying the lines which closed to the work of Hamilton and Stephenson, (see the enclosed copy, marked C, of a letter from my predecessor, dated 20th of June, 1835,) and as I had no information in relation to the other lines, which would justify a demand for funds at present to pay therefor, no part was entered in the column set apart for that purpose.

No. 4—Class A.

Mr. Barcroft was paid by Mr. Langham on the 8th of November, 1834, (as appears by his accounts,) for all the surveying specified in this contract, except the east boundaries of townships 35, 36, 37, 38, and 39 north, range 19 west, and the south boundaries of townships 36, 37, 38, and 39 north, ranges 18 and 19 west.

These township boundaries for which he was not paid, appear, from the field notes, to have been surveyed in due season; but, owing to a discrepancy between Shields and Barcroft, in closing the above designated south boundaries in *range* 19, with the line of Shields between ranges 19 and 20 west, an examination thereof was had by Shields and Barcroft conjointly, which resulted in favor of Shields, and showed that Barcroft's measure, though regular, was not according to the standard in use; the said south boundaries in range 19, and the other lines of Barcroft, above specified, were not, therefore, sanctioned and paid for by the surveyor general.

Mr. Barcroft was still considered as bound, under his contract, for the execution of a proper survey of these lines; their amount was, therefore, estimated and put down with the surveys contracted for, and not examined and sanctioned by the surveyor general; but as it was unknown to me that the required corrections had been made, or that there was a probability that they would shortly be returned to the office, I did not feel warranted in entering the estimate in the columns of moneys now wanted.

Nos. 5, 6, 7, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, Class A, and Nos. 1, 2, 4, 5, 6, and 7, Class C.

The field notes of the surveys here estimated for were mostly in the office, and had, in part, been examined. It was understood that the entire field-work authorized by these contracts and instructions had been executed; and that, unless, upon examination, some corrections or resurveys should be ordered, no other operations would be required upon the ground; the entire amount of each (except the sums Mr. Langham claimed to have paid) was, therefore, carried to the column of funds now wanted.

No. 8—Class A.

The amount here estimated on account of Mr. Porter's contract, is all that he had executed at the time of his death; and as Mr. Langham had put all the surveying left unexecuted by said Porter into the hands of Lisbon Applegate, nothing more is to be expected under the contract of Porter. Supposing that the persons entitled to pay for what Mr. Porter had done would present their claim, which would probably be allowed, the amount was put in the column of funds now wanted.

No. 9—Class A.

Under this contract Mr. Robinson was paid by Mr. Langham on the 20th of January, 1836, for surveying the east boundaries of township 58 north, ranges 22 and 23 west; and of townships 59 and 60 north, ranges 22, 23, 24, and 25 west, except of section 12 on the east boundary of township 60 north, range 23 west; the south boundaries of townships 59 north, ranges 22, 23, and 24 west, and of township 60 north, ranges 22 and 23 west; also, the subdivision lines of townships 59 and 60 north, ranges 22 and 23 west, and of 58, 59, and 60 north, range 24 west. His field notes of all the other surveying designated in the contract were in the office, but had not been acted upon; it was expected, however, they would be approved; the estimated amount was, therefore, carried to the column of funds now required.

No 11—Class A.

On the 24th of March, 1836, Lisbon Applegate was paid by Mr. Langham for all the surveys which he contracted for on the 10th of April, 1835, except what he was to do in township 58 north, range 25 west, which had been commenced by Mr. Porter.

It was not expected that Mr. Applegate's returns for this township (58 north, range 25 west) would be made at an early day; his unfinished work was, therefore, put down in the statement, but not carried to the column of funds at present asked for.

No. 13—Class A.

On the 29th of January, 1836, Mr. Langham released Mr. Stansberry from two of the ten townships which he was to survey under this contract; or, rather, left it optional with him to survey but eight, if he thought proper. When my estimate was made, it was not known whether Mr. Stansberry had abandoned two of his townships, under this privilege, or had surveyed to the extent of the contract; the whole amount was, therefore, estimated; and after deducting what had been paid by Mr. Langham, was put in the column of accounts that would probably be presented for payment before the end of the first quarter of 1837. It turns out, however, that Mr. Stansberry has subdivided but eight townships, which reduces the estimate for him $360, and will bring the whole estimated amount of his surveys to $2,013, and the estimated amount yet due him to $1,713.

Mr. Stansberry's surveys are now undergoing examination; and, unless some corrections or resurveys shall be found necessary, no further field operations can be required of him under this contract.

No. 14—Class A.

Part of the field notes of Mr. Applegate were in the office at the time of my report, and it was thought probable that he had completed the whole of the surveys authorized by his instructions of June, 1835, which, so far as relates to the number of the townships to be subdivided, is contingent upon the quality of the land, and the demand of the settlers in the limits there designated. Although there was some uncertainty as to the number of miles he would survey, the estimate went to the extent of his instructions, in order that no delay might occur for want of funds to pay the accounts when the returns should be handed in, which was expected at an early day. Nothing further has been heard from him; and it is somewhat uncertain whether he has yet finished

all the surveys in question, although he has a subsequent contract, dated the 25th of May, 1836, which it was supposed he was then executing, and you were so informed in my aforesaid report of the 3d day of last November.

No. 15—Class A.

Mr. Christy had not returned the notes of all his work at the date of my report, but it was understood that he had got through with the field operations. The full estimated amount of what he was authorized to survey, under instructions of the 10th of April, 1835, was therefore put down with the funds now wanted. It turns out, however, from information derived from himself, that he has only completed the surveys which he contracted to execute on the 11th December, 1834, (No. 4, class C,) and that he has done nothing under the aforesaid instructions of April, 1835; and as there is no obligation, on his part, to execute that work, it is not likely he will now attend thereto, so much time having already elapsed since the returns were to have been made. This sum may, therefore, be deducted from the general aggregate of funds asked for in the estimate.

No. 16—Class A.

There was every reason, at the date of my estimate, and is now, to expect Mr. Spalding's returns in the course of the present quarter; Mr. Langham had paid or advanced him, under this contract, $300. [See the accompanying copy of this statement, marked D.] The estimate accords therewith.

Nos. 1 and 2—Class B.

It was understood that the field operations, under these contracts, had been completed, except some few corrections which would be required, and which would probably be attended to at an early day; they were, therefore, put with the accounts which would probably be presented during the 4th quarter of 1836, or 1st quarter of 1837.

No. 3—Class B.

Mr. Smith's contract, of 27th September, 1833, was completed and had been paid for by Mr. Langham, except a few lines in townships 29 and 30 north, range 13 west of the 2d principal meridian, and except, also, the subdivision of fractional townships 28, 29, and 30 north, range 10 west of the 2d principal meridian, which were left unsurveyed because the surveyor general was unable to furnish him with a copy of the field notes of the line between Illinois and Indiana, adjoining thereto. This failure to furnish the notes in question released Mr. Smith (according to the conditions of his contract) from all obligations to subdivide said three fractional townships; and the notes of the lines in the two first above named townships were in the office; the said lines in townships 29 and 30 north, range 13 west, were, therefore, estimated and carried to the column of funds now wanted; but the subdivision of the three townships, from which he was released, was not taken into consideration.

No. 4—Class B.

The same cause which prevented Mr. Smith (No. 3, class B) from subdividing townships, 28, 29, and 30 north, range 10 west of the 2d principal meridian, prevented the survey of townships 31 and 32 north, range 15 east of the 3d principal meridian, by Mr. Beckwith. There is also unfinished, of Mr. Beckwith's contract, the line between sections 13 and 24 south of the Kankakee, township 31 north, range 14 east of the 3d principal meridian, and the meanders of the south bank of the Kankakee through said sections 13 and 24. The balance of this contract of Mr. Beckwith had been paid for by Mr. Langham. The full estimate for the unfinished work was entered in the table; but, as Mr. Beckwith died without having completed the contract, the amount was not carried to the column of funds now wanted.

No. 3—Class C.

Mr. Montgomery, it was expected at the time of my report, was out completing his contract; subsequent information, however, gives no reason to expect his entire returns before some time next summer, he having been prevented, by high waters and other unavoidable circumstances, from carrying on his field operations during the greater part of the last surveying season.

Of the surveying that he has already completed, he will only be paid at present for his township boundary lines, which come to about one fourth of the amount asked for on his account; the estimate may therefore be reduced accordingly.

I have here given you a full account of the condition of the several contracts for surveying the public lands embraced in my report, and which are believed to be all that Mr. Langham had entered into that had not been completed and fully paid for by himself.

It is my understanding that the sums placed in the fifth columns of the lists A, B, and C, accompanying that report, include all the sums that Mr. Langham claims to have paid on the surveys there estimated for. The information which leads to this understanding is derived from a comparison of the vouchers of Mr. Langham, on file in this office, with the contracts and surveys, and from the enclosed copy of Mr. Langham's statement, marked D, and which is the same I said in my letter of 2d of November had been received by the principal clerk from Mr. Langham, in my absence.

You next call my attention to an important omission in my letter asking a remittance, &c., and say that I have omitted to assign the reason why the application is made, when, at the same time, my predecessor *has* in his hands the means which were intended to meet those demands, remitted, according to his request, for that purpose. If no better reason could be given, I might only state that I had not been apprized that he had any such means in his hands; but there is a very obvious reason, which is paramount to all others, namely: The surveyors have executed their work according to contract, and are therefore entitled to their pay from the government, regardless of any funds which Mr. Langham may withhold.

I will further remark, that my receipt to Mr. Langham of the 26th of September, 1836, which he transmitted to the General Land Office on that day, will show that no funds were transferred or turned over to me.

Mr. Langham has vouchers on file here for a large amount for surveying public lands; but whether they, together with his salary accounts, and accounts for other expenses, will come up to the balance which the Treasury books exhibit against him, is more than I can say. Be that as it may, however, the deputy surveyors have just claims on the government, which ought at once to be discharged.

This communication has been delayed until now, under the expectation that Mr. Langham would forward his final account with the government, and thereby satisfy the department as to the extent of his indebtedness, and of the manner in which he has expended the money appropriated for special purposes, which appear to be the principal difficulties in the way of transmitting funds to meet the present demands against this office.

Much uncertainty as to when Mr. Langham may attend to this business still continuing, I concluded to wait his movements no longer.

In addition to the information before given on the subject of the surveyiug contracts, it is proper to state that the office is considerably in arrears for stationery, rent, postage, fuel, and other contingencies necessary to keep it in operation; all, except for fuel, going further back than my administration of its affairs; the rent due before I took possession, and which was not included in my estimate, being for one quarter, (the 3d of 1836,) as per the account marked E, and enclosed herewith.

I am sir, very respectfully, your obedient servant,

DANIEL DUNKLIN.

COMMISSIONER *of the General Land Office, Washington City.*

A.

SURVEYOR'S OFFICE, *St. Louis, November* 11, 1836.

SIR: An act of Congress, approved 3d of March, 1835, appropriates $500 for surveying the lots in the town of Peoria, in the State of Illinois, as authorized by the act of the 3d of March, 1823; and I find on file in this office, the field notes of an imperfect survey, by you, of the lots confirmed in said town by the aforesaid act of Congress of 1823.

It is now necessary that the survey be closed; I have therefore to request that you let me know, without delay, whether you wish to go on with the work, and if you do, whether you can attend thereto forthwith. You will also please to inform me what is the condition of the surveys you engaged to execute on the 19th day of July, 1833, and when your returns may be expected.

Very respectfully, your obedient servant,

DANIEL DUNKLIN.

WILLIAM S. HAMILTON, Esq.

There is enclosed, herewith, for Mr. Hamilton's information, an extract from Mr. Langham's report of January last, and also an extract from the Commissioner's letter of the same month. The Commissioner's instructions were not carried into effect by Mr. Langham; and it is hoped that Mr. Hamilton will obviate the necessity of any further proceedings in the business contemplated thereby.

B.

GALENA, *March* 12, 1836.

SIR: I have been denied the pleasure of acknowledging the receipt of yours of the 29th ultimo, because of ill-health. The one to which you allude, as having been addressed to me on the 3d of November, was duly received, and replied to some time in December. I regret it did not reach you, as it embraced the reason for the delay referred to, as well as stated the time when my returns would probably be presented. The returns of the surveys committed to my charge have been delayed because of some difficulty between Colonel Hamilton and myself, in relation to our closures on the range line between ranges 5 and 6; which line, you will recollect, was made to control the surveys on either side. This difficulty (quite probably) would have resulted in the rejection of a large portion of his or my work. Under this state of fact, we deemed it advisable to renew so much of our work, and correct the errors wherever they might be found. Although we had frequently set the time to make this re-examination, we did not succeed in effecting it until this winter, and then through the agency of a third deputy chosen by agreement. Indeed, such have been my rheumatic, nervous, and other afflictions ever since the commencement of cold weather, that I have not been able to attend to the daily operations of my office.

I had thought (as was stated in my last) that I would be down in February; now, as there is no present prospect of early navigation, I cannot be down before April, when I expect to make my returns.

Most respectfully, your obedient servant,

J. W. STEPHENSON.

Hon. ELIAS T. LANGHAM, *Surveyor General.*

C.

SURVEYOR'S OFFICE, *St. Louis, June* 26, 1835.

SIR: Mr. Hamilton having delayed the return of his work beyond all expectations, and also failed or neglected to account therefor by letter or otherwise, it has become a matter of doubt what are his intentions in relation thereto, and I am undetermined what course it will become my duty to pursue with regard to his and Mr. Stephenson's contracts. I cannot, however, permit any surveys to be based on either of their lines at present, for reasons which existed when you were last at this office, and of which you must have been aware when you applied, in your letter above referred to, for permission to obtain Mr. Hamilton's notes, and to close your surveys to his lines.

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

E. T. LANGHAM.

CHARLES R. BENNET, Esq., *Galena, Illinois.*

D.

Memorandum of advances to deputy surveyors on work now in the surveyor's office, and not paid for.

E. Barcroft	$1,200 00
J. C. Brown	2,580 00
W. L. D. Ewing	1,823 38
D. A. Spalding	300 00

As I cannot ascertain, until I see Mr. Stansberry, how much money I have advanced to him, it will be proper to include the whole amount of his work in the estimate you are about to forward to Washington.

Very respectfully, your obedient servant, E. T. LANGHAM.

Major MILBURN.

E.

ST. LOUIS, *January* 14, 1837.

The United States to SAMUEL WILLI, Dr.

To rent of office for surveyor of public lands in Illinois and Missouri, from the 1st day of July to the 30th day of September, (both inclusive,) 1836, three months, at $400 per annum (one hundred dollars).....$100 00

SAMUEL WILLI.

Signed Duplicates.

ST. LOUIS, *January* 14, 1837.

The above account is correct, the office having been kept in the house of Mr. Willi during the period, and at the rate there charged. E. T. LANGHAM.

CLASS A.

Statement of the surveys contracted for, and authorized by instructions under the general appropriation for surveying public lands, and which have not been examined, sanctioned, and fully paid for by the surveyor general; and showing the estimated amount that will be wanted to adjust the accounts which will probably be presented during the present quarter, and early in the first quarter of 1837.

No.	Names of contracting deputy surveyors, and of persons authorized to execute surveys under instruction.	Dates of contracts and instructions.	Estimated amounts of the surveys not examined and sanctioned by the surveyor general.		Amount advanced by Mr. Langham.	Estimated amount unpaid.	Estimated amount of accounts which will probably be presented during the present qr., or early in the first qr. of 1837.
			Miles.				
1	William J. Hamilton	July 19, 1833	800	$2,400 00	....	$2,400 00	.....
2	James W. Stephenson	Aug. 18, 1833	700	2,100 00	....	2,100 00	.....
3	Charles R. Bennet and Luther H. Browne.	Sept. 2, 1833	60	180 00	....	180 00	.....
4	Elias Barcroft	Octob. 12, 1833	78	234 00	....	234 00	.....
5	Joseph C. Browne	June 10, 1833	1,004	3,012 00	$2,580	432 00	$432 00
6	Joseph C. Browne	Feb'y 10, 1834	35	105 00	....	105 00	105 00
7	Elias Barcroft	Nov. 8, 1834	35.43	106 31	....	106 31	106 31
8	John R. Porter	Octob. 9, 1834	45.08	135 24	....	135 24	135 24
9	John M. Robinson	Octob. 24, 1833	120	360 00	....	360 00	360 00
10	John M. Robinson	Octob. 15, 1834	252	756 00	....	756 00	756 00
11	Lisbon Applegate	April 10, 1835	16	48 00	....	48 00	.....
12	Edward McDonald	April 3, 1835	248.44	745 34	....	745 34	745 34
13	Erskine Stansberry	April 3, 1835	791	2,073 00	300	2,073 00	2,073 00
14	Jesse Applegate	June —, 1835	528	1,584 00	....	1,584 00	1,584 00
15	E. T. Christy	April 10, 1835	300	900 00	....	900 00	900 00
16	D. A. Spalding	June 9, 1835	800	2,100 00	300	2,100 00	2,100 00
17	Joseph C. Browne	Sept. 21, 1835	4	12 00	....	12 00	12 00
18	James Finley	Surveying and connecting private claims with public surveys in Missouri, under instructions of 1835 and 1836.	130	390 00	....	390 00	390 00
19	Isaac Woods						
20	George C. Harbison						
21	William Bartlett						
22	John Rodney						
23	Allen Pirmeyer	Correcting some surveys in Illinois county tract in 1836.	80	240 00	....	240 00	240 00
24	J. W. Brattle						
25	Hans Patten						
26	J. D. Manlove						
27	Charles R. Bennet	— —, 1836	60	180 00	....	180 00	180 00
			6,086.85	18,260 89	3,180	15,080 89	10,118 89

Making an estimated aggregate of $10,118 89, which will be wanted to adjust the accounts that will probably be presented and allowed during the current quarter, and early in the first quarter in 1837.

CLASS B.

Statement of the surveys contracted for under the appropriation of twenty thousand dollars, for surveying the lands in Illinois to which the Indian title was extinguished, by the treaty with the Pottawatomies of the 20th October, 1832, and ratified on the 11th of January, 1833; and which have not been examined, sanctioned, and paid for by the surveyor general. (See pages 44 and 45 of the acts of the 2d session of the 22d Congress, for the appropriation, and page 1 of the appendix to said acts for the treaty.)

No.	Names of contractors.	Dates of contracts.	Estimated amount of the surveys not examined and sanctioned by the surveyor general.		Amount advanced by Mr. Langham.	Estimated amount unpaid.	Estimate of what it is supposed will be wanted during the present (4th quarter) of 1836, or early in the first qr. of 1837.
			Miles.				
1	Enoch Moore	Aug. 12, 1833	708	$2,124 00	....	$2,124 00	$2,124 00
2	William L. D. Ewing	Aug. 15, 1833	750	2,250 00	$1,823 38	426 62	426 62
3	Edward Smith	Sept. 27, 1833	9.57	28 72	....	28 72	28 72
4	Daniel W. Beckwith	Oct. 29, 1833	32	96 00	....	96 00	....
			1,499.57	4,498 72	1,823 38	2,675 34	2,579 34

Making an estimated aggregate of $2,579 34, which will be wanted to adjust the accounts that will probably be presented and allowed during the present quarter, and early in the first quarter of 1837.

CLASS C.

Statement of the surveys contracted for under the appropriation of twenty thousand dollars for surveying a portion of the public lands in the southwestern part of the State of Missouri, to which the Indian title was extinguished in 1832; and which have not been examined, sanctioned, and paid for by the surveyor general. (See page 59 of the acts of the 1st session of the 23d Congress for the appropriation.)

No.	Names of contracting deputy surveyors, and of persons authorized to execute surveys under instructions.	Dates of contracts and instructions.	Estimated amounts of the surveys not examined and sanctioned by the surveyor general.		Amount advanced by Mr. Langham.	Estimated amount of accounts which will probably be presented during the present qr. or early in the 1st qr. of 1837.
			Miles.			
1	Elias Barcroft	Nov. 6, 1834	792	$2,376 00	$1,200 00	$1,176 00
2	Jesse Applegate	Nov. 16, 1834	414	1,242 00	....	1,242 00
3	Joseph Montgomery	Dec. 9 & 27, '34	762	2,286 00	....	2,286 00
4	E. T. Christy	Dec. 11, 1834	774	2,322 00	....	2,322 00
5	William Drinker	Dec. 23, 1834	762	2,286 00	....	2,286 00
6	R. T. Holliday	April 2, 1835	762	2,286 00	....	2,286 00
7	Edward McDonald	April 3, 1835	513.55	1,540 66	....	1,540 66
			4,779.55	14,338 66	1,200 00	13,138 66

Making an aggregate of $13,138 66, which it is estimated will be wanted to pay the accounts that will probably be presented and allowed during the current quarter, and early in the first quarter of 1837.

INDEX TO PUBLIC LANDS.

VOLUME VIII.

PART I.

GENERAL AND PARTICULAR REFERENCES, EXCEPT TO NAMES OF CLAIMANTS.

PART II.

PARTICULAR REFERENCES TO PRIVATE LAND CLAIMS.

PART I.

A.

F.

K.

L.

INDEX TO PUBLIC LANDS.

VOLUME VIII.

PART II.

PARTICULAR REFERENCES TO PRIVATE LAND CLAIMS.

PART II.

A.

B.

C.

F.

G.

H.

I.

J.

K.

L.

M.

Q.

R.

S.

T.